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GEORGIA: COOPERATION AGREEMENT WITH BELARUS SECURITY SERVICES MUST NOT TRAMPLE ON HUMAN RIGHTS

A new cooperation agreement between the security services of Georgia and Belarus should not be used to crackdown on freedom of expression and the right to privacy.

The agreement on cooperation between the State Security Committee of Belarus and State Security Services of Georgia which came into force on 1 August provides for cooperation and exchange of information in areas of state security, terrorism, cyber terrorism, organized crime and illegal arms trafficking. The agreement allows parties to exchange personal information and data of any person deemed to pose a threat to state security. It also allows for the deployment of state security agents on each other's territory for indefinite periods of time.¹

Activists, journalists and human rights defenders who recently fled politically motivated criminal prosecutions, torture and other ill-treatment in Belarus, and who have sought safety in Georgia, fear that the agreement may be used by the Belarusian security services to pursue them abroad. Amnesty International is concerned that in the absence of meaningful safeguards, certain provisions of the agreement could be used to infringe on the right to privacy and freedom of expression of people both in Georgia and Belarus.

The agreement does not include any legal process or safeguards against potential human rights abuses apart from a vaguely formulated clause, whereby the parties to the agreement may refuse requests which could potentially violate human rights.² This leaves the implementation of the agreement to the discretion of the security services of Belarus and Georgia. Given Belarus's troubling human rights record and ongoing crackdown on activists and the absence of effective human rights safeguards, the agreement could potentially become yet another tool for Belarusian authorities to continue the harassment and intimidation of their critics abroad. The protection of freedom of expression and the right to privacy also remain problematic in Georgia.³

It is incumbent upon the Georgian authorities to do everything possible to protect Belarusian human rights defenders and activists and ensure that the agreement is not implemented in violation of Georgian law and international human rights obligations. This includes the obligation to protect all individuals against harm while on their territory and to not return them to a country where they face a risk of being targeted for their political opinions, torture and other ill-treatment, unfair trial or other harm. The Georgian government should also ensure that no one is subjected to arbitrary or unlawful interference with their privacy, and that any government access to personal data is necessary, legitimate and proportionate.⁴

¹ Соглашение о сотрудничестве между Комитетом государственной безопасности Республики Беларусь и Службой государственной безопасности Грузии. 13.08.2021, 3/3870. Соглашение о сотрудничестве между Комитетом государственной безопасности Республики Беларусь и Службой государственной безопасности Грузии (pravo.by)

² Статья 5.6. "Каждая из Сторон может отказаться от исполнения запроса частично или полностью, в случае, если исполнение запроса может нанести ущерб правам и законным интересам человека..." ibid

³ p.23 US Department of State, *Country Reports on Human Rights Practices. Georgia 2020 human rights report*: <https://www.state.gov/wp-content/uploads/2021/03/GEORGIA-2020-HUMAN-RIGHTS-REPORT.pdf>

⁴ UN Human Rights Committee (HRC), CCPR General Comment No. 16: Article 17 (Right to Privacy), *The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation*, 8 April 1988, available at: <https://www.refworld.org/docid/453883f922.html>.

BACKGROUND

In Belarus, following the disputed presidential election of 9 August 2020, hundreds of thousands of people across the country took to the streets to protest the results. The incumbent Alyaksandr Lukashenka claimed a landslide victory, while Svyatlana Tsikhanouskaya emerged as a popular candidate for protest voters. Peaceful protests were held across the country – and reprisals were severe. Riot police used unlawful force against peaceful protestors and over 30,000 people were detained, many in the notorious Akrestsina detention centre in Minsk. Allegations of torture and other ill-treatment in detention are widespread. In July 2021 the government intensified an already severe attack on civil society, subjecting a vast number of activists and journalists to criminal charges for their legitimate work, and arbitrarily closing close to 50 civil society organizations almost overnight. Many thousands of Belarusians have sought safety in neighboring countries, but there are reports that the Belarusian authorities are prepared to pursue their critics abroad. On 3 August Vitaly Shishov, who left Belarus in 2020 and was heading an organization supporting Belarusian emigres in Ukraine, was found dead in a park near his home in circumstances which suggest his death may be linked to the Belarusian authorities.

Many Belarusian journalists, activists and human rights defenders have recently found safety in Georgia. While there have been no reports of forcible return of Belarusian activists from Georgia, UNHCR has noted recent instances of forcible return of refugees and asylum seekers (refoulement) from the country, concluding that its protection framework and practices for refugees and asylum seekers fall short of international standards.⁵

Georgia's reputation as a safe country for political exiles suffered irreparable damage in 2017, after the exiled Azerbaijani journalist Afgan Mukhtarli was allegedly abducted from Georgia to Azerbaijan, where he was arrested and sentenced over spurious charges for his reporting and investigations critical of the Azerbaijani government. He alleges that Georgian authorities colluded in his abduction and handed him over to Azerbaijani officials. Georgian authorities have since failed to effectively investigate these allegations.⁶

⁵ UN High Commissioner for Refugees (UNHCR), Georgia: UNHCR Submission for the Universal Periodic Review - Georgia - UPR 37th Session (2021), March 2020 : <https://www.refworld.org/docid/6077613b4.html>

⁶ Amnesty International UK. Press Release. *Sentenced journalist latest victim of Azerbaijan's 'repressive apparatus of fear'*. 12 Jan 2018. <https://www.amnesty.org.uk/press-releases/sentenced-journalist-latest-victim-azerbajians-repressive-apparatus-fear>