



FSC.EMI/96/14

16 April 2014

ENGLISH only

N-11/16880

NOTE VERBALE

The Permanent Mission of Georgia to the Organization for security and Co-operation in Europe (OSCE) presents its compliments to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Centre and has the honour to provide Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for the calendar Year 2014.

The Permanent Mission of Georgia to the OSCE avails itself of this opportunity to renew to the Missions/Delegations to the OSCE and to the CPC the assurances of its highest consideration.



**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) Universal Conventions

Georgia is a party to the following fourteen (14) UN antiterrorism conventions:

1. **Convention on Offences and Certain Other Acts Committed on Board Aircraft**, signed at Tokyo on 14 September 1963 (Tokyo Convention) - *in force for Georgia since September 14, 1994;*
2. **Convention for the Suppression of Unlawful Seizure of Aircraft**, signed at The Hague on 16 December 1970 (The Hague Convention) - *in force for Georgia since May 20, 1994;*
3. **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, concluded at Montreal on 23 September 1971 (Montreal Convention) - *in force for Georgia since May 20, 1994;*
4. **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**, adopted in New York on 14 December 1973 - *in force for Georgia since February 18, 2004;*
5. **International Convention against the Taking of Hostages**, adopted in New York on 17 December 1979 - *in force for Georgia since February 18, 2004;*
6. **Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 3 March 1980 - *in force for Georgia since October 7, 2006;*
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, signed at Montreal on 24 February 1988 - *in force for Georgia since March 17, 1999;*
8. **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006;*
9. **Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006;*
10. **Convention on the Marking of Plastic Explosives for the Purpose of Detection**, done at Montreal on 1 March 1991 - *in force for Georgia since June 24, 2000;*
11. **International Convention for the Suppression of Terrorist Bombings**, adopted in New York on 15 December 1997 - *in force for Georgia since February 18, 2004;*
12. **International Convention for the Suppression of the Financing of Terrorism**, adopted in New York on 9 December 1999 - *in force for Georgia since September 27, 2002;*
13. **International Convention for the Suppression of Acts of Nuclear Terrorism**, adopted in New York on 13 April 2005 - *in force for Georgia since April 23, 2010;*
14. **Amendment to the Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 8 July 2005 - *in force for Georgia since April 5, 2012.*

b) Regional Agreements

Georgia is a party to the following CoE antiterrorism conventions:

- **European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 27 January 1977 - *in force for Georgia since March 15, 2001*;
- **Protocol Amending the European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 15 May 2003 - *in force for Georgia since December 8, 2004*;
- **CoE Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism**, concluded at Warsaw on 16 May 2005 - *instruments of ratification deposited on January 10, 2014, will enter into force for Georgia on May 1, 2014*;
- **CoE Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters**, concluded at Strasbourg on 8 November 2001- *instruments of ratification deposited on January 10, 2014, will enter into force for Georgia on May 1, 2014*;

On 14 December 2005 Georgia has signed the **Council of Europe Convention on the Prevention of Terrorism**, concluded at Warsaw on 16 May 2005.

Note: 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) and Article 330² (Training for Terrorist Purposes). With respect to "recruitment", although the Criminal Code does not mention the term "recruitment" itself, this action is 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".

c) Sub-regional Multilateral Agreements

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:

- 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*;
- 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*;
- 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*;
- 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;
- 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 that include the cooperation in the fight against terrorism with the following countries (23 countries so far):

1. Armenia
2. Austria
3. Azerbaijan
4. Belarus
5. Bulgaria
6. Egypt
7. Estonia
8. France
9. Hungary
10. Israel
11. Italy
12. Kazakhstan
13. Latvia
14. Lithuania
15. Malta
16. Moldova
17. Poland
18. Romania
19. Turkey
20. Ukraine
21. United Kingdom
22. USA
23. Uzbekistan

- Draft agreements ready for the signature: Czech Republic, Germany, Slovak Republic and Spain;
- Draft agreements under negotiations: Belgium, Qatar, Saudi Arabia and UAE.

Moreover, Ministry of Internal Affairs of Georgia elaborated draft model agreement on cooperation in the fight against crime, including terrorism-related crimes, and initiated its conclusion with all EU and NATO member states through diplomatic channels.

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

In recent years the Government of Georgia declared fight against organized crime and terrorism in its every manifestation as one of the top priorities for the country. The Government of Georgia adopted coherent, coordinated and wide-ranging strategy for the fight against organized crime and terrorism. The adoption of the Law of Georgia on Combating Terrorism, Law of Georgia on Organized Crime and Racketeering, new Criminal Procedural Code and relevant recent changes made to the Criminal Code has served as an effective legal ground for the prevention of and combating organized crime and terrorism.

In the beginning of 2013 the Ministry of Internal Affairs of Georgia elaborated the draft Law of Georgia on “International Law Enforcement Cooperation” for the realization of efficient international cooperation in the field of prevention, detection, and suppression of crimes, including terrorism-related crimes, on the basis of international treaties, principle of reciprocity and *ad hoc* decision made by the

head or deputy head of respective law enforcement agency of Georgia. The law was adopted by the Parliament of Georgia on 4th of October 2013. This law also aims to fully implement the obligations regarding international law enforcement cooperation arising from the relevant bilateral and multilateral international treaties of Georgia.

a) Legislative acts

Law of Georgia on “Combating Terrorism” (defines the legal basis of combating terrorism, forms of organizing the fight 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);

Law of Georgia on “Facilitating the Suppression of Illicit Income Legalization” (so called “AML Law”);

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);

Law of Georgia on “International Law Enforcement Cooperation” (defines the rules of international law enforcement cooperation in the fight against crime);

Law of Georgia on “International Cooperation in Criminal Matters” (defines the rules of mutual legal assistance and extradition issues).

b) By-laws

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.

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?

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:

1. Ministry of Internal affairs of Georgia, being the main agency in governmental system exercising combat against terrorism;
2. Ministry of Defense of Georgia;

3. Intelligence Service of Georgia;
4. State Protection Special Service of Georgia.

According to the Paragraph 1 of the Article 5 of the law, the Ministry of Internal affairs of Georgia is the main agency, realizing fight against terrorism with application of special (operative, operative-technical) and operative-investigative measures for the detection, prevention and suppression of the crimes, which are committed in terrorist aims and investigation is within its competence. The Ministry of Internal affairs of Georgia accumulates and systemizes information about the activity of foreign and international terrorist organizations, coordinates activity of subjects involved in the fight against terrorism through the Counterterrorist Center of the Ministry of Internal affairs of Georgia. The Center ensures the conduction of counterterrorist measures. Other departments of the Ministry of Internal affairs of Georgia apply necessary powers and means and provide their efficient application in carrying out of a counterterrorist operation.

The Ministry of Defense of Georgia ensures protection of weapons, ammunition, explosives and poisonous substances, which are kept in military units or stored in certain 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 in military objects.

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 suppressive operations of those acts of terrorism which are directed against officials and objects, protection of which is within its competence.

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 Ministry of Internal Affairs 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;

- With the aid of the Minister of Internal Affairs of Georgia the Director of the Counterterrorist Center shall submit to the Prime Minister of Georgia an annual report on the counterterrorist activities conducted in the country.

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. The Ministry of Internal Affairs of Georgia is 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**

Before 2006, terrorism financing was not a separate crime in Georgian legislation. The prosecution of financing of terrorism was possible only on the basis of preparation/conspiracy, counseling, facilitation, aiding, abetting of the commission of terrorism related crimes provided by the Criminal Code of Georgia.

In July, 2006, Article 331¹ envisaging an autonomous offence of terrorism financing was introduced to the Criminal Code of Georgia. In October, 2011, Article 331¹ (Financing of terrorism) of the Criminal Code of Georgia was further amended. Based on the above-mentioned amendment, the scope of Article 331¹ has been extended to the individual terrorists as well. Article 331¹ of the Criminal Code of Georgia defines the financing of terrorism as an action of allocation or distribution of financial resources or any type of property with previous knowledge that fully or partially will be used or might be used for crimes stipulated in the following Articles of the Criminal Code of Georgia: Article 144 (Taking a Hostage); Article 227 (Illegal Seizure of Flying Object or Water Vessel or Movable Railway Corpus); Article 227¹ (Creation of a Threat to a Vessel's Navigation); 227² (Illegal Appropriation, Destruction or Damaging the Stationary Platform); Article 230 (Illegal Handling of Nuclear Material or Device, Radioactive Waste or Radioactive Substance); Article 231 (Seizure of Nuclear Material, Radioactive Substance or Other Source of Ionizing Exposure); Article 231¹ (Threat of Illegal Appropriation of Nuclear Substances); Article 231² (Threat to Seize or Use Illegally a Nuclear Substance); Articles 323-330 (respectively, 323 - Terrorist Act; 324 – Cyber terrorism; 325 - Assault on Political Official of Georgia; 326 - Assault on Person or Institution Enjoying International Protection; 327 - Formation of Terrorist Organization or Leading Thereof or Participation Therein; 328 - Accession and Assistance to Terrorist Organization of Foreign State or to Such Organization Controlled by Foreign State; 329 - Seizure of Hostage for Terrorist Purposes; 330 - Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Purposes) and Article 330² (Training for Terrorist Purpose).

It should be noted that according to present Article, the illegal action is punishable from the moment of financing any terrorist organization irrespective whether or not terrorist act has been committed. The abovementioned provision determines criminal liability for both natural and legal persons. In case of a legal person, the sanction prescribed by law is its liquidation, deprivation of the right to operate and fine.

Besides prohibiting and sanctioning the crime of terrorism financing, Georgian legislation effectively addresses the issue of freezing the terrorist assets. According to the new Criminal Procedure Code of Georgia, property shall be frozen if it could be used for the preparation of any crime prescribed by Articles 323-330 (Crimes related to terrorism), Article 331¹ (Terrorism financing) or any other grave offence envisaged by the Criminal Code of Georgia, as well as for ensuring their prevention, if there is a

sufficient data that this property may be used for commission of a crime. In addition, during 2007-2008, proper amendments were made to the Law of Georgia on Facilitating the Prevention of Illicit Income Legalization. The said law provides a detailed definition of what a suspicious transaction is and sets out the grounds for freezing the suspicious transaction. According to the present Law, Financial Monitoring Service is authorized to address the Court with the motion for the authorization of the freezing of property (bank accounts) or to suspend the transaction if there is grounded supposition to believe that the property may be used for terrorism financing. In this case, files must be sent promptly to the competent bodies of the Chief Prosecutor's Office and the MoIA.

– Border Controls

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.

“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 SOPs for “Red Bridge” and “Sadakhlo” Border Crossing Points (BCPs) were approved in September 2012. The SOPs for all BCPs are in the process of elaboration and will be approved in the nearest future.

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, Republic of Turkey and Russian Federation. 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.

In order to further strengthen intergovernmental cooperation in the area of border management, Georgia elaborated Draft Bilateral Agreement on Border Commissioner, which has undergone necessary internal procedures and has been forwarded to the relevant authorities of Republic of Armenia and Republic of Azerbaijan.

It is also noteworthy to mention that on December 29, 2013 Cooperation Plan was signed on the development of cooperation between the Ministry of Internal Affairs of Georgia and the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) for the period 2013-2015.

Non-proliferation, Border Control and Maritime Security

Ministry of Internal Affairs of Georgia pays particular attention to the issues of radiation security; especially the aim is to prevent the smuggling of radioactive materials through Georgian borders. As of

today all major road, sea, railroad and air BCPs are fully equipped with radiation detection equipment. In nuclear non-proliferation and radiation security areas Georgia's main partner is 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.

Joint Maritime Operation Center (JMOC) was opened in December 2013, which will deepen both intra-agency and inter-agency cooperation. The goal of the center is a timely response to maritime incidents and prevention, detection and eradication of violations of legal regime at the sea.

Success of Georgia in the process of protecting nuclear security of the country is reflected in relevant criminal justice statistics. During the period of 2011-2013, 27 individuals from different countries were arrested by Georgian law enforcement agencies for illegal possession or smuggling of nuclear materials.

– Travel Document Security

Since 2005 Georgia has implemented a number of activities that have ensured high level of document security. These activities include the use of biometry as a tool of identification, creation of an online, secure system of case management and service delivery formation of an analytical team with the function of monitoring specific procedures and revealing errors, development of a special software enabling remote control and monitoring of process and law violation, improper case management, information leaks, and overall process of service delivery.

These activities were implemented by the Public Service Development Agency (PSDA) of the Ministry of Justice, as an agency responsible for the development of population registry, issuance of international travel documents, national identification documents, and civil status certificates.

Since April, 2010, PSDA issues second generation biometric passports, which are fully compliant with ICAO standards (number of printed documents is up to 679843).

Paragraph 3 of Article 20¹ of the law of Georgia "On the rule of registration of the Georgian citizens and aliens residing in Georgia, issuance of ID (residence) card and passport of a citizen Georgia" stipulates that "biometric passport must have data carrier (chip), which, along with other data, contains facial image, fingerprints and specimen of signature of passport holder". By this provision the law directly binds PSDA to require collection of fingerprints when issuing biometric passport. In addition to this provision, the Agency also through the Methodological Guidelines¹ that is binding for the Agency's employees, defines the age from which fingerprints are taken, the finger which shall be fingerprinted and the case when fingerprints are not taken.

Agency has three biometric passport printing centers: one in the capital, one in the Central and the other in the Western part of Georgia. Apart from Biometric Passports, two other types of passports used to be issued. The oldest version (issuance started in 1995) was abolished and it is only valid for individuals, who have not returned to Georgia since the abolishment. Once they return, they are obliged to obtain new biometric passport for the next travel. The newer version (issuance started in 2006) of a non-biometric passport is still valid, though they are not issued any more (consular offices are still allowed to issue these types of passports).

¹ approved by Order #388/b dated September 6, 2012 of the Chairman of LEPL – Public Service Development Agency "On approval of Methodological Guidelines for activities of territorial offices and structural sub-divisions/units of the Public Service Development Agency"

PSDA in cooperation with MFA has developed the provisions related to the rolling out of biometric passports in consulates and issuance of non-biometric passports only in exceptional cases. The new provisions are introduced in the draft law on “the rule of registration of the Georgian citizens and aliens residing in Georgia, issuance of ID (residence) card and passport of a citizen Georgia”. The mentioned draft law has been submitted to the Government for the approval. Government will submit the draft law to the Georgian Parliament for its final approval.

Furthermore, PSDA already conducted technical works, enabling MFA to issue biometric diplomatic and service passports.

PSDA has also developed the technical assignment of changes to be introduced in the respective software enabling Georgian consulates abroad to receive applications on biometric passports and electronic ID cards. The mentioned changes in the software will be implemented soon after the new legal provisions will be approved and enter into force.

Georgia has introduced modern and highly secured electronic identification documentation. The issuance of new e-ID card, e-permanent residence permit and e-temporary residence permit started on 1st of August 2011. New ID allows the identification in a physical as well as virtual space, online. The e-ID has dual interface chip: contact and contactless (including MIFARE Classic 1K emulation) that can subsume 15 different applications. Access on the information through contact interface is protected by authentication PIN code. It is not mandatory to receive new electronic ID card, old Identification Cards are still in force, but in case of application for new document, citizen will receive electronic ID 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 combatting nuclear security violations.

Legislative Developments

In February 2014 Government of Georgia adopted CBRN Threat Reduction Strategy that was elaborated under the leadership of the Ministry of Internal Affairs, in cooperation with respective government agencies. 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.

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 Combatting Terrorism and Criminal Code. Law on Combatting Terrorism defines organizational forms, legal foundations and law enforcement coordination issues necessary for combatting 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

In July 2013, Tbilisi Regional Secretariat of CBRN Risk Mitigation Centers of Excellence started functioning under the auspices of MIA Academy. CBRN Center is the initiative of EU that was implemented through active contribution of European Commission's Joint Research Center and UN Interregional Crime and Justice Research Institute (UNICRI). Center of Excellence unites 10 countries of South East Europe and its function is the capacity building of agencies involved in the reduction of the abovementioned threats.

Furthermore, significant institutional changes were carried out within the system of the Ministry of Internal Affairs of Georgia that constitutes the leading law enforcement agency in the process of detecting, suppressing and preventing nuclear security violations. Currently, MIA Counterterrorism Center is entitled to fight against terrorism crimes, whereas Central Criminal Police Department is entitled to combat illegal trade of Weapons for Mass Destruction and its components. At the same time, MIA Special Operations Department has the capacity to search and seize nuclear substances from the crime scene. Afterwards, Emergency Management Department carries out subsequent decontamination process. MIA Border Police Department is the main law enforcement body responsible for detecting, suppressing and preventing smuggling of nuclear materials at the border areas.

Operational Developments

MIA relevant units 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. At the same time, MIA operative units have special technical equipment necessary for neutralization of nuclear related incidents.

– Use of the Internet and Other Information Networks for Terrorist Purposes

The Criminal Code of Georgia provides the criminalization of cyberterrorism, namely the Article 324¹ defines cyberterrorism 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.

- Legal Co-operation Including Extradition

Georgia is a party to a number of conventions in the framework of UN and CoE on the basis of which it closely and effectively cooperates with the respective foreign states. The main international instruments in this regard are as follows:

- European Convention on Extradition (Paris, 13.XII.1957);²

² Signed - 22.03.2000, Ratified - 16 .02.2001, Entry into force - 13.09.2011

- Additional Protocol to the European Convention on Extradition (Strasbourg, 15.X.1975);³
- Second Additional Protocol to the European Convention on Extradition (Strasbourg, 17.III.1978);⁴
- European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20.IV.1959);⁵
- Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 17.III.1978);⁶
- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 8.XI.2001);⁷
- European Convention on the International Validity of Criminal Judgments (The Hague, 28.V.1970);⁸
- European Convention on the Suppression of Terrorism (Strasbourg, 27.I.1977);⁹
- Convention on the Transfer of Sentenced Persons (Strasbourg, 21.III.1983);¹⁰
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 8.XI.1990);¹¹
- Additional Protocol to the Convention on the Transfer of Sentenced Persons (Strasbourg, 18.XII.1997);¹²
- Criminal Law Convention on Corruption (Strasbourg, 27.I.1999);¹³
- Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 16.V.2005);¹⁴
- Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Minsk, 22.I.1993);¹⁵
- Convention on the Transfer of the Sentenced Persons for the further enforcement of Sentence (Moscow, 6.III.1998);¹⁶

On October 4, 2013, Georgia has ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 1959. Internal procedures for signature of the Third Additional Protocol to the European Convention on Extradition of 1957 are completed (Decree of the Prime Minister of Georgia 20.02.2014). The former establishes simplified extradition proceedings when the fugitive voluntarily consents on the transfer and the latter provides possibility of cooperation with regard to specific types of mutual legal assistance. In order to incorporate the provisions of the Protocol into the domestic legislation, the preparation of the necessary amendments to the Law of Georgia on International Cooperation in Criminal Matters is currently underway.

Besides, Georgia is a party to the following UN conventions which contain provisions of international cooperation in the field of criminal law:

- United Nations Convention against Corruption;¹⁷
- United Nations Convention against Transnational Organized Crime;¹⁸

³ Signed - 22.03.2000; Ratified - 16.02.2001; Entry into force - 13.09.2011

⁴ Signed - 22.03.2000; Ratified - 16.02.2001; Entry into force - 13.09.2011

⁵ Signed - 27.04.1999; Ratified - 23.06.1999; Entry into force - 11.01.2000

⁶ Signed - 07.11.2001; Ratified - 24.03.2003; Entry into force - 20.08.2003

⁷ Signed - 25.03.2013; Ratified - 11.1.2014; Entry into force - 1.5.2014

⁸ Signed - 08.06.2000; Ratified - 07.02.2001; Entry into force - 26.06.2002

⁹ Signed - 11.05.2000; Ratified - 27.09.2000; Entry into force - 15.03.2001

¹⁰ Ratified - 17.10.1998; Entry into force - 01.02.1998

¹¹ Signed - 30.04.2002; Ratified - 17.02.2004; Entry into force - 01.09.2004

¹² Signed - 17.09.1999; Ratified - 23.02.2000; Entry into force - 01.08.2000

¹³ Signed - 27.01.1999; Ratified - 14.12.2006; Entry into force - 01.05.2008

¹⁴ Signed - 19.10.2005; Ratified - 24.11.2006; Entry into force - 01.02.2008

¹⁵ Signed - 22.01.1993; Entry into force - 11.07.1996

¹⁶ Signed - 06.03.1998; Entry into force - 26.07.2002

¹⁷ Acceded - 10.10.2008; Entry into force - 04.12.2008

¹⁸ Ratified - 07.06.2006; Entry into force - 05.10.2006

- **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**¹⁹
- **Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;**²⁰
- **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;**²¹
- **International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;**²²
- **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;**²³
- **International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997;**²⁴
- **International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;**²⁵
- **International Convention for the Suppression of Acts of Nuclear Terrorism New York, adopted by the General Assembly of the United Nations on 13 April 2005;**²⁶
- **Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963. (Deposited with the Secretary-General of the International Civil Aviation Organization);**²⁷
- **Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970;**²⁸
- **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;**²⁹
- **Protocol on 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, signed at Montreal on 24 February 1988;**³⁰
- **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988. (Deposited with the Secretary-General of the International Maritime Organization);**³¹
- **Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988. (Deposited with the Secretary-General of the International Maritime Organization).**³²

On the basis of the mentioned treaties, Georgia effectively cooperates with the respective foreign authorities regarding certain types of crimes covered by the relevant conventions.

¹⁹ Ratified - 07.07.2006; Entry into force - 05.10.2006

²⁰ Ratified - 07.07.2006; Entry into force - 05.10.2006

²¹ Acceded - 23.02.2000; Entry into force - 26.04.2000

²² Approved - 24.09.2003; Entry into force - 19.03.2004

²³ Approved - 24.09.2003; Entry into force - 19.03.2004

²⁴ Approved - 24.09.2003; Entry into force - 19.03.2004

²⁵ Ratified - 07.06.2002; Entry into force - 27.10.2002

²⁶ Acceded - 23.04.2010

²⁷ Acceded - 07.12.1993; Entry into force - 14.09.1994

²⁸ Acceded - 07.12.1993; Entry into force - 20.05.1994

²⁹ Ratified - 25.11.1998; Entry into force - 17.03.1999

³⁰ Ratified - 25.11.1998; Entry into force - 17.03.1999

³¹ Acceded - 07.06.2006; Entry into force - 09.11.2006

³² Acceded - 07.06.2006; Entry into force - 09.11.2006

In addition, Georgia has the following bilateral agreements with a number of states with regard to mutual legal assistance and extradition:

- Agreement between the Republic of Georgia and the Republic of Bulgaria on Mutual Legal Assistance in Criminal Matters (19.I.1995);
- Treaty between Georgia and the Republic of Turkey on Mutual Legal Assistance in Civil, Commercial and Criminal Matters (4.IV.1996);
- Treaty between Georgia and the Republic of Armenia on Extradition (3.V.1997);
- Treaty between Georgia and Turkmenistan on Mutual Assistance in Civil and Criminal Matters (20.III.1996);
- Treaty between the Republic of Georgia and Ukraine on Legal Assistance and Legal Relations in Civil and Criminal Matters (9.I.1995);
- Treaty between Georgia and the Republic of Kazakhstan on Mutual Legal Assistance in Civil and Criminal matters (17.IX.1996);
- Protocol to the Treaty between Georgia and the Republic of Kazakhstan on Mutual Legal Assistance in Civil and Criminal matters (31.III.2005);
- Treaty between Georgia and the Republic of Azerbaijan on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (12.VI.1996);
- Agreement between Georgia and the Hellenic Republic on Legal Assistance in Civil and Criminal Matters (10.V.1999).
- Liabilities under the 1984 Treaty between Georgia and the Republic of Cyprus on legal assistance in civil and criminal matters;
- Liabilities under 1982 Treaty between Georgia and the Czech Republic on legal assistance in civil, family and criminal matters.

Currently, Georgia is planning to start negotiations with Canada, Argentina, Brazil, Japan and the People's Republic of China in order to conclude MLA agreements with them.

On 21 July 2010 Georgia adopted the Law on International Cooperation in Criminal Matters (MLA law) (which entered into force on 1 October 2010. It is the only law in the internal legislation of Georgia, which governs issues of international cooperation.

The MLA law covers international cooperation related issues, such as mutual legal assistance, extradition, transfer of sentenced persons, transfer of proceedings and enforcement of criminal judgments. The MLA law has been drafted taking into consideration relevant human rights standards/safeguards as well as Georgia's obligations stemming from the international and regional conventions. One of the advantages of the above-mentioned law is that it establishes effective mechanism for cooperation not only with those states having international agreements with Georgia, but also with other countries on the basis of the reciprocity principle and ad hoc agreements. Therefore, even in case Georgia does not have an international treaty with a foreign state, it can nevertheless afford assistance to its foreign counterparts.

- Safe Havens and Shelter to Terrorists and Terrorist Organizations

In order to address more comprehensively all the requirements of the UN SC Resolution related to fight against terrorism an Interagency Commission on Implementation of the UN SC Resolutions (hereafter the Commission) has been established in December 2011. Governmental Decree N 487 on the Establishment of the Governmental Commission on the Matters related to the Execution of the UN Resolutions (hereafter Decree) provides for a legal framework for implementing UNSCR 1267 and its successor resolutions (including UNSCR 1988 on Taliban), UNSCR 1844 on Somalia-Eritrea, UNSCR 1737 (2006) and its successor resolutions on Iran and UNSCR 1373.

The commission conducts its work on three major directions: assets freeze, travel ban and arms embargo on individuals and entities associated with terrorist acts.

The Commission is authorized to send the petition to the court for freezing the assets of person designated under the UN Security Council Resolutions. While the arms embargo and travel ban is implemented by the special task Force established by the Commission.

Task Force is mandated to determine issues related to restriction of freedom of movement of person and issuance of permit on import, export, re-export, transit, temporary import and/or export of goods subjected to export and import control in line with UNSCRs. On March 5, 2013 the Governmental Commission expanded the composition of the Commission and its Task Force. According to the new amendments the Ministry of Finance and the Revenue Service of Georgia were added to the composition of the Commission. Task Force of the Commission includes the representatives from the Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Defense, Ministry of Economy and Sustainable Development, Ministry of Finance, Georgian Intelligence Service, National Bank of Georgia, Financial Monitoring Service of Georgia, Revenue Service and Chief Prosecutors Office of Georgia.

Commission is mandated to:

- Apply to the court for freezing property owned by persons referred to the UN resolutions;
- Upon reasonable reference of the foreign and national competent authorities work out list of persons related to terrorism and apply to court in order to freeze property owned by the individuals referred to the list;
- Apply to the court in order to unfreeze property of the person if the person referred to the list of individuals linked to terrorism is removed from such list;
- The complaints filed to the commission on the withdrawal of the person from the UN Resolutions and/or unfreezing his property or abolishing sanctions imposed by the UN Resolutions shall be forwarded to the competent bodies of the UN;
- Monitor enforcement of the freezing measures determined in Court's Order based on the Motion of the Commission;
- Request necessary information for his activities from the state authorities and institutions of Georgia under the rules established by law;
- To carry out other authorities being in charge of.

Issues related to 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. For the purpose of this process, property means all items (objects) and immaterial property, revenue obtained from this property, or property purchased by this revenue which can be owned, used and disposed by persons referred to this chapter directly or indirectly, independently or together with other persons. Governmental 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.

Commission sends the motion to the court issues an order to freeze assets of UNSCRs designated individuals/legal entities while the Court issues a regulation in order to freeze the financial assets of those individuals/legal entities. In relation to designated individuals/legal entities in line with UNSCR 1267 and its successor resolutions, UNSCR 1844 on Somalia-Eritrea, UNSCR 1737 (2006) and its successor resolutions on Iran the Commission automatically sends the list of the Sanctions Committees to the Court, while the latter automatically freezes the assets of the designated individuals/legal entities. In relation to sanctions under UNSCR 1373, the Governmental Commission is authorized to create itself a list of persons related to terrorism and send it to the Court to freeze the property of those persons.

The Court issues order/s on freezing measures and sends one copy to the Government Commission, while the latter sends it to National Bureau of Enforcement (hereafter NBE) as an agency responsible for execution of the Court Order in the Debtor Registry. A debtor's registry is sanction before enforcing the financial claim; it is a systematized electronic database containing list of natural and legal/organizational

entities³³. Debtor's Registry is publicly available and accessible from the NBE website at <https://debt.reesrti.gov.ge/main.php?s=1>.

As data of the registry is public, NBE ensures its availability (access) to state register agencies, bank and other institutions (including monitoring entities). The correspondence between the NBE and aforementioned institutions is carried out by means of electronic case management³⁴.

In addition to listing individuals/legal entities in the Debtor Registry, NBE sends the Court order and list of designated individuals/legal entities to the Supervisory Authorities, namely, to:

- The National Bank of Georgia – for commercial banks, currency exchange bureaus, and non-bank depository institutions, microfinance organizations, entities performing money remittance services; broker companies and securities' registrars; insurance companies and non-state pension scheme founders;
- The Ministry of Finance of Georgia – for entities organizing lotteries and other commercial games; entities engaged in activities related to precious metals, precious stones and products thereof, as well as antiques; the Revenue Service; leasing companies; entities engaged in extension of grants and charity assistance.
- The Ministry of Justice of Georgia – for notaries and the National Agency of Public Registry;
- Organization created on the basis of the Georgian legislation that is the member of the International Federation of Accountants – for persons conducting accountancy or/and audition activity as it is defined by the Georgian legislation.

Accordingly, the Supervisory authorities listed above disseminate Order of the Court to the monitoring entities – namely to:

- Commercial banks, currency exchange bureaus, non-bank depository institutions and microfinance organizations;
- Entities performing money remittance services;
- Broker companies and securities' registrars;
- Insurance companies and non-state pension scheme founders;
- Entities, organizing lotteries and other commercial games;
- Entities engaged in activities related to precious metals, precious stones and products thereof as well as antiquities;
- Legal entity of public law of the Ministry of Finance of Georgia – Revenue Service;
- Entities engaged in extension of grants and charity assistance;
- Notaries;
- Legal entity of public law – the National Agency of Public Registry;

³³ The person shall be immediately included in debtor's registry, after enforcement proceeding commence against the said person in line with article 19¹ of the Law on Enforcement Proceedings. The listing of the designated persons in the Debtor's Registry is relevant as

- The Ministry of Internal Affairs of Georgia should immediately inform the National Bureau of Enforcement/private enforcement officer in case of registration of transportation vehicle or civil firearm on the name of an individual listed in the registry and terminates further registration until the individual is released from the registry;
- National Agency of Public Registry – legal entity of public law under the governance of the Ministry of Justice of Georgia should immediately notify National Bureau of Enforcement/private enforcement officer upon the registration of property or other rights of the individual listed in the registry and terminate further registration until the individual is released from the registry;
- A banking institution shall be responsible for informing the National Bureau of Enforcement private enforcement officer regarding the accounts of the individuals listed in the debtors' registry and existing balance no later than next working day after the registration of an individual in the registry. Moreover, the banking institution executes seizure on the bank account(s) of such individual within the scope of enforceable claim. The banking institution shall immediately not notify the National Bureau of Enforcement regarding the opening of new accounts or operations made and shall be obliged to execute seizure on these accounts, if the prior seizure of the account(s) was not enough remedy for ensuring executions of seizure within the full scope of the enforceable claim.

³⁴ Law of Enforcement Proceedings, Articles 19¹, 19², 19³, 19⁴.

- Person conducting accountancy or/and auditor activity as it is defined under the Georgian legislation;
- Leasing companies.

Court issues a decision on freezing of assets. Commission is mandated to monitor compliance with the Court Order by the monitoring institutions.

Interested persons have a right to apply to the Commission for unfreezing part or the whole of the property, when unfreezing is necessary to cover (pay): basic expenses, including foodstuffs, rent, medicine, taxes, insurance premiums, public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of expenses related to legal services; as well as fees or service charges for maintaining frozen funds, other financial assets or economic resources.

Government Commission considers application and makes a grounded decision to submit a new Motion to the Court. In case Government Commission considers that there is a reasonable ground to submit a new motion for unfreezing part or whole of the property based on the aforementioned criteria, it firstly notifies Sanctions Committee and awaits for its approval before sending new Motion regarding partial or total unfreezing of funds to the Court.

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 defend 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 Armed 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 Armed forces of Georgia in the territory of other Participating States.

Apart from the abovementioned, Georgia contributes to ISAF mission up to 1600 Military Soldiers as follows:

- Two battalions and One Reinforced Platoon under U.S. Command in ISAF;
- 14 staff officers including 2 staff officers under Turkish Command, Kabul;

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.

3.1 – 3.2

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 treaty.

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

1. According to the protocol on inspections of the CFE treaty, Georgia receives the following kinds of inspections:
 - I) Declared site Inspection,
 - II) Challenge inspection within specified areas,
 - III) Inspection of reduction.
2. According to the Chapters I, II, III, V, VI, VII, IX, X of the protocol on notification and exchange of information of the CFE treaty, Georgia prepares and circulates corresponding notification forms for the states parties by means of INA system and OSCE network.
3. According to the paragraph 1(C) of the Chapter VII of the protocol on notification and exchanging information and annex of exchanging information format, 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 next year.
4. Reduction of the decommissioned Treaty Limited Equipment by the means of their destruction according to the protocol of CFE treaty regarding the regulations of procedures on reduction of TLE.

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 articles IX and X 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 next year (AEMI).
2. According to the article XV of the II chapter of VD2011 prepares and circulates via diplomatic channels information about the defense planning.
3. According to the articles 74-106 of the IX chapter of VD2011 receives inspections in the specified areas.
4. According to the articles 74-137 of the IX chapter of VD2011 receives evaluation visits in the military units and formations.
5. According to the article 144.9 of the X chapter of VD2011 receives additional inspections/evaluation visits according to the bilateral agreements.
6. According to VD2011 Georgia prepares and circulates the corresponding notification forms during the year (INA System and OSCE network).
7. Georgia annually prepares and circulates via diplomatic channels Global Exchange of Military Information (GEMI) until April 30th.
8. According to the provisions of the "Open Sky" Treaty, Georgia as a State Party receives 4 (four) observation flights (passive quota). These measures are implemented by the Arms Control and Verification Division of the General Staff³⁵ of the Armed Forces of Georgia in conjunction with other relevant agencies.
9. Georgia annually reports information on import-export of conventional arms as well as small arms and light weapons in accordance with the relevant decisions of FSC.

Export Control Implementation in Georgia

Export Control in Georgia is implemented by Normative Acts guiding all structures involved in Export Control system: The Ministry of Defence, The Ministry of Economy and Sustainable

³⁵ 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.

Development, Revenue Service of The Ministry of Finance, and Patrol Police of the Ministry of Internal Affairs. Their common efforts are implemented based on the following:

- Georgian Law on “Export and Import Control of Armament, Military Equipment and Products of Dual Use”³⁶
- Georgian Law on “Weapon”;
- Georgian Law on “Licenses and Permits”;
- Presidential Decree #304 (15.07.2000) on “The list of Military Products Falling under Export Control”;
- Presidential Decree #408 (22.09.2002) on “Some measures to resolve issues related to Export, Import,

Re-export and Transit of Products of Dual Use falling under Export Control”.

The export, import, re-export, transit, reprocess within the customs terminal and beyond the Georgian territory, temporary import and/or export of the products under Export control is implemented on the basis of recommendation issued by the Standing Commission on Military-Technical Issues:

- For the weapons and military products – with MOD Permission;
- For the products of dual-use – with Permission of MOE or Revenue service of the Ministry of Finance.

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 defence 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:

- the status, boundary regime and defense of the state frontiers; the status and defense of territorial waters, airspace, the continental shelf and Exclusive Economic Zone;
- state defense and security, armed forces, military industry and trade in arms;
- the issues of war and peace, the determination of a legal regime of the state of emergency and the martial law and their introduction;
- foreign policy and international relations;
- Unified energy system and regimes; communications; merchant fleet; flags of ships; harbors of state importance; airports and airfields; control of airspace, transit and air transport; air transport registration; meteorological service, environment observation system;
- Railways and roads of state importance;
- criminal police and investigation;

Article 26 of the Constitution defines that “The creation of armed formation by public and political associations is impermissible.

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

³⁶ Law on “control of military and dual-use products” was adopted in December 2013, which will be entered into force in October 2014. It will substitute the Old law on “Export and Import Control of Armament, Military Equipment and Products of Dual Use”.

The Prime Minister:

- Is the Chairman of the Government.
 - Appoints/dismisses all ministers including the Minister of Defence and the Minister of Internal Affairs without consent of the President. (The President has no authority to dismiss above-mentioned 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 Permanent Commission on Military-Technical Affairs under the Ministry of Defence.
- 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 Permanent Commission on Military-Technical Affairs under the Ministry of Defence.

The Parliament of Georgia:

- Is the supreme representative body of the country, which shall exercise legislative power;
- Elects and approves 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 ~~internal and~~ 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
- Declares material 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 to 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 armed forces of Georgia. He/she with consignment of the Prime-Minister appoints and dismisses the heads of General staff of armed forces of Georgia and other commanders. He/she Chairs the National Security Council and appoints the Secretary of the National Security Council.

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, International Agreements and other normative acts.

Defence planning is implemented on the basis of strategic and intra agency planning documents.

Strategic level documents of defence planning are as follows:

- National security Concept of Georgia;
- Threat Assessment Document;
- National Military Strategy;
- Strategic Defense Review (not reflected by the Law)

Intra agency level documents of defence planning are as follows:

- Minister’s vision
- Defence Planning Guidance;
- Force Planning Basic Programs;
- Annual Programs;
- Operational programs, concepts, doctrines, regulations and guidelines of the Minister of Defence of Georgia;
- Regulation on Defence Planning.

Ministry of defence of Georgia exploits PPBS as an instrument of an overall planning process, which is coordinated and led by the Decision Management Board and Management Team.

Drawing up of the Defence Budget within the frames of the state budget constitutes indispensable condition for determining the general guidelines of the Defence Policy and its further realization. The draft of the defence budget is submitted to the Ministry of Finance and then to the Government. After consent of the Executive authority and consultations with President, the Government shall submit the defence budget as an integral part of the State budget to the Parliament. The important role in forming the defence budget is assigned to the relevant committees of the Parliament, which, under the general guidelines of the Defence Policy and on the basis of the appropriate priorities, thoroughly perfects the budget and, within the frames of the State Budget submits it to the Plenary Session of the Parliament, which after the final consideration and discussions shall adopt it.

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 Chapter 7 of the Constitution of Georgia “Georgia shall have the armed forces to protect the independence, territorial integrity and sovereignty of Georgia, to fulfill international commitments and assist civil authorities during natural and man-made disasters. 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 troops to ISAF mission in Afghanistan.

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?

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

Article 73, paragraph 4 of the Constitution: The President of Georgia shall be entitled, on his/her own initiative or in other cases envisaged by the Constitution, to dissolve the Parliament.

Article 73, paragraph 4 of the Constitution: - The president is the Supreme Commander-in-chief of the armed forces of Georgia. He/she with consignment of the Prime-Minister appoints and dismisses the heads of General staff of Armed Forces of Georgia and other commanders. He/she Chairs the National Security Council and appoints the Secretary of the National Security Council.

Article 98 of the Constitution: „The types and the composition of the armed forces shall be determined by law. The structure of the armed forces shall be approved by the President of Georgia, while the strength thereof shall be approved by the Parliament by the majority of the number of the members of the Parliament on the current nominal list upon the submission of the Council of National Security”.

Article 9 of the law on „Defence of Georgia” defines that „The Ministry of Defence of Georgia is the State managing body of the Armed Forces of Georgia and is responsible for its preparation, development and fulfillment of their defensive objectives.

According to the Article 60 of the Constitution of Georgia,, A member of the Government, an official elected, appointed or approved by the Parliament, shall be entitled and in case of request shall be obliged to attend the sittings of the Parliament, its Committee or Commission, to answer the raised questions at a sitting and submit an account of an activity. At a request such an official shall be heard by the Parliament, Committee or Commission”.

According to the Article 99, Paragraph I of the Constitution of Georgia “with the view of organizing the military construction and defense of the country, the Council of National Security shall be set up which shall be guided by the President of Georgia”.

On the basis of the above mentioned, organ law “On national Security Council” was adopted in November 11, 2004, where according to the Article I, Paragraph II “National Security Council of Georgia is the consultative office of the President, which is set up for making high political decisions on the organization of the military formation and defense of the country, foreign and internal policy of state security, strategic issues of stability and rule of law as well as other matters of state security”.

New consultative body - State Security and Crisis Management Council has been created under the Prime Minister’s office. 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. 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 “National Defense and Security, Military Forces, Military Industry and Trade of Arms come exclusively within the special competence of Supreme State Authority of Georgia”.

Within the limits prescribed by the Constitution the Parliament of Georgia exercises control over the activity of the Government (Article 48, Constitution of Georgia). The Parliament of Georgia ratifies the international agreements on military issues as well as those making amendments to the provisions on territorial integrity and state border of Georgia. It is inadmissible without the Parliament’s consent to bring the military forces into the territory of Georgia, to deploy or use them in the state of emergency or with a view of fulfilling international obligation.

One of the levels of control granted to the Parliament is the right of a PM to appeal with a question to the separate members of the government, who, on their part, are obliged to answer the questions.

According to Article 78 of the Constitution of Georgia, government, including the police and other law-enforcing agencies, is accountable to the Parliament of Georgia. Furthermore, there is a law on Group of Trust according to which the mentioned Group is established in the Parliament of Georgia chaired by the Head of Defence and Security Committee. The Group exercises overall democratic control on Law enforcement and defence agencies.

The democratic control over the Armed Forces of Georgia is ensured by the civilian Ministry of Defence.

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 Chapter 7 of the Constitution „Georgia shall have the armed forces for the defence of the independence, sovereignty and territorial integrity of the country, as well as for the honoring its international obligations”.

The strategic guidance documents specify a number of broad objectives and missions for the Georgian Armed Forces, such as protection of the nation’s independence and territorial integrity, promotion and protection of vital national interests, support to civil authorities in case of emergencies and fulfillment of international commitments. More specifically, the National Military Strategy (NMS) identifies five missions for the Georgian Armed Forces:

- Prevention;
- Deterrence;
- Defence;
- NATO integration, International Military Cooperation and Participation in multinational operations;
- Develop capabilities to support civil authorities in emergencies caused by natural and manmade disaster.

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.

Moreover, the Constitution of Georgia, „Parliament regulation”, Laws “On Ombudsman of Georgia”, “On Parliamentary Fractions” , 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.

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.

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 serious or especially serious crimes;
- Persons doing non-military, alternative labor service;
- Post-graduate students;
- Persons with a scientific degree and engaged in pedagogical or scientific work;
- The only son in family in which even a family member has been lost in struggle for territorial integrity of Georgia or in the performance of military service.

2. The president of Georgia may release an especially gifted conscript from the military draft.

Besides, the Law considers the cases of call-up deferment.

According to amendment in Law on “Military Duties and Military Service”, “e” subparagraph of the 1st paragraph of the 29th Chapter was removed regarding exemption of the persons with “Aspirant” scientific degree from the military service.

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

- Rescue, ecological, fire-prevention or other special non-military labour 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 labour 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 labour service.

According to the Paragraph 3 of the same article, citizens of Georgia involved in non-military, alternative labour service may participate in other services or non-military labour formations, the list of which shall be approved by the President of Georgia. The citizens involved in non-military alternative labour service may participate in engineering, agricultural and other subdivisions of the Armed Forces of Georgia at the corresponding civil position. And according to the Paragraph 4, the citizens participating in non-military, alternative labour services may be occupied in works of liquidation of the consequences of natural disasters, in seasonal works during harvesting and other works of non-military character upon the decision of the President of Georgia.

According to 3rd paragraph of the 5th article 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 4th paragraph of the same article the 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, the rights of all service personnel are protected according to the state laws on “Public (civil) Service”, “Labor Code” and “Military Obligation and Military Service”.

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 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.

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?

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.

On the basis of memorandum of understanding of 2007 signed between the General Staff and International Committee of Red Cross “IHL integration working group” was created. The latter is planning the 5 days IHL course for the officers of General Staff (training of trainers) and performs it jointly and with support of ICRC (Tbilisi Delegation).

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).

National Inter-Agency Commission on IHL:

National Inter-Agency Commission on the Implementation of International Humanitarian Law (*hereafter* the Commission) was established on October 31, 2011 under the Governmental Decree No. 408 of October 28, 2011.

The Commission is a Standing Inter-Ministerial body set up to implement and ensure respect for International Humanitarian Law (*hereinafter* IHL) as well as coordinate 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 program 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.

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.

IHL in National Legislation:

The Government of Georgia has adopted all the legislative, regulatory and practical measures that are necessary to incorporate international humanitarian law into domestic law and practice. Georgia is party to the Four Geneva Conventions of 1949 and their three additional protocols.

In order to provide full respect of IHL norms, Georgian legislation criminalizes violation of rules of international humanitarian law (willful breaches of IHL) both in international and non-international armed conflicts.³⁷ Article 411 refers to the willful breaches of norms of international humanitarian law committed in course of international or internal armed conflict, that are directed against the persons who do not take part in the hostilities or have no means of defence, as well as wounded, sick, medical and religious personnel, medical units, medical transportations, prisoners of war, civilians, civilian population of the occupied territory or in the combat zone, displaced persons, stateless persons, the persons enjoying

³⁷Criminal Code of Georgia, Article 411.

any other type of protection. Some other notable amendments have taken in place in 2006. Article 412 of the Criminal Code of Georgia dealing with the willful breach of the norms of international humanitarian law in international or internal armed conflicts resulting into threat to the health or physical injuries criminalizes conducting medical procedures upon the protected person or any person deprived of liberty, that is not required by his/her health conditions, and that does not comply with the universally excepted medical norms, even upon of the consent of the said person.

Criminal Code further contains specific articles on Preparation or Waggling of Aggressive War,³⁸ Genocide,³⁹ Crimes against Humanity,⁴⁰ War Crimes,⁴¹ Ecocide,⁴² Recruitment, Training, Financing or other material type of support/assistance of the Mercenary, as well as his/her use in armed conflict or in course of conduct of hostilities.⁴³ In addition, Criminal Code of Georgia includes broader clause (Article 413) referring to other violations of international humanitarian norms that do not include criminal characteristics identified in article 411 or 412 of the Criminal Code of Georgia. It should be maintained that Georgia has ratified the Statute of International Criminal Court and Article 8 of the Statute is directly enforceable in Georgian legal system.

Criminal Code of Georgia also includes the provision which provides for the possibility to exercise universal jurisdiction. Article 5 of the Criminal Code of Georgia provides that competent authorities can prosecute and punish the perpetrators for acts that are included in international conventions that Georgia is party to. This provision is an effective tool which guarantees that a criminal jurisdiction can be exercised for the breaches of relevant legal instruments governing situations of armed conflicts, for example, Geneva Convention of 1949, Convention concerning the Protection of the World Cultural and Natural Heritage of 1972 etc.

Ministry of Justice of Georgia started the revision of Criminal Code of Georgia. Within this process Chapter on International Crimes will be revised in order to make it more conformity with international human right standards and obligations in criminal law. This process also includes revision of Criminal Code of Georgia in line with international criminal law and international humanitarian law principles. Other various legislative amendments are foreseen under the 2014-2015 Action Plan on Humanitarian Law Implementation, including protection of cultural heritage during the armed conflicts, legislative works on the issues of missing persons and elaboration of legislative initiatives.

The Parliament of Georgia ratified the Statute of International Criminal Court (Rome Statute) by decree 2479 on 16 July, 2003. Under the Rome Statute Georgia undertook obligation to cooperate with International Criminal Court in investigation and prosecution of such odious crimes as genocide, crime against humanity, war crimes and crime of aggression. In order to establish an effective framework for cooperating with the ICC, the Parliament of Georgia has adopted the Law on the Cooperation of Georgia with the International Criminal Court.

Public International law Department of the Ministry of Justice of Georgia is authorized for cooperation with ICC (the detailed contact information is available at the Ministry's website – <http://www.justice.gov.ge/Ministry/Department/322>). For this purpose, Department receives the request of ICC for cooperation, coordinates activities of corresponding state bodies of Georgia for execution of requests; informs the ICC about the results of the execution of the request and etc.

Inter-Agency Commission for the Implementation of IHL:

In October, 2011, the Inter-Agency Coordinating Commission for the Implementation of International of International Humanitarian Law (hereafter the Commission) was created by the Governmental Decree N408. The Commission is a standing inter-ministerial body set up to the effect of

³⁸Criminal Code of Georgia, Article 404.

³⁹ Criminal Code of Georgia, Article 407.

⁴⁰ Criminal Code of Georgia, Article 408.

⁴¹ Criminal Code of Georgia, Articles 411, 412 and 413.

⁴²Criminal Code of Georgia, Article 409.

⁴³Criminal Code of Georgia, Article 410.

advising the government on all International Humanitarian Law related issues coordinating and supervising them. Main objectives of the Commission are to prepare advisory opinions at the request of the Government of IHL issues; to advise the government on the ratification on IHL treaties; to prepare compatibility studies and implementing legislation, regulation or other relevant measures; to promote implementation of IHL programs and various educational activities in cooperation with the ICRC; to report on national achievements to the International Conference of the Red Cross, the UN Secretary General and the meeting of National Committees for IHL.

The first meeting of the Commission was held in May 2012. In 2013 Commission has elaborated its first draft 2014-2015 Action Plan on Humanitarian Law Implementation.

Promoting Dissemination and Training of IHL:

The Government of Georgia has aligned itself with the EU pledge on Public Dissemination and Training on International Humanitarian Law (IHL). For these purposes different agencies took concrete steps to provide the knowledge of IHL to military and civilian personnel.

For the effective implementation of the Four Geneva Conventions of 1949 and its Additional Protocols, the Ministry of Education and Science of Georgia (MoES) signed a cooperation agreement with the International Committee of the Red Cross in 1995 and launched an education program in order to teach basics of IHL to schoolchildren. Two agreements were signed in 1998 and 2001.

In 2010, the MoES appointed Head of the General Education Development Division of the Ministry to serve as National Coordinator of IHL Teaching, who would be responsible for sustainable IHL education. IHL topics will be included in manuals for 5 and 6 grades providing general knowledge about the rules and principles governing situation of armed conflict.

In July 2011, as a result of successful cooperation between the ICRC and MoES, the Ministry became fully in charge of the IHL teaching.

IHL is also part of bachelors' and masters' study program in 7 Universities of Georgia:

1. Iv. Javakhishvili Tbilisi State University (www.tsu.edu.ge);
2. Caucasus School of Law (www.cu.edu.ge);
3. Ilia State University (www.iliauni.edu.ge);
4. Kutaisi State University (www.atsu.edu.ge);
5. Georgian University (www.ug.edu.ge);
6. Zugdidi State University (www.zssu.ge);
7. Georgian Institute of Public Affairs (www.gipa.ge);
8. Georgian-American University (www.gau.ge).

In order to integrate IHL in higher pedagogical education programs, professors from different Universities attend qualification trainings in IHL Education. These trainings give them an opportunity to teach "Methodology of Teaching the Basics of IHL". This course is now included in bachelors' and masters' program of four universities:

1. Ilia State University (www.iliauni.edu.ge);
2. Batumi State University (www.bsu.edu.ge);
3. Gori State University (www.gu.edu.ge);
4. Akhaltsikhe State University.

Non-governmental organizations are also involved in dissemination of IHL. Foundation for the support of Legal Education, supervised by Georgian Young Lawyers Association, provides 7 month educational program that includes IHL in its curriculum. National and ICRC experts led training on IHL.

Since 1999, annual Competition in International Humanitarian Law has been held for law and international law students from Georgian universities. This event is organized by the ICRC and the Ministry of Justice of Georgia. This annual event has been modeled after the famous Jean Pictet competition⁴⁴. It consists in "taking law out of the books", by simulations and role plays, allowing the

jury of the Competition to evaluate teams' theoretical knowledge and practical understanding of IHL. Participants of the competition have an opportunity to strengthen their knowledge in IHL and use it in practical situations.

Abovementioned 2014-2015 Draft Action Plan on Implementation of Humanitarian Law undertakes awareness raising programs and activities for numerous target groups, including journalists and media representatives, also for prosecutors, police, judges and lawyers. The training programs include issues on security measures at time of professional missions in the places of armed conflict.

Military Personnel and IHL:

A comprehensive course of IHL is part of the academic program of Davit Agmashenebeli National Defence Academy of Georgia. International Humanitarian Law is a compulsory subject for Land Forces Officers Training Course, which is ongoing in two directions: (a) Captains Career Courses: (b) Junior Officers Training Courses and Military-Air Forces Officers Basics Course. In both of these courses trainees are obliged to attend the course on international humanitarian law.

From 2007 till 2011, 1,052 military personnel attended the course on the IHL at National Defence. In addition, during 2009-2011 years, 139 officers attended courses, conferences, seminars, symposia on issues related to IHL both in Georgia and abroad organized by different agencies and institutions.

In 2007, a Memorandum of Understanding between the Ministry of Defence of Georgia and the International Committee of the Red Cross in the Field of Dissemination of the Rules of International Humanitarian Law was signed. The Memorandum is aimed at ensuring broader dissemination of IHL within the armed forces. On the basis of the Memorandum, the Parties cooperate to ensure that:

- IHL forms an integral part of the trainings, activities, curricula and methodology of armed forces.
- Military personnel are trained and informed about rules and principles of IHL, international treaties and documentation as well as legal domestic framework on the law of armed conflicts.

In light of the above, the Ministry of Defence continues to integrate IHL into military training, including field manuals and operations. In this regard, working group on International Humanitarian Law is established and functioning in the framework of the Joint Staff of Armed Forces. The working group operates on the basis of annual plan of action and in close cooperation with the ICRC undertakes the following activities:

- Four times a year, 5 days courses are organized on the Law of Armed Conflict for Officers of the Joint Staff and military lawyers.
- Training courses on IHL are held for the military contingent participating in the peacekeeping missions. From 2009 till 2011, 3 battalions attended the course.
- One week course on the Law of Armed Conflict - Senior Workshop on International Rules Governing Military Operations is held for Senior Officers.
- The Joint Staff of Georgian AF and the ICRC printed and distributed 1,500 copies of an IHL handbook for officers, as well as 16,000 copies of a booklet for soldiers on the rules of behaviour in combat.
- Process of assessment and revision of military rules and guidelines are underway to ensure their full conformity with International Humanitarian Law.

In order to ensure further dissemination of IHL, Military Education and Combative Training Department as well as other departments and sub-divisions of The Joint Staff of Georgian AF in their daily work and planning activities foresees that adequate actions and programs are planned and undertaken for improving professional knowledge of officers in IHL and safeguarding that high, mid and

⁴⁴ Jean Pictet Competition in International Humanitarian Law , www.concourspictet.org/index_cn.htm

low level official's training enshrines the course of IHL with an aim to enable them to perform their functions in compliance with international humanitarian law.

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 Georgian AF on regular base co-operates with the International Committee of Red Cross (ICRC) (exclusion: 2004-2006). Relevant trainings ("training the trainers") have been 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.

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 the use of armed forces can be done only by the 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?

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 the use of armed forces can be done only by the 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.

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

Conceptual documents should be in compliance with the Georgian legislation and International law.

Law department 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?

1.1 – 1.2

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 Administrative Code of Georgia “Everyone may gain access to official documents kept by an administrative agency, and obtain a copy thereof, unless such documents contain state, professional, commercial, or private secrets”.

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