

MECHANISMS OF PARLIAMENTARY OVERSIGHT OF THE STATE SECURITY SERVICE AND THEIR PRACTICAL SHORTCOMINGS



Funded by
the European Union



This publication has been produced with the assistance of the European Union, within the framework of the EU-funded project “Strengthening accountability of the security sector through effective civil society oversight.” Its contents are the sole responsibility of the Democracy Research Institute and do not necessarily reflect the views of the European Union.

DEMOCRACY RESEARCH INSTITUTE

2024

TABLE OF CONTENTS

INTRODUCTION	4
METHODOLOGY.....	5
1. POLITICAL CONTEXT DURING THE REPORTING PERIOD AND THE STATE SECURITY SERVICE ..5	
2. THE EXISTING MECHANISMS OF PARLIAMENTARY OVERSIGHT OF THE STATE SECURITY SERVICE.....	6
2.1. MP’S QUESTION	6
2.2. INTERPELLATION	7
2.3. SUMMONING OFFICIALS TO PLENARY SESSIONS.....	7
2.4. SUMMONING OFFICIALS TO COMMITTEE SESSIONS.....	7
2.5. TEMPORARY INVESTIGATIVE COMMISSIONS	8
2.6. DISMISSAL OF THE HEAD OF THE STATE SECURITY SERVICE AFTER THE ANNUAL REPORT PRESENTATION.....	8
3. PARLIAMENTARY OVERSIGHT OF THE STATE SECURITY SERVICES IN PRACTICE	9
3.1. POLITICAL CONTEXT	9
3.2. THE EXISTING PARLIAMENTARY OVERSIGHT MECHANISMS AND THE STATE SECURITY SERVICE	9
3.2.1. A WRITTEN QUESTION	9
3.2.2. OTHER OVERSIGHT MECHANISMS	11
3.2.3. THE TRUST GROUP	11
4. ASSESSMENT OF THE 2023 ACTIVITY REPORT OF THE STATE SECURITY SERVICE.....	13
4.1. OCCUPIED TERRITORIES	15
4.2. STATE SECURITY AND COUNTERINTELLIGENCE ACTIVITIES.....	17
4.3. FIGHTING TERRORISM.....	19
4.4. FIGHTING CORRUPTION	20
4.5. DEVELOPING THE LEGISLATIVE FRAMEWORK.....	21
4.6. ACCOUNTABILITY	22
5. WASTING THE STATE SECURITY SERVICE’S RESOURCES	23
6. PRACTICAL SHORTCOMINGS IN THE ACTIVITIES OF THE STATE SECURITY SERVICE	24
THE CASE OF PREPARING BIDZINA IVANISHVILI’S ASSASSINATION	25
“REVOLUTIONARY SCENARIO”, 2023	26
“REVOLUTIONARY SCENARIO”, 2024	27
THE CASE OF ASSAULT ON PUBLIC POLITICAL OFFICIALS	28
CONSPIRACY AGAINST THE CONSTITUTIONAL ORDER OF GEORGIA	28
CONSPIRACY TO SEIZE POWER	29
CONCLUSION	30



INTRODUCTION

The State Security Service is an agency entrusted with vast powers. Within its mandate, the service ensures state security, for which it carries out analytical activities, as well as activities related to identification, prevention and investigation of crimes within its investigative jurisdiction. Considering the broad mandate of the State Security Service of Georgia, it is necessary to have effective mechanisms of democratic oversight in place. In this regard, oversight carried out by the parliament as a representative body has a particularly high degree of democratic legitimacy.

The present report summarises the monitoring of parliamentary oversight of the State Security Service that was conducted for eight months. The report analyses and critically assesses the existing mechanisms of parliamentary oversight of the State Security Service. The document also discusses the 2023 activity report of the State Security Service.

The first chapter of the report covers the political context of the reporting period and the activities of the State Security Service against the background of the political events taking place at the material time. The second chapter analyses the parliamentary oversight mechanisms of the security sector. The third chapter of the report discusses the difficulties and challenges related to the practical implementation of the parliamentary oversight mechanisms. The fourth chapter of the report incorporates an analysis of the annual activity report of the State Security Service. The fifth and sixth chapters of the report discuss the practical aspects of the service's activities by giving concrete examples. The conclusions are summarised at the end of the report.

Democracy Research Institute has monitored the parliamentary activities in relation to the security agencies for years. This monitoring demonstrates that the parliamentary oversight of the State Security Service is extremely weak. While the improvement of parliamentary oversight of the security agencies was one of the recommendations made by the European Commission, parliamentary oversight weakened even further during the reporting period. The only oversight mechanism that MPs used during the reporting period was the submission of a written question. Similar to the previous years, none of the mechanisms of interpellation, or summoning an official to a committee/plenary session was used in relation to the State Security Service.

Similar to 2022, the State Security Service's 2023 activity report is still perfunctory and extremely abstract. Its general content does not give the public a realistic idea about the service's activities, and it does not supply the Parliament of Georgia with the sufficient information necessary for the effective implementation of the democratic parliamentary oversight of the State Security Service. The analysis of the present report reinforces the conclusion that the resources of the State Security Service are wasted and the agency is not interested in identifying real threats or fighting against them.

METHODOLOGY

The report discusses the legislative mechanisms of parliamentary oversight of the State Security Service of Georgia (hereinafter the “service”) and the practical challenges of their implementation. In particular, the report addresses the following questions: Does the Parliament of Georgia exercise adequate oversight of the service? Does it fully discharge its mandate in the oversight process? Is the inadequate oversight due to legal shortcomings? Is the State Security Service adequately accountable to the legislative body and what procedural violations are identified in this regard? The report covers the period of 1 January 2024 - 31 August 2024.

The research is based on the information obtained by Democracy Research Institute through requesting public information, the study of legislative regulations governing the oversight of the State Security Service of Georgia and analysis of the data proactively posted on the website of the Parliament of Georgia.

Considering the goals and tasks of the project, the following methodology was used in the development of the report:

Processing and analysing data – at the initial stage of the research, we made the list of normative acts and processed the data obtained through requesting public information. For the purposes of the project, information was requested from the Parliament of Georgia and the State Security Service.

Desk research – we gathered and analysed public data proactively published by the Parliament of Georgia and used it in the research process.

1. POLITICAL CONTEXT DURING THE REPORTING PERIOD AND THE STATE SECURITY SERVICE

During the reporting period, the political life of Georgia was punctuated with street protests. In April 2024, the reintroduction of the draft law on Transparency of Foreign Influence (the so-called Russian law) caused mass backlash in the society. On 8 May 2024, the State Security Service made a special statement regarding these protests. Without any tangible evidence, the service blamed the leaders of parliamentary and non-parliamentary political parties and the NGO heads being “managed by foreign countries’ funds” for planning violent scenarios, which, according to the service, were aimed at “violently overthrowing the government.”¹

In parallel with the street protests, the Parliament of Georgia continued to work in sessions with the support of a large-scale police force deployed near the parliament. Despite the

¹ The State Security Service, 08.05.2024, the Statement of the State Security Service, available at: <https://ssg.gov.ge/news/932/saxelmtsifo-usaftrxoebis-samsaxuris-gancxadeba>.

protests, the parliamentary majority of Georgian Dream adopted the Law of Georgia on Transparency of Foreign Influence through three readings. While the parliamentary opposition participated in the deliberations of the draft law and opposed it during the committee and plenary sessions the parliamentary oversight mechanisms (interpellation, summoning an official to a plenary session) could not be effectively used to oversee the security services.

The resort to parliamentary oversight mechanisms would possibly show that linking the ongoing protests to “revolutionary scenarios” and “violent overthrow of the government” was only a disinformation campaign run by the State Security Service and the government in general that was not substantiated with any evidence. It would also be important to use various parliamentary mechanisms to demonstrate the Russian influence on the ongoing political processes in Georgia.

As per political situation, the parliamentary opposition resorted to political boycott, which failed to have a positive effect on the parliamentary activities, including the effective parliamentary oversight of the State Security Service.

2. THE EXISTING MECHANISMS OF PARLIAMENTARY OVERSIGHT OF THE STATE SECURITY SERVICE

The Head of the State Security Service is accountable and responsible to the Parliament of Georgia.² Parliamentary oversight is manifested in various mechanisms of control granted to the Parliament of Georgia such as submitting a question and interpellation;³ mandatory attendance of the Head of the State Security Service at a committee session;⁴ presentation of the service’s annual report at a parliamentary session;⁵ and oversight carried out by the Committee of Defence and Security, the Trust Group and other relevant specialised committees.⁶

2.1. MP’S QUESTION

An important mechanism of individual oversight of the agency accountable to the Parliament of Georgia is carried out through written questions. The government of Georgia and any other body accountable to the parliament, a member of the government, all-level state bodies of the territorial units and other state establishments are under the obligation to provide a timely and full response to a question submitted by an MP.⁷

² The Law of Georgia on the State Security Service, Article 9.

³ The Constitution of Georgia, Article 43; the Rules of Parliament of Georgia, Articles 148-149.

⁴ The Rules of Parliament of Georgia, Article 40.3.

⁵ *Ibid.*, Articles 88.2, 171; the Law of Georgia on the State Security Service, Article 9.2.

⁶ The Rules of Parliament of Georgia, Article 156.

⁷ The Rules of Parliament of Georgia, Article 148.

Since 2022, the Parliamentary Committee of Procedural Issues and Rules has analysed and submitted the information to the Bureau of the Parliament regarding the responses to the questions submitted by MPs. However, it is not the task of the Committee of Procedural Issues and Rules *to examine whether the question is fully answered in terms of the subject matter*. This failure undermines the effectiveness of the mechanism concerned.

The Committee of Procedural Issues and Rules prepared two documents regarding the questions submitted in 2024.⁸ The reports sort the questions submitted by MPs into three groups: 1) The Government of Georgia/the Prime Minister of Georgia/Ministries/LEPLs; 2) Municipalities; and 3) Other agencies. The State Security Service is not separately mentioned on the list.

2.2. INTERPELLATION

Under the Rules of Parliament of Georgia, a group of at least seven Members of Parliament and a faction have the right to submit questions to the Government of Georgia, another body accountable to the parliament, and a member of the government.⁹ The addressee answers the questions personally at the plenary session of the parliament. At first glance, this is supposed to be an important oversight mechanism of the operation of the State Security Service.

2.3. SUMMONING OFFICIALS TO PLENARY SESSIONS

Based on the request of a committee or a faction, by a majority of the votes of those present at the plenary session but not less than one-third of the full composition of the parliament, the parliament summons the respective official to the plenary session, among them, the Head of the State Security Service, the Minister of Defence and the Minister of Internal Affairs of Georgia. Accountable persons are under the obligation to appear at the plenary session, answer the questions and present an activity report.¹⁰

2.4. SUMMONING OFFICIALS TO COMMITTEE SESSIONS

Under the Rules of Parliament, the accountable officials are under the obligation to attend the committee sessions based on the request of the majority of those present at the committee session or the request of a faction. However, the Rules of Parliament has established a different procedure with regard to the Head of the State Security Service. In this case, the head of the service is under the obligation to attend the committee session based on the **written request of the majority of the list of the members of the committee**, containing comprehensive information about the issue(s) to be discussed with the official summoned to the committee session.

In 2022, the Committee of Procedural Issues and Rules of the Parliament of Georgia rejected the proposal of Democracy Research Institute regarding invalidation of the different procedure of summoning the Head of the State Security Service to committee sessions. This provision makes it impossible to request summoning of the accountable official to attend committee

⁸ parliament.ge, the information imparted by the Committee of Procedural Issues and Rules regarding the responses to MP's questions, see <https://bit.ly/40ihdds>; also, <https://bit.ly/40ndj2M>.

⁹ The Rules of Parliament of Georgia, Article 149.

¹⁰ *Ibid.*, Article 152.1.

sessions unless the parliamentary majority has the political interest to invite the head of the service to the session.

2.5. TEMPORARY INVESTIGATIVE COMMISSIONS

The Rules of Parliament vests the President of Parliament, a committee, a faction and minimum one-fifth of the full composition of Members of Parliament with the authority to initiate a proposal for setting up a Temporary Investigative Commission. The parliament reaches a decision on setting up a Temporary Investigative Commission with the support of one third of the full composition of MPs.¹¹ Thus, in theory the parliamentary opposition is able to set up a Temporary Investigative Commission.

The powers of a Temporary Investigative Commission are rather broad. It is mandatory to appear before the commission. The Temporary Investigative Commission is authorised to summon any official in relation to the case being investigated and to request written explanations regarding the issue at stake. Furthermore, the commission has the authority to read criminal case-files on the spot and to obtain copies of case-files, as well as to read files of the cases it was decided not to investigate.¹² Therefore, a Temporary Investigative Commission is a good means for the opposition to implement parliamentary oversight.

2.6. DISMISSAL OF THE HEAD OF THE STATE SECURITY SERVICE AFTER THE ANNUAL REPORT PRESENTATION

The Law of Georgia on the State Security Service of Georgia determines the grounds for the pre-term dismissal of the Head of the State Security Service,¹³ including the dismissal of the head of the service by the Parliament of Georgia. In particular, after hearing a report on the activities carried out by the State Security Service, at least one-third of the full composition of the parliament may raise the issue of the pre-term dismissal of the Head of the State Security Service, if such a decision is deemed inevitable after the deliberations following the presentation of the activity report.¹⁴ In this case, the authors of the initiative shall specify the grounds/reasons for raising the aforementioned issue. The Parliament of Georgia reaches the decision on the dismissal of the head of the service by the majority of the full composition of the parliament.¹⁵

Leaving the exclusive power of dismissal of the Head of the State Security Service with the parliamentary majority might give the ruling political power advantage to control the Head of the State Security Service and all the activities carried out by the service. Besides, the said provision of the Rules of Procedure is rather general. It does not determine concrete grounds for the dismissal of the Head of the State Security Service and allows the parliamentary majority to adopt biased and unsubstantiated decisions.

¹¹ *Ibid.*, Article 62.

¹² *Ibid.*, Article 67.

¹³ The Law of Georgia on the State Security Service, Article 10.

¹⁴ The Rules of Parliament of Georgia, Article 183.

¹⁵ The Law of Georgia on the State Security Service, Article 10; the Rules of Parliament of Georgia, Article 183.1.



3. PARLIAMENTARY OVERSIGHT OF THE STATE SECURITY SERVICES IN PRACTICE

3.1. POLITICAL CONTEXT

While there is a number of parliamentary oversight mechanisms determined by the Rules of Parliament of Georgia, MPs only used submission of written questions with regard to the State Security Service during the reporting period. This can be explained by the extremely tense political situation that hindered the normal functioning of the legislative body. The reintroduction of the draft law on Transparency of Foreign Influence in spring 2024 polarised even further the already tense political environment. The parliamentary opposition also joined the large-scale public protests demanding the withdrawal of the draft law. The discussion of the draft law on Transparency of Foreign Influence took place against the backdrop of physical confrontation erupted in the building of the parliament. The Ministry of Internal Affairs dispersed peaceful protests in front of the parliament building several times using disproportionate physical force and special means.

According to the statement made by CSOs there was no legal ground for dispersing protests in any of the instances where the law-enforcement authorities resorted to physical force and special means. While there were numerous questions regarding dispersal of protests/demonstrations and the use of special means, the Parliament of Georgia did not use the parliamentary oversight mechanisms to scrutinise the legality of the actions of the security agencies (including the Ministry of Internal Affairs and the State Security Service).

3.2. THE EXISTING PARLIAMENTARY OVERSIGHT MECHANISMS AND THE STATE SECURITY SERVICE

It is well established that the parliamentary oversight of the State Security Service is weak. Out of the security agencies, the least control is exercised over the State Security Service.¹⁶ The parliamentary oversight mechanisms of interpellation, summoning to committee/plenary sessions have never been used in relation to the State Security Service.

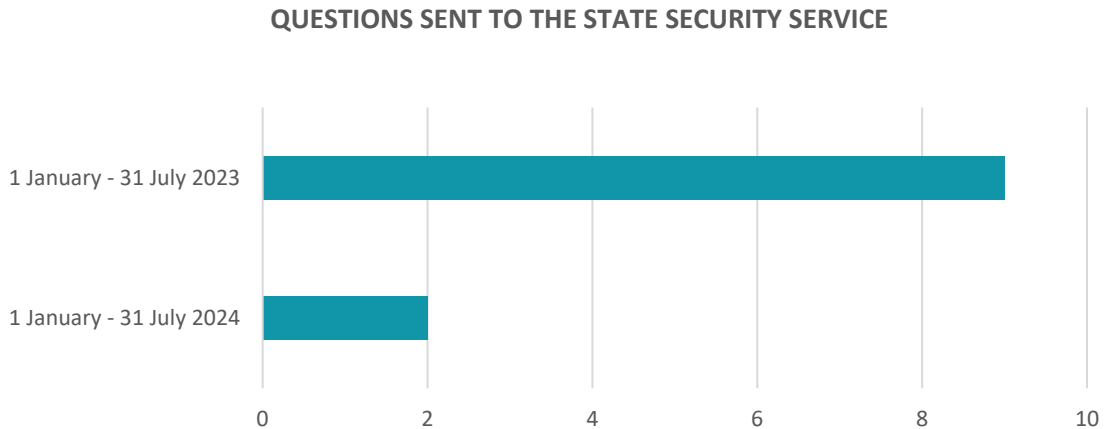
3.2.1. A WRITTEN QUESTION

Despite the fact that the parliamentary oversight is weakest in relation to the State Security Service compared to other security agencies, over the years there had been an increase in the number of questions submitted to the service.¹⁷ However, the number of questions submitted to the service in 2024 is extremely lower. In the period of 1 January 2024 - 27 July 2024, only

¹⁶ DRI, Importance of Parliamentary Oversight of the Security Sector and Its Challenges, 28.02.2023, see <https://www.democracyresearch.org/geo/1132/>.

¹⁷ DRI, Parliamentary Oversight of the Security Sector is Ineffective, 29.02.2024, see <https://www.democracyresearch.org/geo/1404/>.

two written questions were submitted to the State Security Service, compared to nine written questions submitted by MPs to the service in the period of 1 January 2023 - 27 July 2023.



While the issues raised in the questions submitted in 2023 (crossing of the border, occupied territories, covert investigative actions) are still relevant to this day, MPs did not address them anymore in 2024. It could be assumed that the perfunctory answers given by the service in 2023 made it pointless for the MPs to submit the same questions. However, the abstract responses of public agencies should not discourage the use of parliamentary oversight mechanisms.

Teona Akubardia, MP from the parliamentary opposition, submitted both written questions addressed to the State Security Service in 2024. The MP requested the agency to give information about the number of individuals abducted and released from the occupation line of Abkhazia and Tskhinvali region in 2024 (indicating the dates).¹⁸ The service provided the MP with information about the number of arrested and released persons, but without indicating the respective dates.¹⁹ The second question related to conducting a seminar organised by Russian Club and the observance of the Law of Georgia on Occupation by the trainers of the seminar who were Russian citizens.²⁰ The document received in response to the aforementioned question is perfunctory and does not provide an answer to the question posed by the MP. In particular, according to the letter, the competent body of the Ministry of Internal Affairs of Georgia makes the decision on the entry of a foreigner into Georgia. However, the State Security Service states in the same letter “the entry into the country of individuals who may have violated the Law of Georgia on Occupation is closely scrutinised.”²¹

¹⁸ Question no. 3861/3-2/24, submitted by MP Teona Akubardia, see <https://info.parliament.ge/file/1/MpQuestionContent/33597>.

¹⁹ Response by the State Security Service, letter no. SSG 9 24 00123325, see <https://info.parliament.ge/file/1/MpQuestionContent/33624>.

²⁰ Question no. 4878/3-2/24, submitted by MP Teona Akubardia, see <https://info.parliament.ge/file/1/MpQuestionContent/33702>.

²¹ Letter no. SSG 2 2400166709 of the State Security Service, see <https://info.parliament.ge/file/1/MpQuestionContent/33744>.

The fact that in the period of 1 January 2024 - 31 July 2024 only one MP's two written questions were submitted to the State Security Service highlights the trend of the service being established as an agency beyond democratic oversight. Against the background of the lack of political will to control the service and the actual paralysis of parliamentary oversight, democratic oversight of the State Security Service was in fact not carried out during the reporting period.

3.2.2. OTHER OVERSIGHT MECHANISMS

In the period of 1 January 2024 - 31 August 2024, the Head of the State Security Service was not summoned to plenary and/or committee sessions of the parliament, and never once was he addressed by way of interpellation.

3.2.3. THE TRUST GROUP

Under the Rules of Parliament of Georgia, the Trust Group consists of five members, one of whom is the President of the Committee of Defence and Security of the Parliament of Georgia, two are members of the faction/factions of the parliamentary majority, and two are members of the factions of the parliamentary opposition.²²

In the 10th Parliament of Georgia, there are four members in the Trust Group instead of five. According to the statement made by the parliamentary opposition, given there is only one opposition faction in the parliament (United National Movement), through procedural hurdles, the ruling party deprived the parliamentary opposition of the opportunity to nominate the fifth member of the Trust Group.

On 27 November 2023, the Governmental Commission for European Integration approved the implementation plan for nine priorities determined by the European Commission.²³ According to the plan, in order to improve the parliamentary oversight of the security services, the government undertook to staff fully the Trust Group and appoint the fifth member in February 2024.

On 18 April 2024, in response to a letter of Democracy Research Institute,²⁴ the parliament wrote the following. *“Regarding the nine steps determined by the European Union, on 16 February 2023, at the working meeting held in the Parliament of Georgia, which was attended by representatives of the parliamentary majority, the opposition and the third sector, an agreement was reached that the parliamentary political groups would be allowed to nominate a member of the Trust Group within the quota of the parliamentary opposition in order to staff*

²² The Rules of Parliament of Georgia, Article 157.2.

²³ Government of Georgia, Measures to Implement the Steps Outlined for Georgia in the European Commission's 2023 Communication on Enlargement Policy, see https://www.gov.ge/files/288_86884_123528_ActionPlanforEUs9steps.pdf.

²⁴ Letter no. DRI/2024/21 of Democracy Research Institute.

*fully the Trust Group of the Parliament of Georgia. As per mentioned agreement, the parliamentary opposition selected the candidate for the membership of the Trust Group.*²⁵

However, in accordance with the Rules of Parliament, the parliamentary political groups already had the right to nominate the fifth member of the Trust Group to the parliament, since the political groups set up in the 10th Parliament of Georgia have the same rights as a faction.²⁶

The parliamentary opposition nominated Teona Akubardia, the member of the parliamentary opposition and the Vice President of the Committee of Defence and Security as a member of the Trust Group. As of 31 August 2024, the MP did not have the clearance from the State Security Service to access category-I state secrets.²⁷ Teona Akubardia received the clearance from the service to access to secret information only on 4 October 2024. In the opinion of the Vice President, the State Security Service delayed the clearance intentionally to undermine the possibility of the parliamentary opposition to engage in the activities of the Trust Group. Considering that no parliamentary sessions of the previous parliament are held after the day the new parliament is elected, and the parliamentary elections were held on 26 October 2024, the MP's suspicions seem justified.

On 5 April 2024, when the Prime Minister of Georgia appointed Irakli Beraia, the then President of the Committee of Defence and Security of the Parliament of Georgia (and therefore the Head of the Trust Group) as the Head of the Intelligence Service of Georgia, the number of members of the Trust Group has been reduced to three.²⁸ On 17 April 2024, the Parliament elected Alexander Tabatadze as the President of the Committee of Defence and Security of the Parliament of Georgia.²⁹

The Trust Group's decision-making procedure requires the majority of votes of the members of the group,³⁰ and **therefore, the consent of at least three members**. The reduction of the number of the group's members and the fact that two members are from the majority and one from the opposition,³¹ brought the work of the Trust Group to a standstill. However, the parliamentary majority did not particularly hurry to appoint its representative either. According to the communication received from the parliament, as of 22 August 2024, the "respective procedures" referred to in the legislation of Georgia were underway regarding the two members to be nominated within the quotas of the parliamentary majority and the opposition respectively in order to staff fully the Trust Group of the Parliament of Georgia.³²

²⁵ Letter no. 3263/2-7/24 of the Parliament of Georgia, dated 18-04-2024.

²⁶ The Rules of Parliament of Georgia, Article 228¹.3.

²⁷ *Ibid.*, Article 157.5.

²⁸ Composition of the Trust Group (as of 1 November 2024), see <https://parliament.ge/supervision/security-defense-sector/trust-groups>.

²⁹ The parliament elected Alexander Tabatadze as the President of the Committee of Defence and Security, see <https://www.parliament.ge/media/news/parlamentma-tavdatstva-da-ushishroebis-komitetis-tavmjdomared-aleksandre-tabatadze-airchia>

³⁰ The Rules of Parliament of Georgia, Article 158.1.

³¹ One out of the three members is Teimuraz Janashia (United National Movement).

³² Letter no. 5571/2-7/24 of the Parliament of Georgia, dated 22.08.2024.

The meetings of the Trust Group of the Parliament of Georgia were held four times in the period of 1 January 2024 - 31 August 2024. According to the communication received from the Parliament of Georgia, all of these meetings were held in March 2024.³³ The Head of the State Security Service attended only one of the meetings. According to the information posted on the website of the Parliament of Georgia, the 2023 activity report of the service was discussed at the meeting of the Trust Group, which was attended by the Head of the State Security Service.³⁴ The First Deputy Head of the State Security Service and other representatives of the agency also attended the session. For comparison, in 2023, the Trust Group held 11 meetings.³⁵

Thus, the parliamentary majority did not implement the government's already flawed action plan, which provided for the full staffing of the Trust Group as the *only measure* to improve parliamentary oversight of the security sector. The 10th Parliament of Georgia ended its work with a further reduced composition of the Trust Group.

4. ASSESSMENT OF THE 2023 ACTIVITY REPORT OF THE STATE SECURITY SERVICE

On 15 April 2024, the State Security Service presented its 2023 activity report to the Parliament of Georgia. The presentation of the report to the parliament along with the following deliberations is one of the most important oversight mechanism when it comes to overseeing the activities of the State Security Service. In accordance with the legislation, after the deliberations, the dismissal of the Head of the State Security Service may be put on the agenda.

The State Security Service's 2023 activity report is again perfunctory and extremely abstract. Unfortunately, its general content does not give the public a realistic idea about the service's activities and fails to supply the Parliament of Georgia with the sufficient information necessary for the implementation of effective democratic parliamentary oversight of the State Security Service. From year to year, the report repeats several topics in a formulaic manner. Only the statistical data distinguishes the otherwise identical topics of the annual activity reports. Due to global challenges, increased risk to security can emanate from the issues such as food security, energy security, pandemics, and environmental disasters. However, while the discussion and analysis of these matters in the security context attract increasing attention elsewhere in the modern world, the reports of the State Security Service still revolve around the same issues in a formulaic and perfunctory manner.

³³ *Idem*.

³⁴ The Head of the State Security Service was heard in the parliament's Trust Group, see <https://www.parliament.ge/media/news/parlamentis-ndobis-jgufshi-sakhelmtsifo-usaftrkhoebis-samsakhuri-ufross-mousmines>.

³⁵ democracyresearch.org, 2024, Importance of Parliamentary Oversight of the Security Sector and Its Challenges, p. 24, available at: <https://shorturl.at/v7o4e>, p. 24.

The 2023 annual report consists of several chapters. Similar to the previous years, the document discusses the threats to the country in detail. However, instead of being as comprehensive as possible about the threats emanating from specific sources (how the threats are manifested, where they come from, what actions the agency took to respond to them and how effectively), the report is limited to extremely general phrases. For instance, according to the report, “appropriate/complex measures were carried out”, “corresponding monitoring of operationally noteworthy persons was underway”, “continuous and appropriate operational measures were carried out”, “corresponding preventive measures were carried out”, etc.

The 2023 activity report virtually reiterates the main points of the 2022 activity report. Russian occupation and illegally located Russian military bases in the occupied territories of the country are named among the main security problems identified by the report. However, threats from Russia are discussed only in the part of the report pertaining to the occupied territories. In other parts of the report, where disinformation, hybrid warfare, the so-called soft power and cyber security are discussed, the Russian Federation is not referred to as a threat source. In such cases, the State Security Service uses the general term of a “foreign country”. Moreover, in some cases, it can be assumed that citizens of a foreign country imply citizens of the Russian Federation, even though it is not specified in the report in express terms. For instance, the report states that “incidents of establishing legal entities in the country by citizens of foreign countries were taken under operational control and measures were carried out to prevent the possible involvement of Georgian companies in the process of evading sanctions.”³⁶

According to the report, “there were attempts by various external and internal actors to escalate the political situation in Georgia and to lay the groundwork and mobilise resources for a violent change of government.”³⁷ However, the report does not give any specific information in this regard.

In previous years’ reports, the fight against corruption was the most informative section due to the specific nature of the issue. However, in the 2023 report, this subsection is much more general, uninformative and perfunctory. The annual report does not impart the slightest idea about the implementation of parliamentary oversight of the security service in this area. The document contains some statistical information but the reports is vague in terms of the subject matter.

The well-established nefarious practice of continuing the Q&A session involving MPs and the Head of the State Security Service behind closed doors after the presentation of the report of the State Security Service was repeated during the reporting period as well. Members of the parliamentary opposition of Georgia consider the presentation of the report and the ensuing Q&A session to be a box-checking exercise and a non-informative procedure. It is also unclear to them why the parliament insists on continuing the Q&A session behind closed doors,

³⁶ The Report of the State Security Service, 2023, p. 22.

³⁷ *Ibid.*, p. 25.

provided the answers to the questions are extremely general and the MPs are unable to receive comprehensive information on the sensitive matters in which they are interested.

The analysis of the 2023 activity report of the State Security Service once again confirms that the agency's resources are wasted and it is not focused on identifying the real threats or fighting against them.

4.1. OCCUPIED TERRITORIES

The 2023 report of the State Security Service starts with the description of the general situation and problems in the occupied territories.³⁸ According to the report, the following issues remain problematic in the occupied territories: borderisation, illegal arrests, illegal military exercises, and rotation of personnel of the occupation forces, and using them and along with local volunteers in the Russian-Ukrainian war. *The report does not mention whether any steps have been taken by the State Security Service to stop these processes. The report remains silent also about the areas where borderisation continued in 2023 and how much more territory went under the control of the occupying regime as a result of this wave of borderisation.*

The transfer of Bichvinta country resort to Russia is assessed as a process leading to annexation. According to the report, the Russian Federation attached key significance to the transfer of the country resort willing to demonstrate that any objection to its interests was futile. The Russian occupying force constantly linked the protests against the transfer of the country resort to the interests of the central government of Georgia and this way tried to suppress the protest momentum.

The State Security Service also critically evaluates the creation of a permanent base of the Russian Federation's military and naval fleet in the Ochamchire region. This, according to the service, will give Russia additional advantage for military and strategic control of the Black Sea. At the same time, due to the small size of the water area in the port and its infrastructural problems, the State Security Service assumes that it will not be possible to deploy large battleships of the Russian fleet in Ochamchire at this stage, especially considering that no active infrastructural works were carried out on the spot in 2023.

The elements of the annexation process are seen in the rehabilitation of the Sukhumi airport and the decisions to build the so-called “apartments” and to transfer them into ownership of “citizens of a foreign country”. The agreement on the so-called dual citizenship between the Russian Federation and Abkhazia which implies the simplified procedure for Abkhazians to obtain citizenship of the Russian Federation, the simplification of movements at the Psou border and the so-called harmonisation of legislation are all considered instruments of annexation as well.

³⁸ *Ibid.*, p. 6.

It is not clear from the report of the State Security Service whether the agency has any plans to oppose the annexation. The report in this regard only offers an analytical overview of information received from public sources. It imparts no idea what the main body responsible for the country's security is doing to deal with the annexation.

In 2023, Russification continued in the educational field both in Abkhazia and in the occupied territory of South Ossetia. According to the report, it is clear that there is a deliberate effort to alienate the population living on the two sides of the occupation line. However, *the report again says nothing with what countermeasures the State Security Service opposes the alienation of people living on the other side of the occupation line; whether it cooperates with other state institutions in this regard, and if it has a strategy to stop this process or eliminate its negative consequences.*

The report mentions separately the murder cases of Georgian citizens Tamaz Ginturi and Vitali (Temur) Karbaya. It is noted that in the murder case of Tamaz Ginturi, the Georgian authorities demanded “enforcement of the law” against the persons responsible for the murder, although the occupation regime does not intend to punish them. *The report does not indicate whether the State Security Service has identified these individuals or whether any work has been carried out in this regard.*

The report also mentions the fact that eight citizens of Georgia were illegally arrested by the occupation regime. The State Security Service considers these arrests to be an attempt to put pressure on the central government of Georgia by fabricating a humanitarian crisis. The report notes that due to the government's efforts, two citizens of Georgia were released from prison in 2023. *However, the report is silent about the reasons of delay of the release of other illegal prisoners and the main obstacles in this regard. The report does not explain whether the agency has a plan to overcome these obstacles or develop new approaches.*

The report also includes information on the ongoing harassment of the Georgian population in the occupied territories. This was manifested by periodically closing checkpoints cutting the movement towards the Tskhinvali region, prohibiting the Georgian population to receive education in their native language and limiting their property rights. *Again, the report does not include the specifics of how many people were affected by the violation of property rights by the occupation regime, whether the state provides appropriate compensation for these people on account of the violation of their rights, etc.*

In 2023, the Russian Federation and occupation regimes continued their attempts to sabotage the Geneva International Discussions. According to the report, the representatives of the State Security Service, with the involvement of international partners, constantly tried to further discussions on human rights violations, discrimination, and illegal arrests in the occupied territories and the so-called borderisation. According to the report, the State Security Service actively cooperated with the EU Monitoring Mission, the Council of Europe, the United Nations and other international partners carrying out various humanitarian activities with them. The

service constantly tried to inform the international partners about the continuous occupation and the threats emanating from it. *This part of the report is also rather general and does not provide the public with sufficient information about the tangible results achieved within the aforementioned cooperation with the international partners. The report does not impart any information about possible gaps of the process or the planned steps to redeem them.*

4.2. STATE SECURITY AND COUNTERINTELLIGENCE ACTIVITIES

According to the report of the State Security Service, against the backdrop of the Russia-Ukraine war and Russia's occupation of regions of Georgia, there were attempts to lay the groundwork for a violent change of government. The report states that the State Security Service through investigative activities identified a group of individuals operating in the territory of Georgia and beyond, who planned civil unrest, destabilisation and violent change of government in October-December 2023.³⁹ *The report is silent as to why the actions under the Code of Criminal Procedure were not carried out against the “group of persons”, given that, according to the report, the service was able to “identify” the group; why they were not arrested and brought before the court along with relevant evidence.*

The report claims that the plan was supposed to be carried out in coordination and with financial support of foreign countries, with the involvement of Georgian citizens fighting in Ukraine and interested Georgian youths, whose training was taking place on the Ukrainian-Polish border.

This part of the report reiterates the arguments adduced by the Georgian authorities when introducing the draft law on Transparency of Foreign Influence. However, the State Security Service failed so far to present any convincing evidence to confirm the preparation of such plans or actions to have replaced the government through violence by the said “group”. The report points out that the State Security Service carried out measures to neutralise the risks. *However, the report is silent as to how the service managed to neutralise the threats; or does neutralisation mean that these groups are no longer able to operate? The report does not explain why criminal responsibility cannot be imposed on the members of this group and why the State Security Service failed to close the investigation and bring the perpetrators to justice. Until these questions are answered, this part of the State Security Service's report lacks credibility.*

According to the information of the State Security Service, it was in the interests of the special services of certain countries to obtain information about the activities of the security agencies of Georgia, public sentiments, and the rating of political parties. It also fell in the interests of various countries to study the potential of Georgia as a transit country and to try to gain advantages of economic influence on Georgia through various business projects. According to

³⁹ The Report of the State Security Service of Georgia, 2023, p. 17.

the report, in order to avoid the mentioned risk, the State Security Service carried out the analysis of trade and economic agreements, to identify the risks emanating from the existing or planned economic projects of bilateral and multilateral format, and made relevant recommendations.

This part of the report, which does not provide information about the content or number of analysed agreements or the recommendations made, as well as the number of instances where these recommendations were accepted, is too abstract and does not allow the evaluation of the effectiveness of the service's activities.

The only specifics that can be found in this chapter of the report are the number of investigations conducted as part of counterintelligence activities. In particular, in 2023, the Counter-Intelligence Department of the State Security Service instituted investigations into 14 cases and the State Security Department has instituted investigations into two criminal cases. *However, the report is silent about the specific outcomes of the investigation; whether the investigation was closed; whether the accused persons were arrested; whether the final judgment was adopted or there was any other specific outcome of the case.*

One of the challenges of counter-intelligence activity is the growing migration flows. According to the report, as part of the monitoring of migration flows, the State Security Service identified attempts of forming criminal groups by citizens of foreign countries, as well as their disinformation and propaganda activities serving the interests of foreign countries. As stated in the report, certain measures have been taken to prevent such activities. *However, again the report fails to specify the results of the legal response, namely, how many similar attempts were prevented by the State Security Service; how many individuals were prosecuted, how many of them were arrested; what kind of propaganda activities were carried out by these individuals. Giving the public more information about the forms of propaganda and narratives exploited would help the public deal with disinformation.*

A separate chapter of the report concerns the dangers of disinformation and hybrid warfare. According to the report, the main goal of the disinformation campaign in 2023 was to incite anti-Western sentiments, intensify polarisation and provoke confrontation in regions inhabited by ethnic and religious minorities. According to the service, certain countries exploit for their covert operations the political and academic circles, educational institutions, foundations and the private sector resources.

According to the report, the special services of certain states interested in gaining influence over Georgia tried to establish close relations with citizens of Georgia, including representatives of culture and education, students, civil activists, experts and groups of people. For this purpose, various seminars, conferences, educational and cultural workshops held in their own or third countries were used.⁴⁰ Attempts were also made to lay the groundwork for

⁴⁰ The Report of the State Security Service, 2023, 25.

engaging the groups controlled by them in politics. *Such general information could imply far-right groups influenced by the Russian Federation. However, considering the fact that the report does not specify either the groups or the state that coordinates such groups in Georgia, the general phrases leave room for wide interpretation. After reading the report, it remains unclear which groups within the country the State Security Service sees as a threat to state security and/or which country(ies)'s hostile actions it opposes as part of its counterintelligence activities.*

A short subsection of the report addresses cyber security. In particular, according to the report, the Operational-Technical Agency responded to 140 cyber-incidents of severe and medium complexity that took place against state bodies. *The report does not include information on who has carried out cyber-attacks against government agencies, whether these individuals/countries have been identified, what measures have been taken against them, or whether these individuals have been held criminally responsible.*

4.3. FIGHTING TERRORISM

Regarding combating terrorism, the report initially provides an overview of the current situation in terms of international terrorism and violent extremism. The report discusses the geographical area of the current activities of Daesh, Al-Qaeda, Taliban, and Hamas and their main activities during the reporting year. As regards the far-right extremism, according to the State Security Service's report, the ongoing processes in the Middle East contributed to the strengthening of far-right anti-Semitic and Islamophobic movements in the West.

In assessing the counter-terrorism efforts, the report highlights successful cooperation with international partners. In 2023, the State Security Service identified plans of Daesh to commit terrorist acts in the cities of the US and Europe, obtained concrete evidence and provided it to the services of the respective countries. Thus, it was possible to identify the targets of the planned attacks, and those persons who acted under the instructions of the leader of Daesh were arrested. The State Security Service notes that the US State Department's annual report commended Georgia's fight against terrorism. The State Security Service also notes as a positive achievement the fact that there were no terrorist incidents in Georgia in 2023, which, according to the service, is the result of the steps taken by the service to protect land, sea and air security.

As regards the challenges Georgia faces in terms of terrorism, this list includes possible attacks by international terrorist organisations; returning to Georgia of the Georgian citizens who are members of terrorist organisations; possible entry of foreign terrorist fighters into Georgia, including the use of the country for transit purposes; possible financing of terrorist organisations from Georgia; possible poaching of Georgian citizens by supporters of terrorist organisations.

According to the report, the service has taken concrete steps to address these challenges. For instance, according to the report, two citizens of Georgia and two citizens of foreign countries were arrested for illegal purchase/storage of explosive substances and homemade explosive devices. Three Georgian citizens fighting in Syria were prosecuted *in absentia* on charges of joining a terrorist organisation and aiding in terrorist activities. They were declared fugitive and found guilty. During the reporting period, two citizens of Georgia were put on the national list of sanctions related to terrorism.

In 2023, the Government of Georgia approved the National Money Laundering and Terrorism Financing Risk Assessment Report prepared in accordance with the standards of the Financial Action Task Force. The document analyses, assesses the risks of financing terrorism in the country and states that the risk of financing terrorism in Georgia is low.

In 2023, preventive measures were taken against several dozen citizens of foreign countries who may sympathise with international terrorist organisations, as a result of which these individuals left the country. The report also includes statistics on criminal proceedings conducted in terms of counter-terrorist activities. In particular, in 2023, the Counterterrorism Centre under the State Security Service instituted investigations into 13 cases, and criminal prosecution was instituted against 16 persons.

The chapter on terrorism contains more detailed information compared to other parts of the report and provides a relatively fuller representation of the work carried out by the State Security Service in this regard.

4.4. FIGHTING CORRUPTION

According to international standards, the Anti-Corruption Agency, due to the nature of its activities, should be characterised by a high degree of transparency and, accordingly, should enjoy significant public trust. For greater credibility, it is necessary to have information related to the service's activities openly accessible, which, unfortunately, the service does not do. A clear example of this is the scarce information given in the activity report's sub-chapter concerning the fight against corruption.

The part of the report on fight against corruption is perfunctory and especially loaded with general phrases. The main part discusses the importance of fighting against corruption. According to the report, "one of the service's priorities was the fight against corruption and its prevention." However, apart from the general statistical data, the report does not impart any idea what measures were taken to prevent and eliminate corruption risks. Unlike the reports of the previous years, where the chapters on the fight against corruption were most specific, this part of the 2023 activity report is extremely general and brief as the rest of the other parts.

According to the report, in 2023, the anti-corruption agency instituted investigations into 47 criminal cases and criminal prosecution was instituted against 72 persons. Here, the respective

crimes are indicated in general terms: bribery, abuse of office, influence peddling, illegal business activities etc. The service maintains and imparts detailed statistical data in this regard. However, *the report does not specify under which article of the criminal code and how many cases were investigated by the agency; how many cases were referred to other agencies in accordance with the investigative jurisdiction; how many cases were terminated or how many cases were referred to the State Security Service for investigation. Furthermore, it is unknown whether during the reporting period the State Security Service closed investigations into high-level corruption cases.*

Out of the past three years (2021, 2022, and 2023), the Anti-Corruption Agency of the State Security Service instituted the least number of investigations into corruption crimes in 2023.

Unlike the 2022 activity report, the 2023 report does not impart any information about the seized property and its estimated value. Furthermore, it is unknown what amount of proceeds were recovered by the state.

The scarce and general information given in the chapter on the fight against corruption cannot allow effective democratic oversight by the public or the parliament, which renders the report irrelevant. Perfunctory and aggregated statistical information does not inform about challenges the country is actually facing in the security context. It is quite possible that the mentioned statistics include only minor corruption crimes and do not refer to the so-called elite corruption. While the investigation of corruption crimes allegedly committed by political officials is within the competence of the State Security Service, the report does not inform the public about any outcomes of investigations into high-level corruption cases carried out by the service.

According to the report, during the reporting year, the efforts of the service were concentrated towards the prevention of crimes committed in office, including the identification and prevention of corruption at an early stage. However, the report is reticent about the specific measures carried out for the prevention of crimes committed in office and the number of corruption cases identified and prevented by the service at an early stage. Similarly, the report does not mention the investigation of crimes committed by political officials. Wasting the resources of the State Security Service on investigations into minor corruption crimes indicates an irrational use of the service's resources.

4.5. DEVELOPING THE LEGISLATIVE FRAMEWORK

The activity report of the State Security Service states that during the reporting period appropriate steps were taken by the service to bring legal regulations in compliance with EU standards and procedures. According to the document, the changes were made in terms of the protection of European Union classified information (EUCI). Furthermore, it is noted that the service was actively involved in the working group set up in the Parliament of Georgia.

However, there is no information about the specific changes effected in the service's activities by the implementation of these recommendations. According to the report, as a result of the work of the group, the service carried out "appropriate measures".⁴¹

It is an opinion of Democracy Research Institute that in terms of the implementation of nine recommendations of the EU, especially, in relation to the reform to be carried out with regard to combating corruption and oversight of law-enforcement bodies, a number of amendments had to be made to the legislative framework governing the activity and oversight of the service. It would be commendable if the service itself were the initiator of the amendments, but regrettably, there has been no progress in this regard.

According to the information at the disposal of Democracy Research Institute, the State Security Service was not involved in the working group set up with the Committee of Procedural Issues and Rules (aimed at strengthening oversight of the accountable agency) in 2022 and there was no new working group set up in this regard in 2023. Therefore, the abstract phrases of the report make no sense as to what could be the appropriate measures that were taken in cooperation with the parliament to fulfil the recommendation of the European Commission.

This chapter of the report also contains general statistical data regarding administrative complaints lodged with the State Security Service. According to the document, there were six administrative complaints filed with the service. *However, it is unknown what type of administrative complaints were lodged; how the examination of these complaints ended; whether the complaints were upheld or rejected or whether the disputes continued in court.*

According to the report, the service had 40 civil and administrative lawsuits pending, and in one case, the State Security Service was a representative in the Constitutional Court. For more clarity, it is necessary to segregate data and provide separate information regarding statistics, the gist of the complaint, the outcomes of lawsuits, for instance, what the constitutional complaint concerned, the position of the service and the stage of the proceedings.

4.6. ACCOUNTABILITY

Democracy Research Institute has been working on parliamentary oversight of the security sector for years. Unfortunately, the legislative body's oversight activities in relation to the security sector (especially with regard to the State Security Service) are particularly weak. There are two main challenges – the lack of political will on the part of the oversight body and the low degree of accountability on the part of the service. The 2023 annual report of the State Security Service highlights the second challenge.

Democracy Research Institute requested public information from the Parliament of Georgia regarding the activities of the Trust Group, in particular, regarding the fact that the Trust Group held 11 meetings in the period of 1 January 2023 - 31 December 2023. According to the

⁴¹ The Report of the State Security Service, 2023, p. 39.

communication received from the parliament, the Head of the State Security Service and the deputy head of the service participated in the meetings of the Trust Group twice, on 6 April 2023 and 13 October 2023. According to the annual report, the deputy heads of the State Security Service and the heads of relevant structural units participated in five meetings of the Trust Group, including on 6 April 2023 when the service submitted information on secret purchases.

The Parliament of Georgia did not respond to the part of the request for public information filed by Democracy Research Institute that concerned the agendas of the Trust Group's meetings. This information is neither available in the activity report of the State Security Service. Such a failure makes it practically impossible to assess the effectiveness of the oversight carried out by the Trust Group or the quality of accountability of the service in general.

The report also states that the service received 17 questions from MPs that were answered in accordance with law. According to the information found by Democracy Research Institute on the website of the parliament, 14 questions were submitted to the State Security Service and the service answered all the questions. In this regard, the main challenge is the abstract wording of the answers and the content that is sometimes distanced from the gist of the question. Unfortunately, this part of the report is again perfunctory. It only imparts statistics and remains reticent about the contents of the answers.

5. WASTING THE STATE SECURITY SERVICE'S RESOURCES

The State Security Service was set up on 1 August 2015. By setting up an agency separate from the Ministry of Internal Affairs, the coalition of Georgian Dream did not fulfil its election promise⁴² made during the 2012 parliamentary elections. Despite the promise that the tasks of the State Security Service would be limited to the search and analysis of classified information and that its authority would not be criminal prosecution, the law adopted in 2015 entrusted the new agency separated from the Ministry of Internal Affairs the authority to identify, prevent and investigate crimes. As the long-term observation of the service's activities shows, the State Security Service may use this authority for political purposes of the ruling party. The fact that in 2015 Georgian Dream refused to introduce guarantees of institutional independence of the service made it possible to use the agency responsible for the security of the state for political purposes.

Since its establishment, the State Security Service has received more than one billion GEL worth of funding from the state budget of Georgia. Over the last two years, the funding of the State

⁴² Election Coalition Bidzina Ivanishvili – Georgian Dream, Election Program, 2012, Parliamentary Elections, subsection Reform of the Ministry of Internal Affairs, p. 17-18, available at: <http://www.ivote.ge/images/doc/pdfs/ocnebis%20saarchevno%20programa.pdf>.

Security Service has increased by almost 30 million GEL. In accordance with the Law of Georgia on the 2024 State Budget of Georgia, the funding of the service **in 2022 was 153 million GEL.**⁴³ **In 2023 this amount increased to 180 million GEL, and in 2024 to 210 million GEL**

The exact number of employees of the State Security Service is unknown to Democracy Research Institute. Given the specific nature of the activities, the statutes of some of the departments are not public either.⁴⁴ Furthermore, the Law on the 2024 State Budget of Georgia did not provide for an increase in the number of employees whose number has been made public in the last three years (3,800 staff members). *The tasks of the service were not extended in the mentioned period to the extent that it would cause a significant increase in the number of employees and/or funding in different areas. Therefore, it is not known what caused the nearly 28% increase in funding over the past two years.*

Democracy Research Institute observes that the State Security Service has been investigating cases that by their nature do not fit into its work profile and have no connection to ensuring the country's security. This amounts to wasting the service's budgetary and human resources. For instance, in the period of 1 January 2020 - 1 March 2024, the State Security Service instituted investigation into such crimes as preparation of intentional murder, leading to suicide, inflicting minor or serious damage to health by negligence, and fraud. In accordance with an order of the Prosecutor General of Georgia, the Special Investigative Service can investigate all of these categories of crimes fall within the investigative jurisdiction of the Ministry of Internal Affairs of Georgia and in some cases. However, the State Security Service investigated all these crimes, which, at first glance, have nothing to do with security threats.⁴⁵

6. PRACTICAL SHORTCOMINGS IN THE ACTIVITIES OF THE STATE SECURITY SERVICE

Since 2015 to this day, the State Security Service has been established as a closed agency with broad powers, about whose activities the public has extremely limited information. The problem is aggravated by the fact that there is no effective parliamentary oversight in relation to the agency.⁴⁶

Democracy Research Institute was interested as to what types of cases the State Security Service investigates, in addition to investigating cases that fall within the jurisdiction of other

⁴³ matsne.gov.ge, the Law of Georgia on the 2024 State Budget of Georgia, Chapter VI, Article 16, see <https://matsne.gov.ge/ka/document/view/6020661?publication=0>.

⁴⁴ For instance, the statutes of the Centre for Counterintelligence of the State Security Service and the Counterterrorism Centre are confidential.

⁴⁵ The State Security Service spends budgetary and human resources irrationally, available at: <https://www.democracyresearch.org/geo/1484/>.

⁴⁶ Democracy Research Institute, Parliamentary Oversight of the Security Sector is Ineffective , available at: <https://www.democracyresearch.org/geo/1404/>.

investigative agencies (preparation of intentional murder, leading to suicide, inflicting minor or serious damage to health by negligence, and fraud).

Below is a list of investigations instituted by the State Security Service into crimes committed against the state. None of the cases, which started with overpublicized briefings, yielded any results known to the public.

THE CASE OF PREPARING BIDZINA IVANISHVILI'S ASSASSINATION

On 24 July 2024, the State Security Service publicly stated⁴⁷ that it was *“investigating the facts of the preparation of criminal activities in Georgia, including the assassination of Bidzina Ivanishvili, the honorary president of Georgian Dream, with the organisation and financing of former high-ranking officials of the Georgian government and former employees of law-enforcement agencies operating in Ukraine. These criminal activities aim at violently overthrowing the government through destructive forces and by creating unrest and weakening the government in the country.”*

There is nothing new about the State Security Service instituting investigation into an alleged criminal act against the state in the election year. The agency uses such statements to create tension and panic in the public. After the elections, the public remains uninformed about the progress of the investigation.

In connection with the ongoing investigation, the service summoned a number of Georgian citizens fighting in Ukraine for interviews. According to the State Security Service, investigation is instituted under Articles 18-323.1 and 315.1 of the Criminal Code of Georgia (preparation of conspiracy and terrorist act against the constitutional order of Georgia).

*“For the purposes of this Chapter, ‘terrorist purpose’ means threatening public or coercing public authorities, foreign authorities or international organisations into taking or refraining from taking certain actions, or to undermining or destroying fundamental political, constitutional, economic or social structures of a country/foreign country/international organisation.”*⁴⁸ It is necessary to observe a particularly high standard of investigation and to have comprehensive answers to all questions when it comes to such serious charges. The requirement of transparency of investigation cannot be absolute. Depending on the factual circumstances of the case, the degree of feasible public scrutiny varies, and in each case, the state must strike the fair balance between the interests of transparency and confidentiality of the investigation.⁴⁹ However, there is a pressing duty to inform the public about institution of

⁴⁷ The statement of the State Security Service, available at: <https://ssg.gov.ge/news/943/saxelmtsifo-usaftrxoebis-samsaxuris-gancxadeba>.

⁴⁸ The Criminal Code of Georgia, Article 323, the note, see <https://matsne.gov.ge/ka/document/view/16426?publication=262>.

⁴⁹ Department for the Execution of Judgments of the European Court of Human Rights, Effective Investigations into Death or Ill-treatment caused by Security Forces, July, 2020, p. 10.

investigation and its progress into those cases that may give rise to feelings of fear and apprehension in the society. Accordingly, the investigative body should create a safe environment, including by providing information, which cannot be achieved with a single statement.

Until now, the public is unaware of the progress or any other details of the aforementioned investigation and whether charges have been brought against any individual.

“REVOLUTIONARY SCENARIO”, 2023

On 2 October 2023, the State Security Service held an emergency briefing regarding the threats of “revolution” emanating from the *expected* protests.⁵⁰ In this statement, the service referred to the “destabilisation” orchestrated externally and the danger of the Ukrainian “Maidani Scenario” repeating itself. In September 2023, the agency claimed to the public that certain groups would lead to have *“victims among the peaceful population and law-enforcement officers participating in the protests.”*⁵¹ According to the same statement, *“in the event of a terrorist act, destructive forces are hopeful that there will be an indiscriminate shooting between law-enforcement officers and protestors, which will lay the groundwork for further civil confrontation.”* The State Security Service notes in the fight against disinformation chapter of the 2023 activity report that *“the special services of certain states interested in gaining influence over Georgia tried to establish close relations with the citizens of Georgia, including representatives of culture and education, students, civil activists, experts and groups of people. For this purpose, various seminars, conferences, educational and cultural workshops held in their own or third countries were actively used.”*

In the statement, the agency referred to the specific date of unfolding the revolutionary scenario –October-December 2023. In this period, it should have become known to the public whether Georgia was granted the status of a candidate country for the European Union membership. In June 2022, when Georgia, unlike Moldova and Ukraine, did not receive the status of a candidate country for the European Union membership, large-scale protests erupted. The gist of the statement of the State Security Service and the period indicated in it may suggest that the ruling party did not expect to be granted the status a candidate country

⁵⁰ Interpressnews, 02.10.2023, the State Security Service informs about investigative measures and publishes some evidence with regard to Canvas, which according to the agency is involved in planning a revolutionary scenario, available at: <https://www.interpressnews.ge/ka/article/771799-sus-i-organizacia-kanvaxis-mimart-romelic-mative-inpormaciit-revoluciuri-scenaris-momzadebashia-chartuli-sagamoziebo-mokmedebis-shesaxebs-inpormacias-avrcelebs-da-mtkicebulebebis-nacils-asajaroebis>.

⁵¹ The statement of the State Security Service, available at: <https://ssg.gov.ge/news/873/saxelmtsifo-usaftrxoebis-samsaxuris-gancxadeba>.

and, using the resources of the State Security Service, tried to intimidate people, divert attention and against this backdrop suppress the protest momentum.

Furthermore, the State Security Service disseminated a covert recording as evidence of an investigation that began in September 2023. This recording shows the training session organised by East-West Management Institute of USAID, where, according to the service, representatives of Canvas together with other CSOs planned a “revolutionary scenario”.⁵² For this purpose, many of the participants of the workshop were called to the agency for interviews.⁵³ This statement was most likely aimed at discrediting civil society organisations and indirectly indicating the involvement of the American side in the preparation of the so-called revolutionary scenario.

The assumption that the agency used the statement to suppress the expected protest momentum and to discredit civil society organisations is also confirmed by the fact that there was no “revolutionary scenarios” in 2023.

The public is unaware of the progress of the investigation.

“REVOLUTIONARY SCENARIO”, 2024

In April 2024, the reintroduction of the draft law on Transparency of Foreign Influence (the so-called Russian law) was met with large-scale protests. Against the background of the protest wave, the State Security Service again made a statement regarding the possible revolutionary scenario organised by specific groups.⁵⁴

The statements made by the agency in April 2024 and September 2023 are identical. Therefore, it gives rise to the following questions: provided the State Security Service had tangible evidence to prove a “revolutionary scenario” in 2023, what specific measures were carried out by the service; why did the service fail to prevent/remove existing threats; and why did the service resumed the narrative about the threat of the same crime after eight months.

In April 2024 and May 2024, large-scale protests were held. After 28 May 2024 (when the parliament overcame the president’s veto), the wave of protests slowly stopped. Four months after the announcement made by the State Security Service, the public is unaware of the

⁵² 1tv.ge, the State Security Service publishes some of the evidence obtained through covert activities carried out with regard to representatives of Canvas, available at: <https://1tv.ge/news/sus-i-organizacia-kanvasis-warmomadgenlebis-mimart-chatarebuli-faruli-sagamodziebo-moqmedebis-shedegad-mopovebuli-mtkicebulebebis-nawils-aqveynebs-video/>.

⁵³ Publika, 04.10.2024, Giorgi Meladze, the director of Canvas-Georgia, was called for an interview, available at: <https://publika.ge/sus-shi-gamokitkhvaze-k/>.

⁵⁴ The statement made by the State Security Service, see <https://ssg.gov.ge/news/932/saxelmtsifo-usafrtxoebis-samsaxuris-gancxadeba>.

progress of the investigation; whether any preventive/investigative measures were carried out to eliminate/investigate the threat and whether any individuals were identified in the process.

THE CASE OF ASSAULT ON PUBLIC POLITICAL OFFICIALS

In 2022, the State Security Service launched another investigation into assaults on public political officials. The investigation is still open.

On 8 April 2022, the Ambassador of Ukraine to Georgia *a.i.* said that the President of the Ukrainian Rada sent an invitation to the President of the Parliament of Georgia to visit Bucha. Regarding the invitation, the parties exchanged public and written statements several times. The Georgian delegation finally arrived in Ukraine. National Movement refused to participate in the parliamentary delegation.

According to the statement of First Vice President of the Parliament of Georgia, Gia Volski,⁵⁵ National Movement refused to participate in the parliamentary delegation as they were planning “certain provocations” during the visit to Ukraine. The State Security Service confirmed that in 2022 investigation was pending under Article 325 of the Criminal Code of Georgia (Assault on public political officials of Georgia).

There was not a single incident of assault on public political officials in Ukraine. Moreover, the agency failed to provide concrete pieces of evidence regarding these grave charges. More than two years have passed since the investigation started, but *again there is no information available regarding the progress of the investigation.*

CONSPIRACY AGAINST THE CONSTITUTIONAL ORDER OF GEORGIA

The State Security Service instituted another investigation in 2021 into a crime committed against the state. According to the service, in the case of the deterioration of health of the third president of Georgia, Mikheil Saakashvili, upon his transfer to penitentiary establishment no. 18 of Gldani, certain individuals planned to “block roads, create chaos and cause an uncontrolled situation through destructive actions.”⁵⁶ In 2021, the investigation began under

⁵⁵ Radio Free Europe/Radio Liberty, the State Security Service instituted investigation into possible assaults on Georgian state and public political officials, available at: <https://www.radiotavisupleba.ge/a/31804996.html>.

⁵⁶ Formula, Destruction and Road Blocking – the State Security Service instituted investigation on the state overthrowing charges, available at: https://formulanews.ge/News/59129?fbclid=IwAR2c1gdoZ-IW9AsM6GD-kemk1yphQ3J44IXwoSfezZD5_DT989ktfyDsmGc.

Article 315.1 of the Criminal Code (a conspiracy to change the constitutional order of Georgia by violence, to overthrow or take over the government).

According to the State Security Service, the conversation took place in Mikheil Saakashvili's presidential library. The two-hour long recording is added to the case-file. The legal ground for recording the conversation of certain individuals is not known – whether the investigation was already pending at the material time or the video recording was obtained as a result of covert investigation.

While this time the service purportedly acted based on specific evidence, the public is still unaware of any outcome of the investigation into the aforementioned case.

CONSPIRACY TO SEIZE POWER

The State Security Service instituted investigation under Article 315 of the Criminal Code (conspiracy to change the constitutional order of Georgia by violence) also in 2015.⁵⁷ According to the agency, the investigation was instituted based on the recording disseminated by the Ukrainian media in which Mikheil Saakashvili talks about the need to defend TV Company Rustavi 2 through barricades and calls upon Giga Bokeria and Nika Gvaramia to act in accordance with the “revolutionary scenario”.⁵⁸

Two years after the investigation had started, Nika Gvaramia and Giga Bokeria were summoned by the agency before the 2017 self-government elections for reading the case-files.⁵⁹ This example demonstrates that summoning individuals to an investigative body may not only be in investigative purposes.

Remembering the forgotten case in the pre-election period probably served the purpose of influencing the election environment, intimidating the public and discrediting the political opponents. Despite the statement made by the service in 2015 that there was solid evidence regarding the alleged crime, for two years the agency did absolutely nothing in this regard. After two years, the only action taken by the agency was to summon certain individuals for reading the case-files.

It is unknown to the public at what stage the investigation currently is.

⁵⁷ Civil.ge, The State Security Service has launched an investigation into the conspiracy to overthrow the government, available at: <https://civil.ge/ka/archives/154547>.

⁵⁸ Civil.ge, Saakashvili's phone records about Rustavi 2 are disseminated, available at: <https://civil.ge/ka/archives/154567>.

⁵⁹ Netgazeti, The State Security Service – Gvaramia and Bokeria are summoned to read the case-files, available at: <https://netgazeti.ge/news/216694/>.

CONCLUSION

Protecting the public from crimes, disorder and violence is the responsibility of the security agencies and to this end a wide range of powers are concentrated within the sector. The main objective of providing effective oversight mechanisms in legislation and their active practical implementation is to prevent abuse of power by the security agencies, to oversee the discharge of the mandate in accordance with law, to evaluate the effectiveness of their activities and to improve their performance through recommendations.

The effective implementation of parliamentary oversight is of particular importance given the tense geopolitical environment created in the region, against the backdrop of hybrid threats emanating from Russia and parliamentary oversight is the most powerful tool of democratic control over an agency.

Democracy Research Institute has observed that the Parliament of Georgia is unable to carry out its oversight tasks properly. Passive law-making activity, the failure to use interpellation or mandatory attendance of officials at the sessions of the Committee of Defence and Security and other parliamentary oversight mechanisms in relation to the Head of the State Security Service, as well as deliberations on the service's annual activity report behind closed doors and without making any recommendations, – all these shortcomings affect the transparency of the work of the State Security Service, its accountability and public trust in it.