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NOTE VERBALE

The Embassy of Georgia to the Republic of Austria, Permanent Representation of Georgia to the OSCE and other International Organizations in Vienna presents its compliments to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Centre and has the honor to submit Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspect of the Security for the year 2017.

The Embassy of Georgia to the Republic of Austria, Permanent Representation of Georgia to the OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Center the assurances of its highest consideration.



Vienna, 2 June, 2017

Attachment: 48 pages.

To: OSCE Delegations and Missions
Conflict Prevention Centre

QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1. To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

a) b) See attachment

c) Sub-regional Multilateral Agreements

- The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Azerbaijan and Georgia) –Georgia acceded to the Convention on January 24th, 1996.
- Sub-regional Cooperation within BSEC (Organization of the Black Sea Economic Cooperation) and GUAM (Georgia, Ukraine, Azerbaijan, Moldova Organization for Democracy and Economic Development)

Georgia is a party to:

1. Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on October 2, 1998 *in force for Georgia since July 27, 2000*,
2. Additional Protocol (establishing a network of liaison officers) to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on March 15, 2002 - *in force for Georgia since May 30, 2004*,
3. Additional Protocol on combating terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on December 3, 2004 - *in force for Georgia since October 16, 2005*,
4. Agreement on cooperation among the Governments of GUUAM (*Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova*) Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes, signed on July 20, 2002;
5. Protocol to the Agreement on cooperation among the Governments of GUUAM (*Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova*) Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes of the 20 July 2002, signed on December 4, 2008.

d) Bilateral International Agreements

Georgia has signed bilateral international agreements/MoUs that include the cooperation in the fight against terrorism with the following countries (27 countries so far): Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Egypt, Estonia, France, Germany, Hungary, Israel, Italy, Kazakhstan, Latvia, Lithuania, Malta, Moldova, Poland, Romania, Slovak Republic, Spain, Sweden, Turkey, Ukraine, United Kingdom (MoU), USA (MoU), Uzbekistan.

- **Draft Agreements ready for signature:** *Czech Republic, Greece and Belgium;*

- **Draft agreements under negotiations: Albania, Qatar, Saudi Arabia and UAE.**
- **Agreement on Operational and Strategic Cooperation between Georgia and Europol was signed on 4th of April 2017.**
- **Moreover, Georgia has concluded International Agreements on Exchange and Mutual Protection of Classified Information with 18 countries (Austria, Armenia, Azerbaijan, Bulgaria, Czech Republic, Estonia, France, Latvia, Lithuania, Luxembourg, Norway, Romania, Slovak Republic, Spain, Sweden, Ukraine, USA and Poland), which are firm legal basis for sharing the classified information on the issues related to crimes, including terrorism.**
- **Agreement between Georgia and European Union on Security Procedures for Exchanging and Protecting Classified Information was signed on 23rd of June 2016 and entered into force on 1 February 2017**
- **Georgia is participating in the NATO Operation ACTIVE ENDEAVOR. Participation of Georgia into the anti-terrorism operation is based on the Tactical Memorandum of Understanding signed between the Ministry of Internal Affairs of Georgia and Headquarters Allied Maritime Command Naples regarding the participation in and contribution to Operation ACTIVE ENDEAVOUR. Based on this memorandum the GCG Liaison Officer has been deployed to MARCOM HQ in Northwood since 1st of May, 2014. Manning the Liaison officer at MARCOM enables the GCG to exchange information timely and creates new cooperation perspectives between NATO maritime forces and Georgian Coast Guard. Starting from November 2016 Operation ACTIVE ENDEAVOR was transformed into the Operation Sea Guardian, with the expended mandate and new Operations Plan. Georgia committed itself to expand its participation within the new operation, therefore deployed liaison officer continue its service based on the previous memorandum which will be replaced by the new memorandum in the nearest future.**

1.2. What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

a) Laws and by-laws

In order to comply with the international obligations taken under the international legal instruments, as well as with the requirements of United Nations Security Council (UNSC) Resolutions and UN General Assembly Resolutions, Georgia implemented the provisions of these instruments and the requirements of the resolutions into Georgian legislation by adopting new laws and regulations and by amending the existing legislation.

In 2007 the Parliament of Georgia passed the Law of Georgia on “Combating Terrorism” (*last amendments made on 15 July 2015*), which defines the legal basis of combating terrorism, forms of organizing combat against terrorism in Georgia, as well as the rule of coordination of governmental agencies in the field of combating terrorism, and the grounds of participation of public unions, organizations, governmental officials and citizens in combating terrorism, their rights, obligations and their social protection guarantees.

Moreover, the Law of Georgia on “Combating Terrorism” provides the definitions of “Terrorism”, “Terrorist Act”, “Terrorist Aim”, “Terrorist Activity”, “International Terrorism”, “Terrorist”, “Group of Terrorists” and “Terrorist Organization”. These definitions conform to international standards. The law also addresses individuals, associations of two or more persons who carry out a terrorist activity and entities established for the purpose of conducting terrorist activities. The definitions contained in the Law on Combating Terrorism provide sufficient legal ground for imposing criminal responsibility under the Criminal Code of Georgia.

The other laws and by-laws, which deal with terrorism-related issues, are the following:

- Law of Georgia on **“Facilitating the Suppression of Illicit Income Legalization”** (creates a legal mechanism for countering money laundering and terrorism financing);
- Law of Georgia on **“Organized Crime and Racketeering”** (facilitates the fight against and the prevention of organized crime in order to protect private, public and state interests);
- Law of Georgia on **“Nuclear and Radioactive Security”** (prohibits any form of non-peaceful use of nuclear or radioactive materials on the territory of Georgia);
- Law of Georgia on **“License and Permits”** (according to this law, any activity related to the trading with nuclear and radioactive materials is subject to the special licensing);
- **Criminal Code of Georgia** (criminalizes all acts of terrorism, which are determined as such by the international anti-terrorism conventions or CoE conventions);
- Law of Georgia on **“Criminal Intelligence Activity”** (defines the system of measures carried out by special services of state agencies through application of open or covert criminal intelligence methods in order to protect the rights and freedoms of human, the rights of legal entities and the public safety from criminal or any illegal conduct);
- **Criminal Procedure Code of Georgia** (defines in detail each and every stage of investigation and criminal prosecution on any action that is considered as a crime under the Criminal Code of Georgia, as well as defines types and rules of application of covert investigative measures);
- **Civil Procedure Code of Georgia** (defines the procedure of the seizure and transfer to the state of a person’s property, who is convicted for the perpetration of terrorism financing, other material assistance to terrorist activity or provision of resources thereto);
- Law of Georgia on **“International Law Enforcement Cooperation”** (defines the rules of international law enforcement cooperation in the fight against crime, including terrorism-related crime);
- Law of Georgia on **“International Cooperation in Criminal Matters”** (defines the rules of mutual legal assistance and extradition issues);
- Law of Georgia on **“State Security Service of Georgia”** (defines basic guiding principles for the activities of the State Security Service of Georgia, its functions and authority, procedures for the performance of services by public servants of the Service, and their legal and social protection guarantees, the forms of controlling and overseeing activities of the State Security Service of Georgia);
- Law of Georgia on **“Police”** (defines basic principles of the Georgian police activities, the legal grounds for organizational structure of the police, its functions, measures to be carried out by the police and legal forms of exercising police authority, procedure for serving in the police, legal and social protection guarantees of police officers and control over police activities);
- Law of Georgia on **“Trust Group”** (defines rules on conduction of budget control over special programs and secret activities of agencies of the executive Government of Georgia by Trust Group created within the Parliament of Georgia);
- Law of Georgia on **“Personal Data Protection”** (defines provisions on ensuring protection of human rights and freedoms, including the right to privacy, in the course of personal data processing);
- Decree of the Government of Georgia approving **“The Rule of Organizing Overall Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism”** of 26 March 2014, substituting the Presidential Decree of 17 January 2008;
- Decree of the Government of Georgia approving **“The Rule of Social Rehabilitation of Participants of Counterterrorist Activities and Victims of Terrorist Act”** of 26 March 2014, substituting the Presidential Decree of 17 January 2008;

- Decree of the Government of Georgia approving “The Rule of Organization and Activity of the Operational Headquarters on Extreme Situations Management” of 5 December 2014.

b) Criminalization

Criminal Code of Georgia criminalizes the following terrorist acts:

- Terrorist Act (Art. 323),
- Unlawful purchase, storage, carrying, manufacturing, transportation, transfer, sale or use of firearms, ammunition, explosives or equipment for terrorist purposes (Art. 323¹),
- Participation in International Terrorism (Art. 323²)¹,
- Technological Terrorism (Art. 324),
- Cyber terrorism (Art. 324¹),
- Assault on Public Political Officials of Georgia (Art. 325),
- Assault on Person or Institution Enjoying International Protection (Art. 326),
- Membership in a Terrorist Organization, Participation in its Activities or Establishment or Management of Terrorist Organizations (Art. 327),
- Recruiting a Person as a Member of a Terrorist Organization or for Carrying Out Terrorist Activities (Art. 327¹)²,
- Joining a Foreign Terrorist Organization or a Terrorist Organization Controlled by a Foreign State or Supporting this Organization in Its Terrorist Activities (Art. 328),
- Taking a Hostage for Terrorist Purposes (Art. 329),
- Unlawfully Taking Possession of an Aircraft or Water Craft, Railway Rolling Stock or of Other Public or Cargo Transport for Terrorist Purposes (Art. 329¹),
- Taking Possession of or Blocking Strategic or Other Facilities of Special Importance for Terrorist Purposes (Art. 330),
- Open Support of Terrorist Activities and/or a Terrorist Organization or Public Incitement To Terrorism (Art. 330¹)³,
- Providing Training and Instruction for Terrorist Activities (Art. 330²)⁴,
- Theft for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330³),
- Extortion for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330⁴),
- Making of Forged Official Documents for the Commission of One of the Offenses Defined in this Chapter (Art. 330⁵),
- False Notification on Terrorism (Art. 331),
- Financing of Terrorism, Provision of Other Material Support and Resources to Terrorist Activities (Art. 331¹),
- Failure to Take Measures to Prevent Acts of Terrorism (Art. 331²).

The Criminal Code of Georgia also criminalizes the following terrorism-related acts:

- Preparation of Crime (Art. 18) (can be applied in conjunction of any other mentioned crimes),

¹ This Article also criminalizes crossing or attempt of crossing the state border of Georgia with the aim of perpetration, preparation of or participation in terrorist activity or in terrorist training (Article 323² was expended by amendments of 12 June 2015 in order to address FTF phenomenon).

² This Article was expended by amendments of 12 June 2015 in order to address FTF phenomenon

³ This Article was expended by amendments of 12 June 2015 in order to address FTF phenomenon and violent extremism

⁴ This Article also criminalizes the receipt of training and instruction (passive aspect).

- Attempted Crime (Art. 19) (can be applied in conjunction of any other mentioned crimes),
- Complicity in Crime (Art. 23) (can be applied in conjunction of any other mentioned crimes),
- Taking a Hostage (Art. 144),
- Creation or Management of Illegal Formations, or Joining And Participation in Such Formations, and/or Implementation of Other Activities in Favor of Illegal Formations (Art. 223)⁵,
- Illegal Seizure of Aircraft, Water Vessels or Railway Rolling Stock (Art. 227),
- Endangering the Navigation of Water Vessels (Art. 227¹),
- Illegal Seizure, Destruction or Damage of a Stationary Platform (Art. 227²),
- Posing Danger to Aircraft (Art. 227³),
- Piracy (Art. 228),
- Explosion (Art. 229),
- Illegal Handling of Nuclear Material or Equipment, Radioactive Waste or Radioactive Substance (Art. 230),
- Seizure of Nuclear Material, Radioactive Substances or Other Sources of Ionizing Radiation (Art. 231),
- Unlawful Demand of Nuclear Materials (Art. 231¹),
- Threat to Illegally Seize or Use of Nuclear Substance (Art. 231²),
- Manufacturing of Nuclear Weapons or Other Nuclear Explosive Equipment (Art. 232),
- Public Incitement to Acts of Violence (Art. 239¹)⁶.

The Criminal Code of Georgia establishes criminal liability for **terrorist acts**. Paragraph 1, Article 323, Chapter XXXVIII (Terrorism) of the Criminal Code of Georgia defines **terrorist act** as any of the following conducts: explosion, arson, assault against person, application of arms or any other action giving rise to threat of a person's death, substantial property damage or any other grave consequences perpetrated for terrorist aims. For the purposes of Chapter XXXVIII (Terrorism) **terrorism aim** is the intimidation of population or coercion of a governmental body, a governmental body of a foreign state, or an international organization in order to apply or not to apply any action, as well as destabilization or destruction of fundamental political, constitutional, economic or social institutions of state/foreign state/international organization. Such conduct shall be punished from ten to fifteen years of imprisonment

Threat of commission of the abovementioned conduct shall be punished from six to twelve years of imprisonment (Paragraph 1¹). Paragraph 2 of the same Article establishes that, if the above-mentioned actions are committed by a group, repeatedly or by using means of mass destruction, they will be punished from twelve to seventeen years of imprisonment. Paragraph 3 of the same Article establishes that, if the above-mentioned actions have claimed a human life or have given rise to any other grave consequence, they will be punished from fifteen to twenty years of imprisonment or by life imprisonment.

For committing the act determined by this Article *a legal entity* is punished by liquidation or deprivation of the right to conduct activity and by fine. In general, sanctions related to terrorist offences are relatively high. For example, article 323 of the Criminal Code of Georgia criminalizing terrorist act provides imprisonment up to 15 years. If the aggravating circumstances are met, imprisonment up to 20 years or lifetime imprisonment is applied. According to the recent amendments to the Criminal Code of Georgia, Article 323¹ criminalizes participation in international terrorism, while Article 330² introduced punishment for providing training and instruction for terrorist activities and Article 327¹ covers the crime of recruiting a person as a member of a terrorist organization or for carrying out terrorist activities.

⁵ This Article was expanded by amendments of 12 June 2015 in order to address FTF phenomenon.

⁶ This Article was added by amendments of 12 June 2015 in order to address FTF phenomenon and violent extremism.

c) Measures for tackling FTFs

In order to tackle the phenomenon of s. c. “foreign terrorist fighters” more effectively and to fully implement 2178 UNSC Resolution, a substantial package of amendments to the Criminal Code of Georgia was elaborated and presented to the Parliament of Georgia in January 2015. The Parliament of Georgia adopted the amendments on June 12, 2015.

The draft amendments introduced the **crimes of incitement of hatred and participating in illegal formations operating on the foreign territory**. At the same time, the terrorism chapter of the Criminal Code was amended, addressing introduction of criminal punishment for the so called “**Jihad Travel**” (crossing or attempt of crossing the state border of Georgia with the aim of perpetration, preparation of or participation in terrorist activity, as well as participation in terrorist training). As a consequence, new amendments supplement the Criminal Code and provide a solid legislative basis for combating violent extremism and terrorism.

1.3. What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Georgia has recently undergone major changes by reforming the law-enforcement and security spheres. Separating police from the state security agencies is an important institutional reform conducted with the aim to establish effective democratic oversight mechanisms over the national security and police service, as well as maintain the public trust. As a result of reform, on 7th of July, 2015 the Law of Georgia on “**State Security Service of Georgia**” and subsequent package of legislative changes were adopted by the Parliament of Georgia.

According to the law on 1st of August, 2015 the **State Security Service of Georgia officially commenced functioning**. The mandate, functions and authority of the Service have been clearly defined at the legislative level. One of the main directions of activity of State Security Service of Georgia is to fight against terrorism. The Counterterrorism Center within the State Security Service, in coordination with the relevant ministries and agencies of Georgia, is entitled to prevent, detect and suppress the crimes of terrorism.

The Paragraph 2 of the Article 4 of the Law of Georgia on “**Combating Terrorism**” sets forth the governmental agencies, which directly exercise combat against terrorism. These agencies are:

- State Security Service of Georgia, which is the main authority in the common state system for combating terrorism;
- Ministry of Defense of Georgia;
- Intelligence Service of Georgia;
- Special State Protection Service of Georgia.

According to the Paragraph 1 of the Article 5 of the law, **the State Security Service of Georgia is the main agency that combats terrorism** by means of operative, operative technical and operative-searching measures intended to reveal, prevent and suppress terrorist activities through revealing, preventing and suppressing crimes that are committed for terrorist purposes and the investigation of which falls within authority of the Service. The State Security Service of Georgia shall: gather and systematize information on the activities of foreign and international terrorist organizations; investigate terrorism related crimes; coordinate activities of agencies combating terrorism through the Counter-terrorist Centre of the State Security Service of Georgia; the Centre is directly responsible for ensuring implementation of counter-

terrorist measures. Other divisions of the State Security Service of Georgia shall allocate necessary forces and means and ensure their effective use in anti-terrorist operations.

The Ministry of Defense of Georgia ensures protection of weapons, ammunition, explosives and poisonous substances, located in military units or stored in specific places; in case if an act of terrorism is committed in airspace of Georgia, it ensures preparedness and application of subdivisions of land units of the Armed Forces of Georgia. It participates in counterterrorist operations carried out at military facilities.

The Intelligence Service of Georgia obtains and processes information on foreign and international terrorist organizations operating outside Georgia and submits this information to the respective authorities in accordance with the established rule. It participates in counterterrorist operations within its competence.

The Special State Protection Service of Georgia participates in operations performed to suppress terrorist acts against officials and objects which are under the protection of the Service.

In addition to the above-mentioned, **“the Rule of Organizing Overall Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism”** approved by the Decree of the Government of Georgia entitles the Counterterrorist Center of the State Security Service of Georgia with the following powers:

- The Instructions and requests of Counterterrorist Center are obligatory and must be observed by any agency;
- Governmental agencies are obliged to submit to the Counterterrorist Center any information in accordance with “the List of Information ensuring overall counterterrorist activities” approved by the same decree;
- On the basis of acquired materials the Counterterrorist Center ensures providing identical and mutually agreed information base on counterterrorist condition and its dynamics, detects foreseeable threats by analyzing the information in all its aspects, and conducts measures to avoid terrorist activities;
- During conducting special (operational, operational-technical) and operational-investigative measures of counterterrorist activities the Counterterrorist Center and other agencies are authorized to use potential, property or material-technical base of other governmental agencies in accordance with the rules provided by legislation;
- After the information is submitted to the Counterterrorist Center, it determines the authorized competent agency (agencies), which will carry out counterterrorist activities related to the received information;
- The Counterterrorist Center is authorized to request improved materials connected to the abovementioned information from respective government agencies;
- The Counterterrorist Center determines the expediency of continuing special measures after it receives additional information from counterterrorist activities;

The Head of the State Security Service of Georgia shall submit to the Prime Minister of Georgia an annual report on the counterterrorist activities conducted by the Counterterrorist Center of the SSSG in the country.

Furthermore, In order to ensure well-coordinated interagency response to the terrorism activities in the country the GoG approved the Decree N662 on **the Rule of Organization and Activity of the Operational Headquarters on Extreme Situations Management**”. The Headquarter is led by the Head of the State Security Service and is established by the Governmental Order on an ad hoc basis in case of terrorist activities. The Headquarter is in charge of conducting counter terrorism operation with the mobilization of all governmental resources.

Moreover, in order to implement more comprehensively the United Nations Security Council resolutions (especially: 1267 and 1373 Resolutions and the relevant subsequent resolutions) on combating terrorism, in December 2011 Government of Georgia established an Interagency Commission on Implementation of the UN Security Council Resolutions. According to the newly established legal framework, Commission is mandated to implement UNSC resolutions in three main directions: **assets freeze, travel ban and arms embargo**. Personnel at border crossing points are entrusted with the responsibility to ensure travel ban on those individuals, who are designated as terrorists in the UN consolidated list of terrorists.

1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g. those pertaining inter alia to:

Financing of terrorism

Fight against money laundering and the financing of terrorism as transnational crimes and their prevention is one of the priorities of the Government of Georgia. Georgia is a party to the **14 UN antiterrorism international conventions**, among them to the **International Convention for the Suppression of the Financing of Terrorism**. On 25th of March 2013 Georgia signed **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention)**. This Convention was ratified by the Parliament of Georgia on 4th of October 2013. Georgia deposited its instrument of ratification with the Secretary General of the Council of Europe on 10th of January 2014. Pursuant to the Article 49 (4) of the Convention, it entered into force for Georgia since 1st of May 2014. The provisions of the mentioned conventions have already been implemented in the Georgian legislation.

The applicable Law of Georgia on **“Facilitating the Prevention of Illicit Income Legalization”** was adopted on June 6, 2003 and entered force from January 1, 2004. Specifically the mentioned Law represents ***the major legal instrument for the national system focused on the prevention of illegal income legalization and the financing of terrorism***. The Law regulates the issues of reveal of illegal income legalization and the financing of terrorism in Georgia and the relations associated with ensuring prevention of those, also it governs the forms of cooperation between the other governmental competent bodies and international organizations.

The Law of Georgia on **“Facilitating the Prevention of Illicit Income Legalization”** and the standard acts issued by the Financial Monitoring Service and the supervisory bodies of Georgia provide with the liabilities of the persons in charge for the monitoring of the sphere of prevention of illegal income legalization and the financing of terrorism in compliance with the international standards. They define the rules and conditions for supplying the relevant information to the Financing Monitoring Service of Georgia by the monitoring implementing persons, take into account the obligations regarding protection of the information and the responsibility for issuance of those as well as maintain the mechanisms of local and international cooperation.

Amendment made on November 25, 2011 to the Law envisages the certain provisions regarding the **Governmental Commission working over the issues of implementation of the UN SC Resolutions**. The Law defines the powers of the Commissions and the working group.

The Law of Georgia on **“Facilitating the Prevention of Illicit Income Legalization”** defines the **national institutional system applicable in the sphere of prevention of illegal income legalization and the financing of terrorism**. The Law establishes the supervisory organs responsible for fulfillment of the appropriate obligations by the monitoring implemented organs.

The Law of Georgia on “**Facilitating the Prevention of Illicit Income Legalization**” defines the tasks and major trends of the activities of the Financial Monitoring Service of Georgia. The Legal Entity of Public Law – Financial Monitoring Service of Georgia in its capacity of an independent organ shall receive from the monitoring entities, make analysis and in case of arisen of the grounded supposition that the transaction subject to monitoring is suspicious or implemented with the purpose of illicit income legalization or financing of terrorism or any other crime shall deliver the relevant information to the law enforcement organs.

According to the Law on “**Facilitating the Prevention of Illicit Income Legalization**”, the Financial Monitoring Service of Georgia may apply to a court for the seizure of property (including bank accounts) if there is a reasonable belief that the property (including the transaction amount) may be used for terrorist financing. **In that case, the materials shall immediately be submitted to the appropriate structural units of the Chief Prosecutor’s Office and the State Security Service of Georgia.**

Also the law regulates that the **Financial Monitoring Service of Georgia shall immediately submit information** (including confidential information) and relevant available materials to the appropriate departments of the **Chief Prosecutor’s Office and the Ministry of Internal Affairs of Georgia and/or the State Security Service of Georgia**, without obtaining a permit from any authority or person, **if the analysis of appropriate information gives rise to a reasonable belief that the transaction is suspicious and is being conducted for the purpose of illicit income legalization or terrorist financing, or for the commission of other offences;**

The **Criminal Code of Georgia** criminalizes the financing of illicit income legalization and financing of terrorism; it also provides with the **illicit income legalization predicate crimes**. It should be emphasized that for the purposes of criminalization of illicit income legalization the predicate means all crimes envisaged by the Criminal Code of Georgia. The mentioned crimes fully cover the predicates of illicit income legalization determined by the special group of financial activities.

It should be noted that from 2007 the number of amendments have been made to the relevant articles of the **Criminal Code of Georgia** aiming at **expanded and comprehensive criminalization of the illicit income legalization and financing of terrorism**. As a result of the mentioned, the criminalization of these crimes is **fully complied with the international standards applicable in this sphere.**

Along with the criminalization of the above mentioned crimes the **Criminal Code of Georgia** establishes the **criminal legal mechanism** of deprivation of a property which is also significant in combat illicit income legalization and money laundering. This mechanism for deprivation of a property (**Article 52, Criminal Code of Georgia**) envisages appropriation of a subject of crime, arm, item aimed for commitment of a crime as well as the property gained in a criminal way. It should be emphasized that the given mechanism of deprivation of a property also covers the assets equivalent to the property gained in a criminal way.

The Law of Georgia on “**Operative Investigative Activities**” defines the operative measures and their rules applied for detection and prevention of crimes including money laundering and financing of terrorism.

The relevant chapter (Chapter XLIV1) of the **Civil Procedure Code of Georgia** provides with the civil legal mechanism for deprivation of illegal and unfounded property of an accused, his/her family member, close relative and the related person. Existence of the mentioned mechanism is very significant in combat illicit income legalization and the financing of terrorism as in this case, different from a criminal legal mechanism of deprivation of a property a change of prove burden respecting the property subjected to deprivation takes place, consequently the obligation to prove the legal origination of the property rests directly on a defendant.

The Law of Georgia on “**International Cooperation in the Sphere of Criminal Law**” defines the procedures for rendering **legal assistance over the criminal cases** including the illicit income legalization and the financing of terrorism as well as the extradition and sentence execution procedures.

The Law of Georgia on “**International Cooperation in the Sphere of Law Enforcement**” regulates the issues of international cooperation related with operative-investigative information and personal data exchange, fulfillment of operative-investigative measures and other spheres encompassed in the competence of the law enforcement organs of Georgia where the law enforcement agencies of Georgia cooperate with the foreign countries` law enforcement bodies or the relevant structures of international organizations. The mentioned cooperation aims at avoiding, reveal and preventing the illicit income legalization.

According to Georgian legislation, investigation of illicit income legalization is the subject of the Chief Prosecutor`s Office competence while the **State Security Service of Georgia** investigates **terrorist crimes including those associated with financing of terrorism**. It should be mentioned that investigation of illicit income legalization and financing of terrorism is carried out by the specialized units of the Chief Prosecutor`s Office and the State Security Service of Georgia.

In order to establish effective national framework for combating financing of terrorism and money laundering, “**the Strategy and Action Plan for Combating Money Laundering and Terrorism Financing**” was adopted on March 18, 2014 by the Decree N236 of the Government of Georgia. The **document covers the years of 2014-2017** and contributes to the development of effective and efficient mechanism for prevention, early detection and reduction of money laundering and terrorism financing crime.

In order to effectively implement the Strategy and Action Plan, in October 2015, Georgia began the process of developing the Anti-Money Laundering/Counter Financing of Terrorism National Risk Assessment (NRA) mechanism with the support of CoE/EU Eastern Partnership Co-operation Framework (PCF) “**Project on Combating Money Laundering and Terrorist Financing**” (PCF-GE). The inter-agency NRA Working Group has been established with active participation of experts of relevant agencies and organizations. In the framework of the PCF-GE program a workshop on standards and good practices with development of a National Risk Assessment was organized for members of the NRA drafting working group. The members of the WG have been informed about the NRA process and methodology, sources of data, required and expected input from various institutions, and lessons learned from NRA processes of countries which have developed their NRA with more or less success. Also the expert opinion on the NRA development methodology with the specific recommendations on procedural steps was elaborated.

In order to combat with terrorism and terrorism financing in line with UNSC resolutions, **Interagency Commission on Implementation of the UN Security Council Resolutions** (hereinafter the Commission) was established in December 2011. Governmental Decree N. 487 on the Establishment of the Governmental Commission on the Matters related to the Execution of the United Nations Resolutions (hereinafter the Decree) in line with several amendments introduced in Georgian legislation now provides for a legal framework for implementing UNSC Resolutions on Terrorism related issues (1267 together with its successor resolutions and UNSCR 1373, as well as UNSCR 1844). The Commission conducts its work on three major directions: **assets freeze, travel ban and arms embargo** on individuals and legal entities suspected in terrorism as designated in line with UNSC Resolutions.

In a shortest period after designation of Individual or Entity by UN Security Council or by relevant sanctions committee the **Commission is mandated to address the court in order to freeze assets hold by designated individuals or entities**. It should be underlined that the freezing of assets of designated persons is regulated under the Administrative Procedure Code of Georgia. The special **Chapter VII⁸ of the Administrative Procedure Code of Georgia** was adopted in November 2011, which established the **procedures for freezing of property of terrorist related persons**.

Secretariat of the Commission, **updates the list of designated individuals/legal entities on daily basis based on the information (listing and de-listing) that appears on the website of the UN Sanctions Committee**. Commission sends the motion to the Administrative Chamber of Tbilisi City Court in order to freeze assets of

UNSCRs designated individuals/legal entities while the Court issues an order in order to freeze the financial assets of those individuals/legal entities.

The Court issues order/s on freezing measures and sends one copy to the Commission and the other to **National Bureau of Enforcement** (hereinafter NBE) as an agency responsible for execution of the Court decision on freezing of financial assets of designated persons. NBE lists all persons included in the Court Order in the Debtor Registry. A debtor's registry is a sanction before enforcing the financial claim; it is a systematized electronic database containing list of natural and legal/organizational entities. Debtor's Registry is publicly available and accessible from the NBE website at <https://debt.reestri.gov.ge/main.php?s=1>.

As data of the registry is public, NBE ensures its availability (access) to state register agencies, banks and other institutions (including monitoring entities). The correspondence between the NBE and aforementioned institutions is carried out by means of electronic case management.

Lists of all persons included in the Court's freezing order in the Debtor Registry, which is systematized electronic database, is accessible to state register agencies, banks and other monitoring entities. Supervisory authorities and monitoring entities systematically check debtor lists and get updates on designated persons

Border controls

a) Consolidation of the legal and institutional framework for border management: Integrated state border management functions are undertaken by the Border Police Department, and the Patrol Police Department of the Ministry of Internal Affairs and Revenue Service of the Ministry of Finance. The agencies responsible for border management operate within a clearly defined legal framework, clearly determining the authority, tasks and responsibilities of the agencies.

National strategy on Integrated Border Management for the years 2014-2018 was approved by the Government decision on 13 March, 2014. The Action Plan was adopted by the Government Resolution N335 of May 6, 2014. IBM AP contains more detailed action plans, including concrete objectives and actions.

MIA has launched massive rehabilitation of Green Border infrastructure. In order to analyze threats and vulnerabilities along Georgia's green borders and to evaluate the ability of the Georgian Border Police, the first joint mission of US and EU experts conducted the assessment of Georgia's borders with Turkey, Armenia and Azerbaijan. Based on the assessment and as a result of further coordinated work, the Ministry of Internal Affairs has elaborated the 5 year Program for Modernization, Standardization and Unification of Georgian Border Police, which was adopted by the Ministerial Order N404 of June 8, 2015.

Risk factors on the Georgian land border, marine space, and with neighboring countries, are assessed on monthly bases. It is designed to ensure smooth operation of the Border Police units in order to provide continuous, targeted, prompt and objective assessments which will contribute to the development of decision-making process at the border police, as well as efficient planning and use of resources.

During risk analysis information is received through various sources, among them: the situation inside the country; border line and control of persons moving along the border line or within the border zone; information about the situation in the neighboring countries; information about the situation in the occupied territories; cooperation on border security issues, including with third countries etc.

The following actions are taken based on the risks analysis results:

- Planning border service organization and operations;
- Planning vessels patrolling;
- Changing border security tactics and methods, also determination of B/Units' areas of competence;
- Initiating training of personnel;
- Planning budget, procurement and repair of technical means;

- Planning improvement of infrastructure ;
- Staff Relocation/Rotation;
- Planning of operative-investigative activities;
- Information transfer to other agencies responsible for state border security and appropriate law enforcement agencies of other countries, as well as different organizations;
- Coordination of activities among the units and other law-enforcement agencies;
- Amendments to the legislation;
- Defining future priorities and goals

In order to have unified picture of the risks (including Border Checks, Border Surveillance, Migration) the concept of developing Unified Risk Assessment System of the Border Management was approved in the beginning of 2015. Based on the concept respective action plan was elaborated by the Intra-agency working group. According the action plan, starting from 2017 the unified system of the risk analyses will be launched.

The purpose of the unified system is to ensure identification of existing risks at the state border and gaps in the field of border and migration management as well as to develop effective mechanisms for implementation of responsive and preventive measures. The goal of the risk analyses is to define trends that will affect security at the border in short and long term perspective, make predictions and develop relevant recommendations that will assist authorized persons/agencies to take appropriate measures towards decreasing existing or/and anticipated risks at the state border. Unified Risk Analysis will support optimal decision making aimed at risk reduction with consideration of available resources and capacities.

“Green Border” Standard Operating Procedures (SOPs) were elaborated with the assistance of EUSR Border Support Team (BST) experts and approved by the special order issued by the Chief of Border Police. The new SOPs for the land Border Crossing Points (BCPs) were approved in December 2014. The SOPs for all seaport and airport BCPs were approved in December 2016.

b) *International Cooperation:* Georgia actively cooperates with its neighboring and partner countries' border services and various International Organizations. Active international relations resulted in bilateral and multilateral projects, carried out to assist the reform of the border services of Georgia and ensure border security of the country.

Georgia has concluded bilateral cooperation agreements on border issues with Republic of Armenia, Republic of Azerbaijan, and Republic of Turkey. On the basis of these agreements regular bilateral meetings and joint trainings are organized, which contributed to the development of the capacities of Georgian border agencies. Besides the neighboring states, Georgia has concluded bilateral cooperation agreements on border issues with Latvia, Estonia, Bulgaria, Moldova, China, Ukraine, USA, Finland, Romania, Poland, Germany and Switzerland. Based on these agreements the annual Plans of Cooperation are signed and implemented with the Border and other relevant Agencies of Turkey, Bulgaria, Latvia, Moldova, Estonia, Germany and France.

The Working Arrangement on the establishment of Operational Cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and the Ministry of Internal Affairs signed on December 4, 2008.

Based on the Working Arrangement the parties developed the Cooperation Plans for period of 2010-2012 and 2013-2015. At present, operations of FRONTEX for 2017 includes – the Joint Land Border Operations; the Air Border Operations and the Sea Border Operations; Training activities covers – the

Specialist Course on False Document Detection; the Fundamental Rights; the Anti-Trafficking in Human Beings; the English communication for Border Guards and the Annual Training conference.

The basic principles of cooperation is counter irregular migration and related cross-border crime by means of border control, strengthen security at the borders between EU Member States and Georgia, develop Good relations and mutual trust between border Guard authorities, facilitate measures taken by FRONTEX and the MIA Border Police of Georgia. It also includes development of activities in the field of information exchange and risk analyses aiming to improve the efficiency of border control at the borders between EU Member states and Georgia. Develop activities in the field of training as well as in the field of research and development related to border Management, Coordination of certain Joint operation measures and pilot Projects for maintaining and improving border control between EU Member states and Georgia.

The following operations took place in 2016:

- Operational Heads of Airports Conference held on 8- 10 March, 2016 in Malaga, Spain;
- Frontex Joint Operation Alex I (Air Border Sector) held on 16 March to 19 May in Burgas, Bulgaria;
- Training in the field of return Operations, training for national Multipliers held on 9 -14 May, Luban, Poland;
- Joint Operation (JO) Focal Point Air 2016 - Intermediate Managers (Air Sector) held on 19-27 September in Vilnius, Lithuania.
- JO FOA 2016 Land on Border Surveillance at Greek-Turkish external Land border for the period 14.09 -12.10 2016;
- JO FOA 2016 Land on Border Surveillance Bajakovo at Croatian - Serbian external Land border for the period;
- Annual Bilateral Conference held on 4-6 October in Warsaw, Poland;
- JO Focal points BGR-TUR for the period from 14 September till 12 October, 2016 in Bulgaria.
- Analysis Questionnaire for the updating of the common core curriculum for Border Guard Basic Training.

c) Non-proliferation, Border Control and Maritime Security: Georgia has modern, operational Border Check Points, modernized and adapted to control different flows and fully in line with the best practices of EU member states. There is a standard design model applied to all Georgian BCPs which stipulates safe and well organized movement of passengers and cargoes. Infrastructure including buildings, access roads and booths are fully adapted for organized movement of different entry and exit flows.

Border Police is responsible for control of border regime and security on the “green” border, the maritime and air space of Georgia. Total approximate length of the green State Border of Georgia amounts to 1 839 km. Length of the area with Republic of Turkey is 275 km, approximate length of the area with Republic of Armenia - 224 km, approximate length of the area with Republic of Azerbaijan - 446 km and approximate length of the area with Russian Federation - 894 km.

Particular attention is given to the issues of radiation security at the state border; especially the aim is to prevent the smuggling of radioactive materials through Georgian borders. As of today all major roads, sea, railroad and air border crossing points are fully equipped with radiation detection equipment. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control. At the same time, MIA operative units have special technical equipment necessary for neutralization of nuclear related incidents. In nuclear non-proliferation and radiation security areas Georgia’s main partner is the USA.

It’s noteworthy, that through the projects of US Department of Energy and Department of Defense MIA received technical equipment (Radiation detection pagers, hand-held equipment, survey meters and identifiers and vans with radiation detection monitors), and police officers have received specialized training.

Currently there are several successfully ongoing projects in the radiation security area, including Defense Threat Reduction Agency (DTRA) and the Export Control and Border Security program. Within the framework of the projects MIA employees are trained to improve professional skills of law enforcement officers to detect, investigate and carry out special operations with regards to the transportation of prohibited substances and dual use (controlled) technology.

One of the key components of the Program is implementation of the Border Operation Management System (BOMS) project.

BOMS includes:

- Video surveillance;
- Communication and Tactical positioning (border patrols);
- Software and database (linked to el. processing of operations, incident registering, as well as data processing for analytics – Threat assessment and risk analyze).

Implementation of the BOMS is already initiated at the high risk sectors of Georgian-Turkish and Georgian-Armenian Border Sectors (5 Border Sectors are fully covered with modern video-surveillance and sensor systems, with established respective command centers at sector and regional levels).

Joint Maritime Operation Center (JMOC) was established in 2013 and officially opened in 2014. The concept of the JMOC integrates interagency approach for preventing, revealing and eliminating all kind of illegal activities, maritime incidents and grave violations of maritime space régime of Georgia that pose threats to the security of Georgia and the region as a whole. All relevant Ministries and legal entities involved in maritime operations will participate in JMOC operations. The JMOC is fully equipped with Joint Command, Control, Communications, and Maritime Surveillance Technologies. A new statute of JMOC was approved by the governmental decree in November 2015 and further amendments were made in September 2016 which shaped new structure and operational framework for the center.

JMOC ensures data integration and assessment of full maritime domain awareness picture. All relevant maritime agencies are participating in the JMOC operations: Coast Guard, Patrol Police Department, Customs (Revenue Service), Maritime Administration (Ministry of Economy), Ministry of Environment, State Security Agency, Ministry of Defense. It serves a strong analytical hub during the peace time as well as ensures coordinated operations during the maritime incidents and crises.

Travel document security

Digitalization process: Civil acts digitalization project was launched by Public Service Development Agency (PSDA) on 21.03.2014 within the framework of “Improvement of databases, facilitation of information and personal data protection” project. Based on the Order No.1806 of the Minister of Justice, PSDA was tasked to complete a digitalization process of all civil records of the Agency until December 2024. According to the decision made by Management Board of the Agency (21.11.2014), in the scope of project 1,000,000 civil acts must be digitalized during a year and the deadline of the digitalization project should be extended for 8 years. As a result, birth, marriage, divorce, adoption, filiation, given name and surname change, death act records kept at Civil Acts Tbilisi and Central Archives of PSDA have been digitalized. 3,637,170 acts have been digitalized so far since 21.03.2014 within the framework of different project including the one provided by Sida (see below).

At the first stage the act records of 1936-1938 were digitalized (second copy) that are not kept with the territorial office but are kept at Civil Acts Central or Tbilisi Archives of PSDA (total 65,677 acts). **At the second stage** the act records of 1939 were completely digitalized (total 96,917 acts). **At the third stage** the act records of 1940-1948 kept at Civil Acts Archives of PSDA were completely digitalized (total 718,078). **At the**

fourth stage – digitalization of the act records dating back to the period from 1948 to 1990 in Civil Acts Tbilisi Archive of PSDA has already been completed. Currently, digitalization of the records dating back to the period from 1948 to 1990 stored in Civil Acts Central Archive is ongoing and at this moment are digitalized 2,739,049 acts.

From October 2015, the PSDA in cooperation with the Swedish International Development Cooperation Agency (Sida), launched the 18 months long project - “Fostering Public Sector Development Through Efficient Delivery of Urban and Rural Services”, aiming at digitalization of 500,000 civil acts. As of January 2017 - 451 112 civil acts were digitalized. The digitization of the remaining civil act records will be completed by mid-April 2017.

Passports: From 1995 to 2006 the so-called “capped passport” was issued in Georgia (in consulates of Georgia abroad they were issued until 2008), a standard blank form machine-readable travel document. Its personal data page corresponded to ICAO standards. The aforementioned document had section for underage persons and its term could be extended as well. Therefore, it only partially complied with ICAO standards. On 1 January 2011 “capped passports” were announced invalid. The document is valid for those persons only who left Georgia based on that passport and are currently abroad, until they return to Georgia or take new passport of the citizen of Georgia abroad. To leave Georgia, a person has to take new biometric passport.

From 2006 to 15.04.2010 non-biometric machine-readable travel document with national emblem marked on the cover was issued in Georgia. Its personal data page corresponded to ICAO standards. This document could be issued to person of any age and no information about a third person (underage person) was specified there. The document was issued for the term of 10 years to adults and for the term of three years - to underage persons. The term of the document could not be extended. The aforementioned document was issued by diplomatic missions and consular offices of Georgia abroad until 28.07.2014.

Since 15.04.2010 biometric travel documents are issued in Georgia (biometric passports of the citizen of Georgia, travel passport of stateless person holding a status in Georgia and travel document of persons with refugee status). Biometric passport of the citizen of Georgia is a travel document protected from forgery. It consists of an electronic cover, two inner covers and 48 inner (visa) pages (including data page). The blank format fully complies with ICAO 9303 and Regulation (EU) N 2252/2004 of 13.12.2004 “On standards for security features and biometrics in electronic passports or travel documents issued by member states”.

The electronic data carrier of the biometric passport of the citizen of Georgia was changed on the basis of Order No136 of the Minister of Justice of Georgia dated 30.05.2016. The passports, issued in Georgia, were belonged to the so called “second generation”, meanwhile the standard of ICAO for the machine-readable travel documents; Doc 9303, already determined the “third generation” travel documents, which are protected with higher standards of security.

With the above mentioned change, the Supplemental Access Control (SAC) was added to the electronic feature of the passport. **The issuance of the “third generation” travel documents e.g. with the new electronic data carrier was launched as of July 2016.**

As mentioned above, biometric passport has been issued in Georgia since 15.04.2010; however citizens of Georgia residing abroad are able to apply for biometric passports at the Georgian consulates since August 2014. PSDA prepared a draft law with the Ministry of Foreign Affairs of Georgia on making a change to the law of Georgia “On the rule of registration of citizens of Georgia and aliens residing in Georgia, issuance of ID (residence) card and passport of the citizen of Georgia” providing for issue of biometric passport to citizens of Georgia residing abroad. The draft law was approved by the Government of Georgia and was adopted by the Parliament of Georgia on 29.05.2014 taking effect on 28.07.2014. The relevant technical works were provided in line with the legislative changes. Upgrades were made to the specific

software enabling receipt of application for biometric passport and electronic ID card of the citizen of Georgia at diplomatic missions and consular offices of Georgia abroad.

According to the changes made to the aforementioned law on 29.05.2014 taking effect on 28.07.2014, the passport without biometrics can be issued ultimately in exceptional cases only, when due to health, physical condition or other condition defined by the Chair of the Agency, when it is impossible to get biometrics from the person. Other exceptions are not stipulated by the law. Moreover, term of validity of non-biometric passport was reduced from 01.01.2015 and it shall be issued for the term of one year. According to this change, even when non-biometric passport is issued in cases stipulated by the law due to health or physical condition, the term of the document shall still be 1 year. Non-biometric passport shall be withdrawn from 01.01.2025, when all the non-biometric documents will have expired, if the document is not annulled earlier due to another reason. It should be noted that valid non-biometric documents decrease in number each year. To promote the biometric documents, the PSDA announced a special campaign on issuance of biometric passports with 50% discount; accordingly, within the period of 15.12.2016 - 10.01.2017, in the framework of this campaign, 75,281 citizens applied to the PSDA for biometric passports. As of 22.02.2017 there are 993,936 active biometric passports.

Capacity Development: Capacity development of the staff working at the Public Service Development Agency is one of the key priorities of the Agency which has been duly reflected in the strategies of PSDA since 2013 to date. Employees of PSDA are regularly trained for innovations planned in the Agency or changes made to legislative acts regulating the issues within their competence. Personal data protection training provided to the staff of PSDA territorial offices is one of the most significant components in this regard. Furthermore, trainings on personal data protection are annually organized for new employees. The relevant trainings are provided within the framework of the budget of PSDA.

PSDA puts the special emphasis on capacity building and skills' development of its own personnel along with those of other state agencies falling under the Ministry of Justice and dealing with ID and travel documents. In the wake of the Training of Trainers (ToT) on ID and document fraud held in April 2015, the trained PSDA personnel provided a series of the countrywide trainings for the territorial offices of the PSDA (414 persons in total). Parallel to that, in November 2015, the representative of the PSDA's Internal Audit Team took part in the training on document fraud held in the Netherlands by IOM/Dutch National Police and Netherland's Justice Ministry's Naturalization and Immigration Service. The experts from above-said Dutch national services provided the extended training in ID and document fraud prevention (targeting both international travel and civil status documents this time) in June 2016 for the relevant PSDA units as well as Public Service Halls and Community Centers (having regional coverage), as well as for the staff of the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia working on asylum applications. In order to pass the gained knowledge further, the trained specialists from the PSDA's Internal Audit and the Civil Acts and Population Registration Units provided two series of countrywide trainings for the territorial offices of the PSDA in July and December 2016. As a result, 209 specialists of the PSDA were trained in ID and document inspection (including civil status document security) in 2016.

Legislative amendments: "One document per person" principle was introduced. Information about the third persons (underage persons) has not been specified in travel documents since 2005 and a document is issued to all persons individually. Term of the document cannot be extended either.

Following the expert's recommendations, the Law on Civil Acts was amended and it stipulates that an adult can change his/her name only once (the amendment took effect on 01.06.2014).

Regarding the issuance of one travel document per person, a change was made on 06.02.2014 to the "Rule of registration and removing from the register of citizens of Georgia and aliens residing in Georgia,

issuance of ID (residence) card, passport, travel passport and travel document” approved under Order No 98 of the Minister of Justice of Georgia dated 27.07.2011 (taking effect on 11.02.2014) requiring written substantiation of a necessity to obtain a document in case of issuance of more than one passport. More than one passport can be issued only if a person needs to hold several passports to get visa or travel abroad at the same period of time. Moreover, according to the change made on 29.05.2014 to the law of Georgia “On the rule of registration of citizens of Georgia and aliens residing in Georgia, issuance of ID (residence) card and passport of the citizen of Georgia”, term of validity of the document was decreased and the document shall be issued for the term of one year from 01.09.2014.

In order to increase access to the safe and secure ID documents, during 2013-2017 by the initiative of the Minister of Justice of Georgia, Georgian citizens enjoyed the opportunity to obtain the ID documents at preferential costs or free of charge. In total, during the reporting period, the ID card for free or at a reduced price was issued for more than 1,000,000 persons.

Service accessibility and security of procedure: The Agency issues identity documents via territorial offices and printing centers. There are 65 territorial offices of PSDA as well as 19 (13 in 2015) Public Service Halls (PSH) and 44 (17 in 2015) Community Centers (CC) countrywide. Citizens can apply for identity documents at territorial offices of the Agency, Public Service Halls and Community Centers, also at diplomatic missions and consular offices abroad. Based on the amendment made on 17.11.2014 (Order No 53) to the Order No 98 of the Minister of Justice of Georgia “The rule of registration and removing from the register of citizens of Georgia and aliens residing in Georgia, issuance of ID (residence) card, passport, travel passport and travel document” dated 27.07.2011, non-personalized blank forms of the documents of strict record are transported on the territory of Georgia escorted by the armed guard. The aforementioned applications are sent to the relevant territorial office by means of specific software. Received applications are randomly and equally distributed among operators who make decision on making a document. Document personalization request is also sent electronically to biometric documents personalization centers. Ready documents are delivered by the Agency to the relevant territorial office, Public Service Hall, Community Center or diplomatic mission or consular office abroad. Documents can also be sent by post.

Additionally, PSDA has started a joint project with the Data Exchange Agency (DEA). The PSDA is defined as critical information carrier body; thus is a subject of the Law on “Information Security” that is in force since 01.07.2012. PSDA launched implementation of the commitments prescribed by the law in 2013. In particular, certain activities have been carried out for the introduction of Information Security Management System (ISMS). Since, at that stage PSDA staff did not have sufficient skills for introduction of ISMS independently; the agreement on implementation of ISMS project was achieved with the Data Exchange Agency (DEA), LEPL of the Ministry of Justice of Georgia. DEA is a body responsible for elaboration and execution of information security policy country wide; thus is possessing necessary resources and qualification. At the first stage PSDA aimed to extend information security provisions and rules on the most critical business processes, such as issuance of ID cards, travel and civil status documents. ISMS project was launched on 08.08.2013. In accordance with the project timeline, during 2013 it was envisaged to set up respective structural units of PSDA, elaborate basic documents of ISMS, identify information assets and raise awareness on information security. During the reporting period the following activities have been performed:

- Information security manager was appointed in PSDA;
- The statute of information security management was elaborated and information security board established on its basis;
- IT regulations of the Agency were elaborated in order to ensure consistency of IT Infrastructure Management System with ISMS by adopting the following policies:
- PSDA Internet Access and Information Technology Infrastructure Security Policy;

- PSDA Policy on Access of natural persons and conduct in biometric documents' personalization centers, Guideline on manufacturing ID/Residence electronic cards;
- PSDA Policy of internal consumer networking management;
- PSDA Access Policy for Electronic Databases;
- PSDA incidents, problems and change management Policy;
- PSDA's Physical and Area Security;
- PSDA on backup management of several databases and software.
- PSDA Procedure on Destruction of Data on the Electronic Information Storage Means;
- PSDA Procedure on Access and Behavior in Data Centers PSDA Procedure on Mobile Device Management and Security;
- PSDA Procedure on Remote Access on the Corporate Resources and Computer Procedure.

The above-mentioned regulations contain different provisions regarding information security such as: the general rules of user permissions, profile creation and deletion, separate regulations of password strength and length (combination of symbols, numbers, capital letters) of administrators and other users, the obligation of the employees to periodically change the password, the obligation to keep passwords only for themselves, etc., rules of restriction of access of unauthorized persons in personalization centers of Tbilisi, Batumi and Kutaisi, where the identity documents are printed; regulations and strict rules about remote access to desktop (VPN), in order to avoid access of unauthorized persons to internal network of the Agency, regulations about internet access and virus control, etc.; the regulations of access levels on software and main, reporting and test databases of the Agency specifying means to restrict an unauthorized access to the databases (e.g. strength of password of database administrator, the rules of keeping the password of the databases, etc.), which contain the personal data of the citizens of Georgia as well as of the persons having permanent Georgian residence permits, of internally displaced persons, etc.

The following trainings have been held:

- Information security legal framework – 20 employees of the Agency were trained;
- ISMS Overview – ISMS Management team trained;
- Introduction (info-sec) – ISMS Management team trained;
- Risk Management – ISMS Management team trained;
- Seminar on identification and description of information assets - ISMS Management team trained;
- Trainings are organized on legal framework of Information Security and information security incidence system - 600 employees of the Agency will be trained by the end of February, 2015;
- Document Security – 414 employees of the Agency were trained during 2015;
- Document Security – 107 employees of the Agency were trained during 2016;
- Risk Management of Information Security Management System – 20 employees of the Agency were trained.

ISMS Documentation was elaborated:

- Information Security Policy - determines general rules and provisions of ISMS and the extent to which the ISMS is applied in the Agency;
- The Charter of Information Security - the Information Security Board acts on the basis of the Charter of Information Security;
- Information Asset Classification Methodology;
- Risk Assessment Methodology;
- Risk Threat Control;
- Risk Management Methodology;

- Information Asset Identification and Description Methodology.
- Catalog of Threats;
- Control Mechanisms Applicability Statement.

Following steps are already completed:

- Risk management plan was developed;
- Training of Trainers was held on issues of ISMS implementation.

Prompt and systematic reporting to Interpol/LASP database on lost and stolen passports: The Agreement №13/02-051 concluded on 14.02.2013 between PSDA and the National Central Bureau of Interpol (Interpol) in Georgia of the Ministry of Internal Affairs of Georgia "On providing the National Central Bureau of Interpol in Georgia with the information on individuals kept within the PSDA electronic database" was further amended by the Agreement №13/02-051/062c that was concluded on 31.03.2014.

According to the amended Agreement, an Interpol shall be daily provided with the information about all passports of Georgian citizens, travel documents of the persons permanently residing in Georgia, Service passport and travel document of the person with the refugee or humanitarian status the reason for annulment of which is specified as "loss" in the PSDA database. As Georgian ID cards are used for travel to the Republic of Turkey, on 23.12.2014 additional amendments were made to the Agreement №13/02-051/062c (31.03.2014) according to which Interpol shall be daily provided with the information about ID Cards of Georgian Citizens that were reported stolen.

Therefore, the details of the documents are immediately placed with EasyForm3 on the General Secretariat of INTERPOL database on stolen and lost documents.

Table: The data on reported lost/stolen documents by years:

Year	Number of Repots	Year	Number of Reports
1995	7	2006	19,007
1996	26	2007	23,005
1997	114	2008	28,852
1998	810	2009	42,432
1999	1,841	2010	28,202
2000	3,082	2011	28,789
2001	2,082	2012	19,320
2002	3,510	2013	15,409
2003	2,936	2014	65,580
2004	7,713	2015	47,658
2005	11,185	2016	81,151

Under the order of the Minister of Internal Affairs of Georgia No 735, dated 25.09.2014 the Database of Stolen – Lost Travel Documents (SLTD) of the General Secretariat of International Criminal Police Organization – INTERPOL was integrated on all border crossing points of Georgia. The database was integrated within the framework of the project FIND. All essential documents for the implementation of the project were provided from all relevant units of the General Secretariat of INTERPOL and were studied by

the employees of NCB of INTERPOL in Georgia and Operative Technical Department of MIA. With the purpose of implementing the integration of lost/stolen database on all the BCPs of Georgia, by the Resolution of the Government of Georgia No 521 dated 01.09.2014 amendments were made to the Governmental decree No. 386 of 3012.2013 "on the state border regime and protection".

In November 2014 with the request of the National Central Bureau of Interpol in Georgia General Secretariat of Interpol granted equipment (MIND) to the employees of Patrol Police Department, who serve at ports of Georgia. Equipment includes Stolen and Lost Travel Documents database (SLTD) enabling to conduct inspection without the access to internet, which is relevant for the staff that carries out the inspection on vessels.

On 23-25.09.2014 with the support of TAIEX project, three day seminar on electronic communication of Interpol Database was conducted at MIA academy. The training was intended for the employees of Patrol Police department and General Prosecutor's office and was conducted by the representative from the General Secretariat of Interpol and Head of Slovenia Bureau of Interpol. The training aimed at integrating Interpol Database with the national database.

Regular exchange of passport specimens, visa forms and information on false documents' and cooperation on document security with the EU: Template of all the identity documents issued by the Agency is sent to the Ministry of Foreign Affairs that forwards these templates to the Embassies accredited in Georgia.

With the help of IOM, the PSDA has gained access to the global online databases of ID documents: In November 2015, the Agency was granted a 2-year subscription to KEESING online document checker; while in June 2016, the PSDA (including its territorial offices countrywide) was granted an unlimited access to the DISCS (Civil Status Documents Information System) administered by the Immigration and Naturalization Service of the Netherlands' Ministry of Justice and Security, and composed of electronic copies (with relevant descriptions) of passports and ID documents (including birth certificates) issued by different countries worldwide. This access enables the PSDA personnel, among others, to double-check the ID and supporting documents submitted by aliens asking for residence permits in Georgia and detect possible fraud.

Given that the important prerequisite for ensuring travel document security is to remain constantly compliant with ICAO standards, the PSDA successfully finished negotiations for joining ICAO Public Key Directory (ICAO PKD); in result Georgia (represented by the PSDA of the Ministry of Justice) joined the ICAO PKD in 25 May 2016; and the process of technical integration is underway at present. Association with the ICAO PKD will enable relevant Georgian authorities to share the mechanisms of the travel document validity check with their international partners, including the EU Member States that will build the robust document security and identity verification capabilities, and will simplify examination of validity of the documents held by Georgian nationals.

Refugee Status holders and Humanitarian Status holders are provided with the freedom of movement both within the territory of Georgia and outside the country that are ensured by the residence permit document under the established rule of Georgian legislation and the travel document (in case of humanitarian status holders travel document will be issued if person do not have any identification document. Article 19, Paragraph 2, Law of Georgia on Refugee and Humanitarian Statuses) considered in the 1951 Geneva Convention, which has been issued by the Public Service Development Agency of the Ministry of Justice of Georgia.

The parliament of Georgia adopted the package of amendments on 01.12.2016 to regulate rights and obligations of persons enjoying international protection. Respective amendments were made to the Law of Georgia "On the Rule of Registration of Citizens of Georgia and Aliens Residing in Georgia, Issuance of ID

(Residence) Card and Passport of the Citizen of Georgia”, that were enforced on 01.02.2017. Relevant bylaws have also been amended accordingly. A sticker form to be attached to the travel passport of the humanitarian status holder was approved (based on the Order of the Minister of Justice dated 18.01.2017); and necessary measures have been implemented for launching the process of issuance of the document. The PSDA has elaborated the special software that provides for issuance of temporary residence card for persons being under temporary protection. Upon enactment of above-said legislative acts, the PSDA, starting from 01.02.2017, has been issuing a travel passport for humanitarian status holders (with relevant sticker). By 24.02.2017, 32 travel passports have been issued for humanitarian status holders. Hence, at present, the PSDA provides for issuance of necessary documentation for persons enjoying international protection in full; specifically, persons enjoying temporary protection are issued temporary residence card, humanitarian status holders are issued temporary residence card and travel passport with relevant sticker (for travelling abroad); while the refugees are issued temporary residence card and travel document (for travelling abroad). Before granting the status, asylum seekers may also be issued a temporary identity card.

Security of radioactive sources

Georgia pays particular attention to the nuclear security issues since this field constitutes the cornerstone of entire national security. Therefore, important steps have been made for strengthening nuclear security of the country that covered significant developments on legislative, institutional, operational and international levels. At the same time, Georgia actively contributes capacity building process of its law enforcement agencies designated for combating nuclear security violations.

Georgia supports the existing global nuclear security architecture by implementing its requirements at a national level and demonstrating the commitment to international legal instruments. The Georgian Government devoted significant attention and attached high priority to the CBRN security field. Consequently, it decided to form Interagency Coordination Council, granting the State Security Service the leading role.

Legislative Developments: In February 2014 Government of Georgia adopted **CBRN Threat Reduction Strategy**. The Strategy constitutes the main document providing general directions in the process of reducing threats and mitigating consequences caused by chemical, biological, radioactive and nuclear incidents. The overall objective of this document is to foster the development of the nationwide mechanism for CBRN threat reduction, oriented on such components of CBRN incident management as prevention, detection, preparedness and response. In February 2014 Interagency Coordination Council on Combating CBRN Threats was established. The Council is mandated to coordinate the process of elaboration of **CBRN Threat Reduction Action Plan**, to approve this action plan and to monitor its implementation. CBRN Threat Reduction Action Plan was approved on 10 March 2015. It covers years of 2015-2019.

The elaboration of the plan was actively supported by the experts of the United Nations Interregional Crime and Justice Research Institute (UNICRI), U.S. Embassy in Georgia and the EU. The overall purpose of the CBRN National Action Plan is to ensure that separate efforts are incorporated into one coherent approach, thus strengthening national capacities for prevention, detection, preparedness and response to CBRN threats. Its aim is to strengthen regional security by increasing local ownership, local expertise and long-term sustainability. Document focuses on nuclear and radiological security; bio-security and bio-safety issues; as well as chemical components; non-proliferation of weapons of mass destruction and other components necessary for the creation of it; waste management; development of infrastructure; enhancement of capabilities of the relevant agencies through training and equipment; upgrade and implementation of relevant UN resolutions (including the United Nations Security Council resolution N1540) and other

international legal instruments, as well as, on international cooperation within the framework of the obligations assumed.

It should be especially noted that Georgia is the first partner state from EU CBRN Risk Mitigation Centers of Excellence initiative, which has developed and approved this document. The document was successfully presented at different international events conducted under the auspices of the UN. Various countries have already expressed willingness to share Georgia's experience and even more, to receive assistance from Georgia in the mentioned field for elaboration of the National Action Plan.

Furthermore, In 2012 Parliament of Georgia adopted the Law on Nuclear and Radioactive Security that establishes obligatory requirements for public and private entities while carrying out nuclear related functions for peaceful purposes. This legislative act aims to suppress and prevent all activities derived from illegal use of nuclear materials.

The Law on License and Permits further enhances nuclear security purposes subjecting any activity related to the trading with nuclear and radioactive materials to the special licensing procedure.

Moreover, active measures and criminal liability for using or attempting to use nuclear substances with terrorism purposes is provided by Georgian Law on Combating Terrorism and Criminal Code. Law on "Combating Terrorism" defines organizational forms, legal foundations and law enforcement coordination issues necessary for combating all forms of terrorism (Including nuclear terrorism).

Criminal Code of Georgia considers Technological Terrorism (CBRN related terrorism) as an especially grave crime for which defines from 12 years to life imprisonment (committed in aggravating circumstances). Furthermore, Articles 230, 231, 231¹, 231² and 232 establishes criminal liability for illegal handling, seizure or manufacturing nuclear substances as well as for the threat to commit abovementioned crimes.

Institutional Developments: Significant institutional changes have been carried out since 1st of August 2015, after establishment of the SSSG. Considering the functions of the State Security Service of Georgia, it became the leading law enforcement agency in the process of detecting, suppressing and preventing CBRN security violations and responsible for the coordination of activities related to the CBRN security issues. Therefore based on the *Government Decree dated 7th of September 2015, the CBRN Inter-Agency Coordination Council is chaired by and the Council Secretariat is transferred to the State Security Service of Georgia.* Currently, Counterterrorism Centre of the State Security Service is entitled to fight against terrorism crimes, whereas the relevant Departments of the SSSG are entitled to combat illegal trade of Weapons for Mass Destruction and its components and at the same time, to search and seize CBRN substances from the crime scene. Afterwards, the MIA Emergency Management Department carries out subsequent decontamination process and the MIA Border Police is responsible for detecting, suppressing and preventing smuggling of CBRN materials at the state border areas.

On November 11, 2015, the Parliament of Georgia adopted amendments in the law on Nuclear and Radiation Safety, as well as the law on Radioactive Waste Management. According to the above mentioned laws, LEPL Nuclear and Radiological Safety Agency was established, which is authorized to coordinate state efforts for radioactive waste management. Based on these laws, the agency elaborated Radioactive Waste Management Strategy for 15 years, which was adopted in December, 2016.

Georgia is in the process of developing as an international partnership centre in the field of CBRN. In July 2013, Tbilisi Regional Secretariat of CBRN Risk Mitigation Centres of Excellence started functioning. CBRN Centre is the initiative of EU that was implemented through active contribution of European Commission's Joint Research Centre and UN Interregional Crime and Justice Research Institute (UNICRI).

Centre of Excellence unites 9 countries of South East and Eastern Europe, also South Caucasus (Albania, Armenia, Bosnia-Herzegovina, Macedonia, Montenegro, Georgia, Moldova, Serbia and Ukraine) and its function is the capacity building of agencies involved in the reduction of the abovementioned threats.

Moreover, in 2015, as a result of the active efforts of the State Security Service of Georgia and by the initiative of Georgian Government, together with Philippines and Morocco, "UN Group of Friends on CBRN Risk Mitigation and Security Governance" (hereinafter GoF) was established. On 8 December 2015, the first inaugural session of GoF, chaired by the Mission of Georgia in the UN was held, which was attended by 27 member countries. The GoF will serve to address and promote various CBRN related topics in the United Nations, including in the Security Council, by actively engaging with Member States and the UN Secretariat. The GoF will help integrate the CBRN component in the international security architecture, sensitize states on the importance of mitigating CBRN risks, and foster regional cooperation on CBRN challenges. The GoF will also promote activities aimed at building capacity and develop capabilities between and among partner States and relevant state stakeholders, and promote best practices. *The second meeting of the GoF was held in February 2016 and the third meeting was held on 29 September 2016. Currently, 14 states are members of GoF (Georgia, Morocco, Philippines, Armenia, Afghanistan, Burkina Faso, FYROM, Jordan, Kenya, Malaysia, Montenegro, Saudi Arabia, Serbia and Vietnam).*

Georgia took significant steps to become a member of the *G7 Global Partnership against the Spread of Weapons and Materials of Mass Destruction*. It should be noted that on 1st of October 2015, at the G7 Global Partnership Working Group (GPWG) Meeting held in Berlin, Georgia expressed its readiness to join the Global Partnership in the field of CBRN security and with its experience, to further increase its contribution to global security architecture. Following the official request on accession to Japan (chairman country), *Georgia was invited to participate as a Member State to the G7 Global Partnership Summit, held in Japan, on 7-9 September, 2016*

Furthermore, Georgia (SSSG) was the main host of the *CSCM - World Congress on CBRNe Science & Consequence Management*, which was organized under the auspices of the Government of Georgia on *30 May-2 June 2016, in Tbilisi*. The Congress brought together high rank officials from *30 countries and international organizations, CBRN experts and scientists*. The Congress focused on CBRN counter-proliferation and counterterrorism issues with the goal of better understanding and acting to minimize the CBRNe threat. It's noteworthy, that Georgia hosted the mentioned event for the second time, before the CSCM - World Congress on CBRNe Science & Consequence Management was held on June 2-5 2014 in Tbilisi.

On 5-6 of October 2016, the SSSG together with MFA, MIA and the Civil Council for Defense and Security Organization with the support of Swedish Radiation Safety Agency and the UK Department of Energy and Climate organized the *Second International Forum for Regional Stability - Nuclear and Radioactive Challenges in the Black Sea Region: Causes, Consequences and Countermeasures*. The event brought together high level government officials, representatives of international organizations and experts to discuss a common nuclear security and non-proliferation agenda.

Georgia has been a party of various international and UN conventions aiming to reduce CBRN related threats. The country efficiently cooperates with IAEA, which has carried out several projects and assistance missions in Georgia.

Georgia actively collaborates with the IAEA ITDB (Illicit Trafficking Data Base) office by exchanging relevant information. Cooperation with this international mechanism for global information flow helps Georgian authorities to analyze the worldwide nuclear smuggling trends more effectively.

Georgia is continuing its partnership with the IAEA by implementing a national Integrated Nuclear Security Support Plan (INSSP), which works as a roadmap to achieve the best level of the state nuclear

security. In February 2014 an INSSP review mission identified general trends for next 5 years, which was adopted in October 7, 2015.

On April 8, 2015, Georgia signed second Country Programme Framework (CPF) with IAEA, which is the frame of reference for the medium-term planning of technical cooperation between a member state and the IAEA. The Framework identifies priority areas where the transfer of nuclear technology and technical cooperation resources will be directed to support national development goals. The new CPF covers Georgia's legislative base, nuclear radiation and safety infrastructure, health care (nuclear medicine and radiotherapy) and waste management and decommissioning.

On April 16, 2015, *Technological Innovations and Training Center* was established *which is functioning within the LEPL Operative-Technical Department of SSSG*. Foundation of the Center was aimed at development of trilateral cooperation between Georgia, United States and European Union in the field of nuclear and radiation non-proliferation, capacity building of the country in order to ensure non-proliferation of radioactive materials and also, contribution in further development of human and material resources.

The SSSG actively supports the MIA in border safety of the country and provides radiation controls systems existed at the state border with high quality technical and IT support, as well as training of personal. LEPL Operative-Technical Department of the SSSG along with the US experts and with the support of Institute for Transuranium Elements of the EU Joint Research Center (JRC) elaborated and implemented **intensive training** course related to detection and response on radioactive materials, as a result of which **employees of different structural units** of MIA (Patrol Police, Border Police, Special Tasks Department and etc.) and Ministry of Finance (Customs Department) are being trained *in the premises of Technological Innovations and Training Center*. Furthermore, recently the training curriculums and plans on prevention and non-proliferation of WMD and related materials for the personal of Coast Guard Department of the MIA Border Police of Georgia have been elaborated and implemented. Also, SOPs on detection of nuclear and radioactive materials for the MIA Border Police of Georgia have been created.

In order to ensure control of the movement of radioactive materials through the border crossing points, Georgia works closely with the US Department of Energy. Since 2006, within the frame of the "Second Line Defense" (SLD) program certain important projects have been conducted on capacity building of Georgia in the sphere of non-proliferation of nuclear weapons and radiation. The radiation control equipment was installed in all border crossing points and the relevant trainings have been conducted for the staff. It should be noted that in cooperation with the US Department of Energy, the standard operative procedures and personnel training system for sustainable development are also included in the spheres of cooperation with SLD Office.

Georgia effectively cooperates with the United States in the framework of Counter Nuclear Smuggling (CNS) Joint Action Plan signed by the two governments in 2007. Georgia has made substantial progress in implementing all areas of the following agreement (improving border security, prosecution and nuclear forensics efforts, etc.) and continues to investigate criminal cases and arrest offenders involved in the illicit trafficking of radiological and nuclear materials. In this regard *in June 2016, Georgian-American bilateral dialogue on countering smuggling of nuclear and radioactive materials* was held. Participants discussed key achievements made by the Government of Georgia in the field of nuclear and radioactive security. *The US side underlined Georgia's success in full implementation of the Joint Document* and expressed its willingness to further continue intensive cooperation with Georgian side.

It is important to note the measures implemented by the SSSG in terms of non-proliferation, as well as security of radioactive sources. In 2015-2016, Officers of the SSSG exposed two attempts of illegal sale of radioactive substances and, as a result, radioactive substances "Cesium -135" and "Cesium-137" were seized,

eight persons have been charged. *Additionally, in April 2016, two cases of illegal handling and selling of nuclear material have been detected by the employees of the SSSG.* In total, 12 persons have been detained.

Operational Developments: Law enforcement agencies of Georgia have sufficient material and technical resources for adequate response to nuclear security violations. Georgian law enforcement agencies are mainly focused on the prevention of nuclear security threats. For that purposes, all road, sea, railroad and air Border Control Points (BCPs) are fully equipped with radiation detection equipment, provided by US DoE – Police Officers as well as Customs Officials have been trained in appropriate procedures. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control.

In the context of CBRN security, particular emphasis is placed on training/retraining and enhancing professional capacity of personnel of appropriate law enforcement agencies. It is noteworthy, that the representatives of law enforcement and other relevant agencies, involved in the fight against CBRN threats participated in many international seminars, workshops and trainings organized by various partner countries (USA, Lithuania, Germany, Hungary, Bosnia-Herzegovina, Bulgaria, Sweden, Czech Republic an etc.) and international organizations (UNICRI, IAEA, NATO, EU, CoE and etc.).

Use of the Internet and other information networks for terrorist purposes

The **Criminal Code of Georgia** provides the criminalization of cyber-terrorism, namely the Article 324¹ defines **cyber-terrorism** as *“unlawful possession, use or threat to use of computerized information protected by law, which poses a threat of grave consequences perpetrated to intimidate the population and/or put pressure upon a governmental body”*. The punishment for this act is determined by deprivation of liberty from ten to fifteen years. The punishment for the same act that caused a death or any other grave consequences is determined by deprivation of liberty from twelve to twenty years or to life imprisonment.

Safe havens and shelter to terrorists and terrorist organizations

Territory of Georgia, where the Georgian authorities exercise their jurisdiction and control, is not a ground and source for terrorist activities, terrorists and terrorist groups. The very low statistics of terrorism related registered crime justify this.

In recent years the world has faced upraise of radical Islam. Conflicts in Syria and Iraq pumped jihadists to travel in above mentioned countries from all over the world. In order to tackle the **phenomenon of s. c. “foreign terrorist fighters”** more effectively and to fully **implement 2178 UNSC Resolution**, a substantial package of amendments to the Criminal Code of Georgia was elaborated, which was adopted by the Parliament of Georgia on 12 June 2015.

The draft amendments introduced the **crimes of incitement of hatred and participating in illegal formations operating on the foreign territory**, also introduced the **criminal punishment for the so called “Jihad travel”**. In response to the recent developments at the international scope, Georgia approaches the problem through the prism of countering violent extremism, together with the notion of countering terrorism, as such.

In order to counter the **recruitment of nationals as foreign terrorist fighters**, their movement through border crossing points of Georgia is strictly limited to the maximum possible extent. **Information is exchanged and active joint measures are planned with partner countries** in order to reveal FTFs and to prevent their illegal activities. Georgia uses the **secured channels existing within the frames of regional**

organizations, for the exchange of relevant information. Police/security attaché channels are widely applied for sharing the information as well. Georgia is also a party to CoE Committee of Experts on Terrorism (CODEXTER).

Besides, it should be noted that Georgia took steps towards integration of local Muslim society of certain regions of Georgia into the Georgian society. Government is trying to talk not only on the language of restrictions but also on the language of opportunities. Different programs and projects are successfully implemented, for ensuring ethnic and religious minorities' full-fledged participation in all spheres of public life, including equal participation in civil and political life, creating equal social and economic conditions and availability of high quality education at all levels and preserving national minorities' culture and identity.

Georgia has plans on developing economy of those regions. Enhancing equal access to education is one of the priorities for the Government of Georgia. There are several ongoing projects to support education and develop educational infrastructure, to create special programs for local students and update school facilities. Ministry of Education and Science of Georgia has financed certain projects that have been developed by the local schools. *In order to increase the integration of Muslim youth into Georgian society, the GoG now allows students to pass exams in languages other than Georgian, and the Government attempts to better advertise educational opportunities and scholarships to vulnerable population.* Government is supporting sport developments (such as rugby, Judo and etc. building modern facility for sports).

Enhancement of legislative framework on combating terrorism in 2015 has made the Counterterrorist Center of SSSG more flexible to act effectively in response to the existing challenges. Due to the effective law-enforcement measures carried out by the SSSG and as a result of the efforts of the different state agencies, including detention of ISIS representatives in Georgia, strengthening of terrorism-related legislation, as well as active campaign conducted in the society, in comparison with the previous years, in 2016 the number of radicalized persons willing to participate in terrorist activities has been sharply decreased. Moreover, in 2016 the travel of Georgian citizens towards Middle East to join ISIL has not been detected, nor the travel of fighters from the Middle East to Georgia.

2. Stationing of Armed forces on foreign territory

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Georgia has its armed forces which defends the independence, sovereignty and territorial integrity and perform the international liabilities in compliance with the Constitution of Georgia.

According to Article 100 of the Constitution of Georgia in order to fulfill International commitments the use of the Military Forces of Georgia is only permitted with consent of the Parliament of Georgia.

For the time being neither of international agreements or treaties of Georgia envisages such an international liability, which stipulates the deployment of the certain amount of the Military forces of Georgia in the territory of other Participating States.

Georgia contributes to RS (Resolute Support) mission by 872 Military Soldiers as follows:

- One Infantry Battalion with U.S. contingent in Bagram (558 servicemen);
- One Infantry Company with U.S. contingent in Kabul (173 servicemen);
- One Infantry Company with German contingent in Mazar-e-Sharif (130 servicemen);
- 2 staff officers with Turkish contingent, Kabul;
- 1 staff officer in the RSM HQ as the military advisor;
- 8 staff officers as a part of the National Support Element (SNE) office.

Moreover, Georgian side pays particular importance to participation in the EU crisis management operations under the CSDP, in this regard:

- Immediate Reaction teams (IRT, 5 PAX) on 6 months rotation basis, have successfully accomplished their tasks in the EU Military Advisory Mission in the Central African Republic (EUMAM RCA) from October 2015 to March 2016;
- Georgian side has deployed one officer at Liaison Officer's position in the EUTM-Mali Mission since 5th of January 2016 (3rd rotation was conducted in November, 2016);
- Georgian platoon-size unit (35 PAX) has joined the European Union Training Mission in Central African Republic (EUTM RCA) as a force protection team at the beginning of February 2017. Georgian side will contribute to the EUTM Mission till September 2018, on 6 months rotation basis.

In addition, The Government of Georgia has made a decision to get engaged in UN-led peacekeeping missions through involvement in the UN Military Assistance Mission in Afghanistan (UNAMA). In October 2015, Georgia deployed a Senior Military Advisor to the UNAMA for a one-year period; and in November 2015, his Assistant was deployed to the mission. The 3rd Georgian officer as a Military Advisor has joined the team in January, 2016. Senior Military advisor has accomplished the mission by the end of September, 2016. The two continue service for one more year (Assistant of the Senior Military Advisor will accomplish the mission on 18 November, 2017 and Military advisor will accomplish the mission on 24 January, 2018).

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

According to the Article 6 of the Constitution of Georgia, International Treaty or Agreement prevails national legislation, if it does not contradict the Constitution or the constitutional Agreement.

According to the provisions of CFE Treaty, Georgia as a state party implements the following commitments:

1. According to the protocol on inspections of the CFE treaty, Georgia receives/conducts the following activities:
 - Declared site Inspection,
 - Challenge inspection within specified areas,
 - Inspection of reduction,
 - According to the bilateral agreements Georgia receives/conducts the additional Declared Site inspections
2. According to the protocol on notification and exchange of information of the CFE treaty, Georgia prepares and circulates corresponding notification formats for the states parties by means of INA system and OSCE network.
3. According to Chapter I-V of the protocol on notification and exchange of information, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid as of 1st of January of the following year.

4. According to the protocol on procedures governing the reduction of Treaty Limited Equipment Georgia conducts the reduction of the decommissioned Treaty Limited Equipment by the means of their destruction.

According to the requirements of the Vienna Document (2011), Georgia as a state party is providing the implementation of the following provisions:

1. According to the paras 9 and 10 of the 1st chapter of VD2011, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its own armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid until the 1st of January of the following year.
2. According to VD2011 provisions prepares and circulates corresponding notification formats for states parties by means of INA system and OSCE network.
3. According to chapter IX of VD2011 Georgia implements the following provisions:
 - According to paras 74-106 Georgia receives/conducts specified area inspections;
 - According to paras 107-137 Georgia receives/conducts evaluation visits;
4. According to the article 144.9 of the X chapter of VD2011 receives/conducts additional evaluation visits (according to the bilateral agreements).

Georgia annually prepares and circulates via diplomatic channels Global Exchange of Military Information (GEMI) until April 30th. Information is valid as of 1st January of the current year.

According to the "Open Sky" Treaty provisions, Georgia annually receives/conducts observation flights.

These measures are implemented by the Arms Control and Verification Division of the General Staff⁷ of the Armed Forces of Georgia in conjunction with other relevant agencies.

Export Control Implementation in Georgia

Georgia performs support the international community and contribution to the reinforcement of international security and stability through development of renewed Export Control System, one of the main tool for the effective implementation of arms and in general strategic trade control, likewise non proliferation issues on the national level. Renewed legislative basis regulated Georgian export control, has been elaborated in the frame of EU and US Outreach Programs and is in full compliance with EU approach, EU regulations, standards and criteria. By these arrangements Georgia as UN and OSCE member state has fulfilled its international commitments which require states to implement an appropriate and effective system of strategic trade control and undertaken by:

1. UNSC Resolution 1540;
2. NATO Annual Action Plan;
3. US-Georgia Strategic partnership Chertier.
4. EU Georgia Association Agreement and Action Plan;
5. ATT treaty.

The renewed legislative basis regulated Export Control of Georgia came into force since 1st October 2014.

- Georgian Law on "Control of Military and Dual-use Goods"
- Ordinance of the Government of Georgia #394 (13.06.2014) on approval of "Approval of Military and Dual Use Products Lists".

⁷ According to new amendments in the constitution which entered into force after inauguration of the President (election was conducted in October 2013) Joint Staff has been transformed into General Staff

- Ordinance of the Government of Georgia #372 (09.06.2014) on "Determination of Control Measures of Military and Dual-Use Products".

Following Laws, still in force, regulate the export control of Circulation of Civilian Weapons and the activities covered by Licenses and Permits:

- Georgian Law on "Weapon";
- Georgian Law on "Licenses and Permits";

Export, import, transit, brokering service and technical assistance of Military products and related software and technology is carried out under Permit to be granted by Ministry of Defense of Georgia; the precondition for issuance of these appropriate permits is Recommendation of Permanent Military-Technical Commission of Ministry of Georgia.

Section II: Intra-State Elements

1. National planning and decision-making process

1.1 What are the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?

According to the Article 3 of the Constitution of Georgia the following shall fall within the exclusive competence of higher state bodies of Georgia:

- status, regime, and protection of the state borders, status and protection of territorial waters, airspace, continental shelf and Exclusive Economic Zone;
- state defense and security, military forces, military industry and trade in arms;
- issues of war and peace, determination and introduction of legal regime of state of emergency and martial law;
- foreign policy and international relations;
- integrated power system and setting, communications, merchant fleet, ensigns, harbors of state significance, airports and aerodromes, control of airspace, transit and air transport, registration of air transport, meteorological service, environmental observation systems;
- railways and motor roads of state significance;
- criminal police and investigation;

Article 26 of the Constitution defines that "Creation of paramilitary forces by public and political associations shall be inadmissible."

According to new amendments in the constitution which entered into force after inauguration of the President (election was conducted in October 2013):

The Prime Minister:

- Is the Chairman of the Government.
- Appoints/dismisses all ministers.

Some of the responsibilities were transferred from the President to the Prime Minister, Accordingly, the Government:

- Adopts normative acts on export and import control regulation and implementation;
- Approves the Strategic Military Equipment and Service List submitted by the Standing Commission on Military-Technical Issues under the Ministry of Defence.

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- Directs and manages activities of the executive government bodies related to the export and import control.
- Defines the authorities of the executive government bodies related to the export and import control.
- Based on international agreements as well as national interests, sets the quantity limitations of the goods related to export (import) control.
- Approves the export and import control dual-use goods submitted by the Ministry of Economy and sustain Development and agreed with the Standing Commission on Military-Technical Issues under the Ministry of Defence.

The Parliament of Georgia:

- Is the supreme representative body of the country, which shall exercise legislative power;
- Gives credence to the Prime Minister and the Government;
- Decision on Presidential proposal on announcement of the state emergency or martial law is made by majority of the total numbers;
- The majority of the total number of the members of the Parliament shall ratify, denounce and annul the international treaties and agreements;
- Annual adoption of the state budgetary laws is made by majority of the listed membership;
- Adopts the laws concerning the military issues.

The President of Georgia:

- Is the Head of State of Georgia; He/She shall lead and exercise the foreign policy of the state, ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution;
- Is entitled to dissolve the Parliament in accordance with the Constitution;
- Declares martial law in the case of armed attack on Georgia, makes peace when appropriate conditions exist and submits the decisions to parliament within 48 hours for approval;
- In the case of war or mass disorder, infringement upon territorial integrity of the country, coup d'état, armed insurrection, ecological disasters, epidemics, or in other cases, when state bodies are unable to normally exercise their constitutional power shall declare a state of emergency throughout the whole territory of the country or a certain part thereof and submit this decision to the parliament within 48 hours for approval. In the case of a state of emergency issues the decrees having the force of law, which shall remain in force until the end of the state of emergency, shall take emergency measures. The decrees shall be submitted to the parliament when it is assembled. Emergency authorities shall apply only to the territory where the state of emergency is declared for the reasons mentioned in the present paragraph;
- Shall award state honors, higher military ranks, special and honorary titles and higher diplomatic ranks;
- The president is the Supreme Commander-in-chief of the Military forces of Georgia. „The President of Georgia shall appoint members of the National Security Council, also appoint and dismiss, in agreement with the government, the chief of the General Staff of the Armed Forces of Georgia and other commanders.”

To refrain from repetition of functions among security forces and armed forces in the state, laws of Georgia “On Defense of Georgia”, “on police”, “On public security service”, and “On intelligence activities”, and other legislative acts are defining functions of the state security bodies. The establishment of the concept for military formation and the policy of the State Defense, generally, are based on the constitution of Georgia and laws of Georgia adopted under the Constitution of Georgia: “On defense of Georgia”, “On mobilization”, “martial law”, “On state of emergency”, as well as the military doctrine and other legislative acts of Georgia.

Georgian defence planning process is structured according to the law on defence planning. The Law on Defence Planning is based on the Constitution of Georgia. Defence planning is implemented on the basis of strategic and intra agency planning documents. The MOD is an active participant in the interagency working process that collaboratively produces key strategic guidance prescribed by the Law on Defence Planning. The Law on Defence Planning specifies the development and periodic review of national strategic documents as well as the preparation of internal MOD guidance and planning documents.

Further development of defence regulatory legislation is ongoing and is expected to be adopted in foreseeable future. It will define organization of state defence, management of the armed forces and exercise of democratic control as well as basis for evolving other state agencies in provision of state defence.

Spheres of the national security policy are also regulated by the law of Georgia on the “Rule of National Security Policy Planning and Coordination”.

National Strategic Planning Documents:

Georgia’s National Security Concept (NSC): The National Security Concept outlines nation’s fundamental values, interests, threats, risks, and challenges. The NSC also provides the major directions for national security policy as well as its foreign, social, and economic policy priorities. National Security Concept highlights the importance of enhancing GAF defensive capabilities based on the current security environment and the need to protect Georgia from external aggression based on the current security environment. The Government of Georgia develops the National Security Concept of Georgia and submits it to the Parliament of Georgia for approval. The National Security Concept was approved in 2010 by resolution of the Parliament.

National Threat Assessment Document (NTA): The National Threat Assessment (NTA) document determines military, foreign policy, domestic policy, transnational, social and economic, natural and technogenic threats and challenges that pose significant danger to the national security of the country. The Threat Assessment Document was approved in 2015 by the Government of Georgia.

National Military Strategy (NMS): The National Military Strategy translates political guidance from the National Security Concept of Georgia and the threats identified in the “Threat Assessment Document into military objectives and missions, and the required military capabilities. The National Military Strategy is a key military-political document of the Country. The National Military Strategy was approved in 2014 by the Government of Georgia.

Currently, State Security and Crisis Management Council launched revision and updating of the Document. This document will be developed by an intra-agency working group to define missions and goals for the MoD and GAF as well as required military capabilities needed to protect Georgia’s sovereign territory and its citizens based on threats identified in the *National Threat Assessment*.

Strategic Defence Review 2017-2020: “Strategic Defence Review 2017-2020” (SDR 2017-2020) represents the guideline document for the Ministry of Defence (MOD) of Georgia, that identifies main directions for the development of the MOD and Georgian Armed Forces (GAF) through 2016 and aims to enhance GAF capabilities and NATO interoperability.

The Document sets out the development directions of MoD and Armed Forces. The recommendations reflected in the Document forms the vision of further improvement of the Armed Forces capabilities on the basis of existing potential and analysis, as well as the lessons learned during past years.

Considering assessment and analysis of existing capabilities, the recommendations provide a vision to improve GAF capabilities through the execution of the Strategic Defence Review Implementation Plan (SDR IP). Strategic Defence Review 2017-2020 document was approved in 2017 by the Prime Minister of Georgia.

Currently, MoD has launched revision and update of SDR document with other government agencies, NGO's and foreign experts in order to adjust the objectives to the new defence budget, defence priorities and international commitments.

Strategic Defence Review (SDR) 2017-2020: Strategic Defence Review 2017-2020 represents the guideline document for the Ministry of Defence of Georgia that identifies main directions for the development of the MOD and Georgian Armed Forces through 2017-2020 and aims to enhance GAF capabilities and NATO interoperability.

The document sets out the development directions of MOD and Armed Forces. The recommendations reflected in the Document forms the vision of major defense structural reforms, including force reshaping and inactivation of marginal, largely obsolete defense systems. These actions provide the flexibility to shift greater defense spending on force readiness and equipment modernization. Development of the detailed *Implementation Plan (IP)* provides a management framework to ensure all *SDR* recommendations are properly planned, coordinated and executed. Strategic Defence Review 2017-2020 has been approved this year by the Government of Georgia

The White Paper: This document covers a 4 year (2017-2020) planning period and represents an integrated approach for the development of defence systems and its critical priorities. The document envisages formation of strong and effective defence institution and modern Armed Forces capable of deterring existing threats and protecting the country's security and sovereignty. The White Paper promotes the Georgian Armed Forces to be balanced, mobile, adaptable and sustainable.

MoD Internal Planning Documents: Within the MoD, several intra-agency documents are published or updated regularly to plan, coordinate and integrate defence management activities.

Minister's Annual Guidance 2017: Document Provides detailed direction concerning anticipated outcomes/results from the execution of specific key actions reflected in the White Paper for the ongoing year.

Defence Programs Guidance (DPG): Defence Programs Guidance represents short-and mid-term planning guideline document. Based on Strategic Documents, DPG defines priorities for programs development and budget planning, supports elaboration of Georgian Armed Forces sustainment and development plans, and provides guidelines for Program Coordinators and relevant structural units.

Decision-Making Structure

In order to ensure that its decision-making processes are participatory and well-informed, the MoD has refined its internal decision-making system. Internal thematic working groups composed of the MoD and the General Staff mid-and lower-level representatives have been established to develop and review reform initiatives within their respective fields. There are 6 thematic working groups:

- Material resources management working group
- Human resources management working group
- Education and Training Working Group
- International Cooperation Working Group
- Force Planning Working Group
- Information technologies and Cyber Security Working Group

After reviewing and analyzing reform initiatives, they submit their recommendations for consideration to a higher-level body, the Management Team. The Management Team is composed of heads of MoD and GS department. Once it reviews the developed reform initiative, it passes the initiative on to the Decision-Making Board composed of the Minister, deputy ministers, the Chief of Defence (ChOD), and

deputies (CHoD). The final decisions of the Decision-Making Board are approved by the Minister with an official decree.

Defence Resource Management System

Ministry of Defence of Georgia institutionalizes Defense Resources Management System in order to improve Armed Forces capabilities and to ensure that MOD resource expenditure is adequately controlled and transparent. Main activities, which take place each year, are listed below.

Defence Programs Guidance – represents short-and mid-term planning guideline document. Based on Strategic Documents, DPG defines priorities for programs development and budget planning, supports elaboration of Georgian Armed Forces sustainment and development plans, and provides guidelines for Program Coordinators and relevant structural units.

Program Coordinators – to improve the planning and execution process of program-based budget, Program Coordinators for each program are officially assigned by the minister's order.

Sub-Program managers - Program managers, identified by program coordinators, means that for the first time in the Ministry of Defence of Georgia an appropriately qualified and accountable person (assigned by Minister's Order) will be responsible for planning and implementation of each program activities.

Defence Programs - Program Coordinators develop Defence Programs based on instructions and recommendations described in DPG document. Defence Programs specify force development actions to take place within budget year and the following three fiscal years.

Program prioritization process – After program elaboration, activities within programs and subprograms are discussed, analyzed and prioritized by Management Team and Decision Making Board.

Program Based Budget – Defence programs with financial information is submitted to the Ministry of Finance.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

According to the paragraph 2 of the article 98 of the Chapter 7 of the Constitution of Georgia, "Georgia shall have the Military forces to protect the independence, territorial integrity and sovereignty of Georgia, to fulfill international commitments. The Law of Georgia "On participation of the Armed Forces of Georgia in Peacekeeping Operations" adjust legal relations existing in Georgia and the obligations undertaken by Georgia under international treaties and agreements connected with the participation of the Armed Forces and civil personnel of Georgia in operations of maintenance and restoration of International Peace and in other kinds of Peacekeeping Activities.

Currently, Georgia contributes to NATO's Resolute Support Mission with up to 900 PAX, making Georgia the second largest contributor after the US. Moreover, participates in EUTM RCA, EUTM Mali, and UNAMA (see paragraph 2.1).

Georgia is actively involved in regional security organization consistent with its Euro-Atlantic aspirations. It is part of the trilateral Eternity Command Post Exercise involving Turkey, Azerbaijan and Georgia.

Georgia meets all international commitments related to defence issues such as international agreements, treaties, and memorandums (including adherence to the 6 point ceasefire agreement of August 12, 2008). Georgian defence capabilities fall under the ceilings regulated in the framework of Organization for Security and Cooperation in Europe. It remains transparent and shares information on defence matters in accordance with international obligations (including CFE, Vienna Document, Open Sky treaty, CCW and the

Memorandum of Understanding between the Ministry of Defence of Georgia and the European Union Monitoring Mission of January 26, 2009 and its amendment of July 02, 2010).

2. Existing Structures and Processes

2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

Article 69, paragraph 2 of the Constitution: - "The President of Georgia is the Supreme Commander-in-chief of the Military forces of Georgia". Article 73, paragraph 3 of the Constitution: - "The President of Georgia shall appoint members of the National Security Council also appoint and dismiss, in agreement with the Government, the Chief of the General Staff of Armed Forces of Georgia and other commanders".

Article 98, paragraph 3 of the Constitution, The types and composition of the Armed Forces shall be determined by law. The President of Georgia shall approve the structure of the Armed Forces, while the Parliament of Georgia shall approve the number of the Armed Forces by a majority of the full list of MPs on the recommendation of the National Security Council.

According to the Article 99, paragraphs I and II "The National Security Council shall be set up to organize the military development and defence of the country. The president of Georgia shall head the National Security Council". "The composition, powers and rules of operation of the National Security Council shall be determined by organic law".

According to the Article I, paragraph II of the Organ Law "On national Security Council", adopted in November 11, 2004, "National Security Council of Georgia is an advisory body to the President of Georgia, empowered to consider issues determined by the Organic Law on National Security Council of Georgia to draft highest political decisions".

New consultative body - State Security and Crisis Management Council has been created under the Prime Minister's office in January 2014. The permanent members of the council consist of the Ministers of: MFA, MOD, MOIA, Finance as well as assistant of the Prime Minister on security issues and the head of the Georgian Intelligence Service. The aim of the Council is to assess the internal and external threats and provide proposals to the Prime Minister in order to avoid/manage political, economical, ecological, social crisis issues.

In accordance with Article 3 of the Georgian Constitution "state defence and security, military forces, military industry, and trade in arms come exclusively within the special competence of Supreme State Authority of Georgia".

Article 9 of the Law on "Defence of Georgia" defines that „The Ministry for Defence of Georgia is a state management body of the Georgian Armed Forces and shall be responsible for training and developing Armed Forces and for implementing defence missions assigned to the Armed Forces.”

Article 4, paragraph I of the Law on "Defence of Georgia" defines that: 1. "The Parliament of Georgia shall: a) approve the National Security Concept of Georgia and define the state policy of defence; b) approve the Military Doctrine and the Military Development Concept of Georgia; c) adopt laws in the field of defence; d) approve the text of the military oath; e) review and approve the defence budget together with the State Budget; f) approve the number of military forces; g) ratify, denounce and annul international military agreements and treaties; h) control development of the military forces of Georgia and compliance with the legislation of Georgia in the field of defence.

Paragraph II of the abovementioned article defines that the Defence and Security Committee of the Parliament of Georgia shall perform functions in the field of defence under the Law of Georgia on Committees of the Parliament of Georgia.”

Furthermore, article 59, paragraph II of the Constitution refers to the power of parliamentary oversight, “A parliamentary fraction consisting of at least 10 MPs shall have the right to pose questions to the bodies accountable to Parliament, the Government, and particular members of the Government whose obligation is to answer questions at the meeting of Parliament. The answer may become the subject of discussion by Parliament.”

According to the Article 60 of the Constitution of Georgia „Any Government member, an official elected, appointed, or approved by Parliament, shall have the right and may be required to attend the Parliament, committee, or commission meetings, answer the questions raised at the meetings and present a report of activities performed. Parliament, committee, or commission shall hear the officials immediately upon request”.

According to the current Georgian National Military Strategy (NMS) democratic control of the Armed Forces is a key principle of defence policy, implying that decisions on development and use of the GAF, acquisition of armament and other material means, as well as the use of its existing resources taken under democratic and civil control. Georgian defence policy is based on the principles of transparency and accountability implying inculcation of Good Governance practice within defence system, maximum openness of defence business processes as well as effective and efficient outsourcing. It also means increasing the Ministry’s accountability to Parliament and civil society.

Georgia joined the NATO Building Integrity initiative in 2013 and completed the self-assessment questionnaire that was followed by the positive report of the NATO Review Team. It highlighted increased use of electronic procurement systems, enhanced relations with civil society, establishment of the Citizens Reception Office, improved work of the military promotion boards, independent testing of civilian personnel, and introduction of an online asset declaration system to prevent corruption as especially successful and innovative reforms undertaken by the MoD. NATO called on Georgia to share successful Defence reforms with other nations.

The MoD has been actively involved in development of Building Integrity program followed by its detailed action plan and National Anti-corruption program led by the ministry of Justice. In terms of this program National Anti-Corruption Strategy and its action plan were adopted. Also, It is noteworthy to mention, that according to the defence anticorruption index, Georgia has made progress and country has moved from category “D” to category “C”.

Great deal of effort was directed towards formation of the first local BI instructors’ team, which have already conducted 4 BI and the Corruption Risks Reduction course for the Defence Officials, also one course was conducted for the wider security sector in the December of 2015. Also pre-deployment training is conducted for all the military personnel participating in the international military or peace-keeping missions.

Furthermore, it is planned to establish BI Research and Education division in the Defence Institution Building School, which will be established within the framework of the NATO-Georgia Substantial Package in the year 2016. Developing this capacity will make possible to introduce BI research projects tailored to the local needs, organize seminars and conferences contributing to the professional networking, experience sharing and sustainable growth of the BI community within the region.

In the beginning of 2015, for the purposes of further development of BI system within the Ministry of Defence of Georgia Building Integrity and Anticorruption Environment Monitoring Council was established. The Council plays the key role in elaboration of effective mid and long term anti-corruption strategy and policy.

2.2. How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

These procedures are ensured by Parliamentary oversight over security and defence sector institutions. The legislative framework defines basic functions of the parliament in exercising democratic oversight over the government. The Constitution and respective laws provide the Georgian parliament with a wide range of mechanisms for effective control over the executive institutions. That is to say, the parliament can control government policy by exercising its right to:

- Adopt defence-related laws
- Determine the country's domestic and foreign policy priorities
- Determine the state defence policy
- Ratify, denounce or annul international treaties and agreements and military contracts
- Approve the structure of government and governmental programs and action plans
- Require progress reports on the implementation of governmental programs and organize respective hearings
- Debate and approve the state budget, including the defence expenditure
- Approve Georgia's Military Doctrine and the Development Concept of the Armed Forces
- Approve military oaths - approve the strength of the armed forces
- Approve presidential decrees on the deployment, stay and withdrawal of foreign troops into/from the Georgian territory
- Approve presidential state of emergency and martial law decrees
- Approve presidential decisions on the use of the armed forces during the state of emergency or martial law.

It should be noted that According to the 2010 constitutional amendments, entered into force in 2013 consignment institute has been established. The President needs consignment of the Prime Minister except for the cases defined in the constitution.

The Prime Minister appoints the Defence Minister and the Chief of General Staff is appointed by the President of Georgia with submission of the Government.

In addition, according to the organic Law on the "National Security Council of Georgia", National Security Council of Georgia, within the constitutional powers of the President of Georgia, considers the following:

- National military strategy of Georgia;
- Issues directly related to the military development and organization of defence of the country;
- Situations related to the cases of armed attack against Georgia, declaration of a State of War and, provided that there are acceptable terms, signing of an agreement for truce;
- Situations related to the cases of war, massive disorder, violation of the territorial integrity of the Country, military coup, armed insurrection, ecological disaster or epidemic or in any other cases, in which State Authorities are deprived of the ability to execute their powers stipulated in the Constitution;
- Questions related to issuing decrees in the cases of a state of war or a state of emergency;
- Structure of the military forces and submits it to president for approval;
- Issues related to appointment and dismissal of the Chief of the General Staff of the Georgian Armed Forces and other Commanders;

- Issues related to the situations regarding the international conflict zones and develops proposals concerning Georgia's cooperation with joint security systems;
- appropriateness of Georgia's participation in security measures conducted outside the country and in accordance with treaties and agreements signed and/or recognized by Georgia;
- the appropriateness of the entrance, use and movement of the military forces of another country on the territory of Georgia for the purpose of national defence, in special cases or in cases envisaged by law;
- Issues regarding the combat readiness of the military forces;
- The size of the armed forces determined by the vote of 2/3 of the members of the National Security Council and submitted for the approval by the Parliament of Georgia together with submitting of the State Budget by the Government of Georgia.

Secretary of the National Security Council of Georgia also participates in elaboration of the following strategic and conceptual documents:

- National Security concept of Georgia
- Treat Assessment Document of Georgia
- National Military Strategy of Georgia

2.3. What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

According to Article 98 of the Constitution „Georgia shall have the Armed Forces to protect the independence, sovereignty and territorial integrity of the country, also to fulfill its international obligations”.

The National Military Strategy (NMS) identifies three missions for the Georgian Armed Forces:

- Deterrence and Defence;
- Contribution to Strengthening Regional and International Security;
- Support to Civilian Authorities during natural and Manmade Disaster.

Successful implementation of the military missions requires the availability of resources, high combat readiness and close interagency cooperation. National Military Strategy (NMS) determines Military Capabilities needed to accomplish the missions of the GAF: Force Readiness; NATO Interoperability and Cooperative Security; International, Regional and Bilateral Cooperation; Interagency Coordination and Cooperation.

Mechanisms of Democratic control of the armed forces of Georgia are the following: President of Georgia who is elected on the base of universal, equal and direct suffrage by secret ballot and according to the constitution is the supreme commander-in-chief of the Armed forces;

The Parliament of Georgia approves the number of military forces, adopts State Budget, the part of which is the Defense Budget, declares the power of attorney to the government, the member of which is the Minister of defense of Georgia.

For ensuring democratic control of Defense System, the Law of Georgia “On Defense of Georgia” has been adopted.

According to above-mentioned Law, functions between the Ministry of Defense of Georgia and General Staff (Civilian and Military) have been divided on the Legislative level. Particularly, the Ministry of Defense was defined as the State Managing Body of the Armed Forces and General Staff – as the operative managing body of the armed forces.

According to the Law, Civilian office of the Ministry of Defense:

- observes the defense budget and purposeful spending and use of material welfare;
- One of the most important mechanisms of democratic control over the defense sector is that the head of the Ministry of Defense is civilian, state-political person.

In addition, Legislative amendments initiated by the MoD in 2013 on "Trust Group" and "Defence of Georgia" laws which requires that the Defence and Security Committee (in open acquisitions)/Trust Group (classified acquisitions) must be informed of planned acquisitions of an estimated cost of more than GEL 2 million for goods or services and GEL 4 million for construction works. This enables Parliament to track high-value expenditures from initial planning to completion, as well as take timely action in the case of identifying omissions.

Moreover, the Constitution of Georgia, „Parliament regulation”, Laws "On Ombudsman of Georgia", "On Parliamentary Fraction" , on "State Audit Service" and „On the Structure, Proxy and Activity Rule of the Government of Georgia" from legislative point of view ensures democratic control on Armed Forces and Security Services.

The procedures of control over security forces, intelligence services and the police, in the capacity of being part of the executive branch (the Government), are implied in the following provisions of the Constitution of Georgia:

- According to **the Article 78 (1)**, The Government shall be accountable to the Parliament of Georgia;
- According to **the Article 48**, the Parliament of Georgia is the supreme representative body of the country, which among other powers exercises control over the activity of the Government;
- According to **the Article 80 (3)**, the composition of the Government and the Governmental program shall obtain the confidence from the Parliament of Georgia;
- According to **the Article 81 (4)**, the Parliament of Georgia is empowered to declare constructive vote of non-confidence to the Government by qualified, three-fifth majority vote and the President is not authorized to intervene;
- The Parliament of Georgia is also constitutionally entitled to have a control on individual ministers. According to **the Article 59 (3)**, the Parliament is authorized to raise a question of liability of a particular member of the Government before the Prime Minister by a simple majority vote. Under **the Article 64**, the Parliament is empowered to dismiss individual ministers through the impeachment procedure by a simple majority vote;
- According to **the Article 59 (1 and 2 paragraphs)**, a member of the Parliament, a group of at least ten members of the Parliament or a Parliamentary Faction are entitled to apply with a question to the bodies accountable to the Parliament (including a member of the Government) and to receive answers from them;
- According to **the Article 43**, the protection of human rights and fundamental freedoms within the territory of Georgia shall be supervised by the **Public Defender of Georgia** who shall be authorized to reveal facts of the violation of human rights and freedoms and to report on them to corresponding bodies and officials.

Therefore, the institutions which exercise democratic political control of the above-mentioned forces under the Constitution of Georgia are **the Parliament of Georgia** and **the Public Defender of Georgia** (regarding control over activities of these forces for ensuring protection of human rights and fundamental freedoms).

The new Law of Georgia "on State Security Service of Georgia" stipulates **clear legal mechanisms for ensuring public oversight and democratic standards**. According to the Law the activities of the Service are subject to democratic control from the Government and the Parliament. A number of mechanisms of

accountability envisaged by the relevant legislation and the Regulations of the Parliament apply to the Service

One of the main accountability mechanisms is the **Head's obligation to appear before the Parliament with the annual report**. The Parliament either agrees with the report or provides necessary recommendations for eliminating deficiencies revealed therein. The Parliament can also file a motion of no-confidence against the Head of the Service as prescribed by the law.

In addition, like other officials appointed by the Parliament, **the Head of the Service is also obliged to appear on a respective session at the legislative body (including sessions of the Parliament, committees, the majority, the minority or the investigative commission)** to present relevant documentation, give explanations and is subject to the accountability mechanisms provided for by the Constitution and the Parliament Regulations.

In the investigation process, the State Security Service of Georgia is subject to the same external control mechanisms as are the law enforcement agencies. In this process, its activities are **controlled by the prosecution office and the courts**.

Special attention is devoted to ensuring the relevant level of transparency. According to the Article 1 of the Law of Georgia on "Trust Group", the **Parliamentary Group of Trust** has been determined as the institutional mechanism to exercise budget control over special programs and secret activities of agencies of the executive Government of Georgia including the State Security Service of Georgia. It should be emphasized that the Group of Trust is staffed with the members of the Parliamentary majority and opposition. It consists of five members including the representatives of majority and minority, as well as the Member of Parliament belonging to neither of them.

According to **the Article 3 (1) of the Law on "Trust Group"**, each member of the Trust Group shall go through the vetting procedure in order to be security cleared and be granted an access to classified information in conformity with the rule prescribed by the Law of Georgia on "State Secrets". Under **the Article 9** of the mentioned law, the trust group is authorized to propose to the Parliament of Georgia **the formation of an investigative commission** in case if the group thinks that the activities of the respective agencies of the executive government endanger public safety, or in case if the head of the respective agency oversteps his/her authority.

Moreover, substantial changes were made to the data protection legislation in 2014. Under the amendments made to the Law of Georgia on „**Personal Data Protection**“ on 1st of August 2014, the **Personal Data Inspector's competencies were extended to law enforcement sector**. The Personal Data Inspector may request access to various databases administered by the law enforcement agencies of Georgia and conducts inspections for their monitoring. **The Personal Data Inspector is also authorized to carry out monitoring and control over covert investigative activities**.

3. Procedures related to different forces personnel

3.1 What kind of procedures for requirement and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

According to the Constitution, "Defence of Georgia shall be an obligation of every citizen of Georgia". Besides, according to the Law of Georgia "On Military Duties and Military Service" citizens of Georgia aged from 18 to 27 years, who are registered or obliged to be registered for military service and are not entitled to be released from the military draft or to deferment of the military call-up, shall perform their military duty.

Procedures such as interview, medical examination, physical examination, psychological testing and other special examination procedures are used for the recruitment and call up in the MOD system.

3.2 What kind of exemptions or alternatives to military service does your State have?

According to the Chapter 29 of the Law of Georgia "On Military Duties and Military Service"

1. The following persons shall be released from the military draft:
 - Persons recognized as unfit for military service as per their condition of health;
 - Persons who did military service in the military forces of other states;
 - Persons who have been convicted for grave or especially grave crimes;
 - Persons who have done non-military, alternative labor service;
 - The only son of a family in which at least one member was killed in the action for the territorial integrity or military service;
 - A member of the Parliament of Georgia.
2. The Prime-Minister of Georgia shall be empowered to release an especially gifted conscript from the military draft.

According to the paragraph 3 of the Article 29 of the law on "Military Duty and Military Service" Persons with disabilities defined by the legislation of Georgia are released from the performance of military duty. Besides, the Law "On Non-Military, Alternative Labor Service" considers the cases of call-up deferment.

According to the Article 5 of the Law of Georgia "On Non-Military, Alternative Labor Service": Citizens shall perform non-military, alternative labor service in the following special non military labor formations, in groups or individually:

- Rescue, ecological, fire-prevention or other special non-military labor formations;
- Engineering, repair organizations and facilities of civil purpose;
- Organizations and facilities making agricultural production;
- Establishments of communal/utility services;
- Establishments of health protection.

Under this Law assignment of the citizens by the State Commission on the call-up of Citizens for Non-Military, alternative labor service to care for aged persons, invalids, persons without any care, and, according to the legislation, other socially unprotected persons, shall be considered as non-military, alternative labor service.

According to Article 5, paragraph 3 of the law on "non-military alternative labor service" the Government approves the list of the alternative labor jobs/formations where citizen could pass the alternative service.

According to article 5, paragraph 4 the on "non-military alternative labor service" citizen who passes non-military alternative labor service, could be employed in liquidation works of the natural disasters consequences, other seasonal harvest works or other non-military works based on the decision of the Government or/and Prime Minister.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The Law of Georgia “On the Status of Military Servicemen” defines the rights, obligations, and also the basic guarantees of their social and legal protection of the persons having the status of military servicemen, as well as members of their families and persons discharged from military service.

Besides, protection of the Rights of military personnel (including conscripts) is regulated by the Constitution of Georgia, as well as by the Georgian Laws on “The Statue of Military Personnel”, “Public Service”, “State Compensation and State Academic Scholarship”, “Military obligations and Military Service”, “Military Service”, Decree N238 of the Government of Georgia and “Labor Code. The servicemen enjoy all rights provided by the Constitution except the following:

- membership of any political party;
- Organization of demonstrations and participation in demonstrations;
- Owning business or another simultaneous job (excluding scientific, pedagogical and medical assignments, if they do not prevent or hamper responsibilities related to military service);

Military servicewomen (as well as civilians) enjoy special rights defined by the new law on “Labor Code” in case of pregnancy, giving birth and growing child.

According to the abovementioned laws, servicemen have right to appeal to above-standing administrative structures as well as to the Court or Ombudsman.

The National Inter-Agency Commission on the Implementation of International Humanitarian Law (IHL Commission) was established on 31 October 2011 upon the Governmental Decree №408 dated 28 October 2011. Standing Inter-Ministerial body was set up to implement, ensure respect to International Humanitarian Law (IHL) and coordinate the work of different entities in this field. IHL Commission is headed by the Minister of Justice and is composed of the representatives from different relevant governmental agencies and Parliament of Georgia. The International Committee of the Red Cross (ICRC), the Georgian Red Cross Society and experts of International Public Law, International Humanitarian Law and International Criminal Law are also invited to the Commission. One of the main objectives of the Commission is to promote dissemination of IHL programs and various educational activities in cooperation with ICRC.

The 2017-2018 National Action Plan for Implementation of International Humanitarian Law is was adopted by the Interagency Commission on April 4, 2017.

The Action Plan envisages the dissemination of IHL principles in numerous ways:

- Dissemination of IHL among target groups (journalists, teachers, schoolchildren, doctors, media representatives, etc.);
- Translation into Georgian and production of the scholarly literature on IHL;
- Sharing experience with teachers of IHL and organization of events in order to upgrade their knowledge;
- Organization of annual National Competition and summer law school on IHL for students;
- Organization of teaching activities for the representatives of the Secretariat and the members of the Commission.

The Action Plan also ensures organizing annual national competition on IHL for students to increase their knowledge in this field. The current annual competition on IHL is implementing by the Ministry of Justice in close cooperation with the Training Center of Justice of Georgia and International Committee of the Red Cross Delegation in Georgia. It consists of lectures and final rounds. The target groups of the

competition are students of various universities from the regions of Georgia, including the Defence Academy. The Students should be represented with three-member team, each of them from the same university.

Lawyers, employed at the military divisions, permanently give instructions to military persons in order to inform about normative acts (from them local and international legislation).

Field Manuals and guiding documents consider the aspects of IHL in it.

According to the agreement of October 25, 2002 "On Cooperation in the Sphere of Integration of International Humanitarian Law between the Ministry of Defense of Georgia and International Committee of Red Cross" Georgian Armed Forces officers, with support of the Committee of International Red Cross, are taking courses on law of armed conflicts.

According to the new memorandum of understanding signed between the MOD and International Committee of Red Cross in May 2014. "Working group" was created in 2015 and IHL courses and seminars for the officers of GAF are conducted with support of ICRC (Tbilisi Delegation).

All of basic training programs includes Humanitarian Law subject.

According to the Article 1, Paragraph 3 of the Georgian Law from July 22, 1999 "On Participation of Georgian Armed Forces in the peacekeeping operations" for implementation of the aims of Law, Peacekeeping forces should have special training and studies (supervision over the implementation of cease-fire agreement, separating adversarial sides, their disarmament and dispersal, conduct of engineering works).

42 Gender Advisors have been identified and are actively involved on gender issues;

Gender Advisor (42) in Georgian Armed Forces is military or civilian service man/women committed to:

- Support the implementation of Gender Equality Strategy;
- Consultations on gender equality principles and values;
- Support the trainings and researches on gender within the unit;
- Support adequate responding on the cases of discrimination and harassment.

MoD Gender Equality Strategy also includes the provisions on the training on UNSCR 1325 and following resolutions as part of the pre-deployment trainings for the peacekeepers. Presently, we have 4000 serviceman and women trained in gender who has participated in peacekeeping operations.

According MoD "Human Recourses Management and Professional Development Conception" which has been elaborated and adopted in 2013 (Minister's order N1020; September 9, 2013) is defined main priorities and principles of human resources management system.

4. Implementation of other political norms, principles, decisions, and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training program and regulations?

National Inter-Agency Commission on the Implementation of International Humanitarian Law was established on October 31, 2011 when the Governmental Decree No. 408 of October 28, 2011 entered into force. The Commission is a Standing Inter-Ministerial Body set up to implement International Humanitarian Law and coordinates the work of different entities in this field. It is composed of deputy ministers of the key ministries and representatives from the National Security Council of Georgia as well as the Parliament of Georgia.

Main objectives of the Commission are to prepare and present advisory opinions to the Government on IHL issues; to present proposals to the President of Georgia on the issue of acceding to IHL treaties; to prepare and present proposals to the Government of Georgia in order to ensure compliance of Georgian legislation with international obligations undertaken by Georgia in the field of IHL; to promote

dissemination of IHL programmes and various educational activities in cooperation with the International Committee of the Red Cross; to report on national achievements to the International Conference of the Red Cross, the UN Secretary General and the meetings of National Committees for IHL.

According to the statute of the Commission, the Commission meets at least once in every six months and is authorized to prepare and submit to the Government of Georgia proposals on compliance of Georgian legislation with its international obligations under IHL treaties; hear reports of the relevant officials on the IHL implementation matters; receive information, documentation and other relevant data from concerned agencies within its competence; draft and adopt the implementation action plan and annual reports.

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The General Staff of GAF on regular base co-operates with the International Committee of Red Cross (ICRC). In March 2016 new Action Plan 2016 was signed. According to the Action Plan relevant trainings and seminars are conducted on each level of the Armed Forces.

Criminal Code of Georgia contains a separate section on crime against the humanity which on its own consists of subsection on crime against humanity, peace, security and International Humanitarian Law. All military order includes ROE Annex.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

According to the Constitution of Georgia and the Law of Georgia "On Defence of Georgia" the objective of the Georgian military forces is to insure the protection of Georgia's independence, sovereignty and territorial integrity and the implementation of the international obligations assumed by Georgia.

Besides, during the state emergency and martial law the use of armed forces can be done only by the order of the President and consent of the Parliament of Georgia.

The Criminal Code of Georgia considers number of regulations on the penalties against the violation of human rights and freedom, including the violation against human equality.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

The civil rights and liberties are ensured by the Constitution of Georgia, relevant laws and bylaws. It should be noted that concrete steps have been taken to further strengthen this practice.

The MoD General Inspection Service is responsible for internal monitoring of the Defence System. Its main functions are to prevent, respond and investigate alleged violations including recommendations for disciplinary measures. A General Inspection Service hotline launched on 30 May 2013 and is available 24 hours a day. Special comment boxes have been installed at all military units, enabling military personnel to inform the General Inspection Service of complaints and opinions on the issues within their area of competence.

According to Article 26 of the Constitution of Georgia "A person who is enrolled in the personnel of the military forces, the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association".

4.5 How does your State ensure that its defense policy and doctrine are consistent with international law?

Conceptual documents should be in compliance with the Georgian legislation and International law. Department of parliament relations and legal issues is taking part in the drafting process of each doctrine and political document; it also ensures these documents to be in compliance with international law.

Section III. Public access and contact information:

1. Public access:

1.1 How is the public informed about the provisions of Code of Conduct?

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

In accordance with the Constitution and Article 37 of the General Administrative Code of Georgia, any person is entitled to have access to the public information in spite of its physical form and keeping conditions, and can choose the form for obtaining the information.

Chapter 3 of the General Administrative Code prescribes the rule of extending public information. Public institutions are obliged to insure the availability of copies of public information. It is inadmissible to institute fees on the issue of public information, except for the fees necessary for making copies. The public institution is obliged to issue information immediately, not later than 10 days. The refusal of the public institution to issue public information should be communicated to the applicant.

Generally, information is public, but Georgian law "On State Secret" regulates the legislative relations with consideration as a secret, classification as a secret and protection of information.

The rule of obtaining and familiarization of the available public information at the Ministry of Defense is stated in the General Administrative Code of Georgia. Particularly, by Chapter 3 of the Code – Freedom of Information, there is detail definition of situations, in which it is possible to obtain, familiarize or refuse the distribution of information.

Georgian Law "On the Freedom of Speech and Expression" regulates the free expression of speech and opinion, as well as abolishment of the freedom of speech and expression.

1.3 How does your State ensure public access to the information related to the Your State's armed forces?

According to Article 10 of the "General Administrative Code of Georgia", everyone may gain access to public information kept by an administrative agency, and obtain a copy thereof, unless such documents contain state, professional, commercial secrets or personal data".

The law on "State Secrecy" regulates the rules for classifying and declassifying of information and mechanisms of protection.

Mod is obliged to issue any kind of information, except information containing the state, personal or commercial secrecy immediately or within 10 days. If the state agency is unable to answer the questions due to the above mentioned reasons, it should inform citizens in a written form during 3 days period.

With the aim to be more proactive in releasing relevant public information about its decisions and activities, Georgian Government introduced a new Government Decree on Electronic Request and Proactive Publication of Public Information. This Decree, which is based on the recommendations from a group of civil

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society organizations, obliges all agencies to release information on their activities electronically, free of charge and in easy-to-use, open forms. Based on the Decree, MoD official web-site offers its visitors a special space, where public information - general info, employment, procurement, financing, legal acts and other information is published. Proactive disclosure of public information greatly simplifies the process of accessing information for the general public. Besides this, the citizens can request public information electronically on the official web-site of MoD.

In addition, in order to ensure delivery of information about main annual activities, the Ministry of Defence publishes its detailed annual report – the “White Book” - each year. The document describes the main activities of the MoD, General Staff and armed forces and is accessible for every citizen via official MoD web-page in Georgian and English languages. It reflects all concrete steps undertaken by Mod during previous years to achieve its defence reforms priorities.

ATTACHMENT – LIST OF INTERNATIONAL AGREEMENTS

Name of the treaty		Party by: ratification P(R), accession P(a), succession P(s), acceptance P(A), approval P(AA), or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments			
1.	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	P (R)	16.06.1994
2.	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	P (R)	20.04.1994
3.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	P (R)	20.05.1994
4.	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)	P (R)	18.02.2004
5.	International Convention against the Taking of Hostages (1979)	P (R)	18.02.2004
6.	Convention on the Physical Protection of Nuclear Material (1979)	P (R)	7.10.2006

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7.	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)	P (R)	17.03.1999
8.	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	P (R)	9.11.2006
9.	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	P (R)	9.11.2006
10.	Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)	P (R)	24.06.2000
11.	International Convention for the Suppression of Terrorist Bombings (1997)	P (R)	18.02.2004
12.	International Convention for the Suppression of the Financing of Terrorism (1999)	P (R)	27.09.2002
13.	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	P (R)	23.04.2010
14.	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)	P (R)	5.04.2012
15.	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)	-	-
16.	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)	-	-
17.	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)	-	-
18.	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	-	-
19.	The United Nations Convention Against Transnational Organized Crime (2000)	P (R)	05.09.2006
The Council of Europe legal instruments			
20.	European Convention on the Suppression of Terrorism (1977) CETS No: 090	P (R)	15.03.2001

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21.	Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190	P (R)	8.12.2004
22.	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	P (Signed) ¹	14.12.2005
23.	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198	P (R)	01.05.2014
24.	European Convention on Extradition (1957) CETS No: 024	P (R)	15.06.2001
25.	Additional Protocol to the European Convention on Extradition (1975) CETS No: 086	P (R)	15.06.2001
26.	Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098	P (R)	15.06.2001
27.	European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	P (R)	13.10.1999
28.	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099	P (R)	22.05.2003
29.	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182	P (R)	01.05.2014
30.	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	-	-
31.	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	P (R)	13.05.2004
32.	Convention on Cybercrime (2001) CETS No: 185	P (R)	06.06.2012

¹ Irrespective of the fact that the Council of Europe Convention on the Prevention of Terrorism is not ratified yet, the provisions of this convention, which criminalize terrorist acts (Public provocation to commit a terrorist offence, Recruitment for terrorism, and Training for terrorism), have already been incorporated in the Criminal Code of Georgia in Article 330¹ (Publicly calling for Terrorism), Article 330² (Provision of Training and Instruction for Conduction of Terrorist Activity) and Article 327¹ (Recruitment for the Membership of Terrorist Organization). Recruitment is also covered by the definition of incitement for the commission of a crime, which, under Art. 24(2) is defined as "convincing someone to commit a crime".