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NOTE VERBALE

The Permanent Mission of Georgia to the Organizations for Security and Cooperation 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 honor to provide Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspect of Security for the Calendar Year 2015.

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.



Vienna, 17 April, 2015.

**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 - *in force for Georgia since May 1, 2014*;
- **CoE Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters**, concluded at Strasbourg on 8 November 2001- *in force for Georgia since 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), Article 3302 (Provision of Training and Instruction for Conduction of Terrorist Activity) and Article 3271 (Recruitment for the Membership of Terrorist Organization). Recruitment is also covered by the definition of incitement for the commission of a crime, which, under Art. 24(2) is defined as “convincing someone to commit a crime”.

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/MoUs that include the cooperation in the fight against terrorism with the following countries (25 countries so far):

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

- Draft agreements ready for the signature: Czech Republic and Slovak Republic;
- Draft agreements under negotiations: Belgium, Europol, Greece, 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?

a) Laws and by-laws

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

In 2007 the Parliament of Georgia passed the Law of Georgia on “Combating Terrorism” (last amendments made on 27 November 2013), which defines the legal basis of combating terrorism, forms of organizing combat against terrorism in Georgia, as well as the rule of coordination of governmental agencies in the field of combating terrorism, and the grounds of participation of public unions, organizations, governmental officials and citizens in combating terrorism, their rights, obligations and their social protection guarantees.

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

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

- Law of Georgia on “Facilitating the Suppression of Illicit Income Legalization” (creates a legal mechanism for countering money laundering and terrorism financing);
- Law of Georgia on “Organized Crime and Racketeering” (facilitates the fight against and the prevention of organized crime in order to protect private, public and state interests);
- Law of Georgia on “Nuclear and Radioactive Security” (prohibits any form of non-peaceful use of nuclear or radioactive materials on the territory of Georgia);
- Law of Georgia on “License and Permits” (according to this law, any activity related to the trading with nuclear and radioactive materials is subject to the special licensing);

- Criminal Code of Georgia (criminalizes all acts of terrorism, which are determined as such by the international anti-terrorism conventions or CoE conventions);
- Law of Georgia on “Criminal Intelligence Activity” (defines the system of measures carried out by special services of state agencies through application of open or covert criminal intelligence methods in order to protect the rights and freedoms of human, the rights of legal entities and the public safety from criminal or any illegal conduct);
- Criminal Procedure Code of Georgia (defines in detail each and every stage of investigation and criminal prosecution on any action that is considered as a crime under the Criminal Code of Georgia, as well as defines types and rules of application of covert investigative measures);
- Civil Procedure Code of Georgia (defines the procedure of the seizure and transfer to the state of a person’s property, who is convicted for the perpetration of terrorism financing, other material assistance to terrorist activity or provision of resources thereto);
- Law of Georgia on “International Law Enforcement Cooperation” (defines the rules of international law enforcement cooperation in the fight against crime, including terrorism-related crime);
- Law of Georgia on “International Cooperation in Criminal Matters” (defines the rules of mutual legal assistance and extradition issues);
- Decree of the Government of Georgia approving “The Rule of Organizing Overall Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism” of 26 March 2014, substituting the Presidential Decree of 17 January 2008;
- Decree of the Government of Georgia approving “The Rule of Social Rehabilitation of Participants of Counterterrorist Activities and Victims of Terrorist Act” of 26 March 2014, substituting the Presidential Decree of 17 January 2008;
- Decree of the Government of Georgia approving “The Rule of Organization and Activity of the Center of Operations on Extraordinary Situations Management” of 5 December 2014.

b) Criminalization

Criminal Code of Georgia criminalizes the following terrorist acts:

- Terrorist Act (Art. 323),
- Purchase, Storage, Carriage, Manufacture, Transportation, Delivery, Sale or Application of Firearms, Ammunition, Explosives or Explosive Devices for Terrorist Aim (Art. 323¹),
- Participation in International Terrorism (Art. 323²),
- Technological Terrorism (Art. 324),
- Cyber terrorism (Art. 324¹),
- Assault on Political Official of Georgia (Art. 325),
- Assault on Person or Institution Enjoying International Protection (Art. 326),
- Membership of Terrorist Organization, Participation in the Activity of Terrorist Organization, Formation of Terrorist Organization or Leading Thereof (Art. 327),
- Recruitment for the Membership of Terrorist Organization (Art. 327¹),
- Accession to Terrorist Organization of a Foreign State or to Terrorist Organization Controlled by a Foreign State or Assistance in Its Terrorist Activity (Art. 328),
- Seizure of Hostage for Terrorist Aim (Art. 329),

- Illegal Seizure of Flying Object or Water Vessel, Movable Railroad Compound or other Public or Cargo Transport for Terrorist Aim (Art. 329¹),
- Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Aim (Art. 330),
- Publicly calling for Terrorism (Art. 330¹),
- Provision of Training and Instruction for Conduction of Terrorist Activity (Art. 330²),
- Theft with the Aim of Committing One of the Crimes envisaged by this Chapter (Art. 330³),
- Extortion with the Aim of Committing One of the Crimes envisaged by this Chapter (Art. 330⁴),
- Drawing Up of False Official Document with the Aim of Committing One of the Crimes envisaged by this Chapter (Art. 330⁵),
- False Notification on Terrorism (Art. 331),
- Terrorism Financing, Other Material Assistance to Terrorist Activity or Provision of Resources Thereto (Art. 331¹),
- Non-conduction of Measures for Hindering Commission of Terrorist Act (Art. 331²).

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

- Preparation of Crime (Art. 18) (can be applied in conjunction of any other mentioned crimes),
- Attempted Crime (Art. 19) (can be applied in conjunction of any other mentioned crimes),
- Complicity in Crime (Art. 23) (can be applied in conjunction of any other mentioned crimes),
- Taking a Hostage (Art. 144),
- Illegal Seizure of Flying Object or Water Vessel or Movable Railroad Compound (Art. 227),
- Making Threat to Navigation of Water Vessel (Art. 227¹),
- Illegal Seizure of Fixed Platform, Its Destruction or Inflicting Damage Thereto (Art. 227²),
- Making Threat to Flying Object (Art. 227³),
- Piracy at Sea (Art. 228),
- Explosion (Art. 229),
- Illegal Handling of Nuclear Material or Device, Radioactive Waste or Radioactive Substance (Art. 230),
- Seizure of Nuclear Material, Radioactive Substance or Other Source of Ionizing Exposure (Art. 231),
- Illegal Request on Obtaining Nuclear Substance (Art. 231¹),
- Threat to Seize or Use Illegally a Nuclear Substance (Art. 231²),
- Manufacturing of Nuclear Weapons or Other Explosive Nuclear Device (Art. 232).

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

of state/foreign state/international organization. Such conduct shall be punished from ten to fifteen years of imprisonment.

Threat of commission of the abovementioned conduct shall be punished from six to twelve years of imprisonment (Paragraph 11).

Paragraph 2 of the same Article establishes that, if the above-mentioned actions are committed by a group, repeatedly or by using means of mass destruction, they will be punished from twelve to seventeen years of imprisonment.

Paragraph 3 of the same Article establishes that, if the above-mentioned actions have claimed a human life or have given rise to any other grave consequence, they will be punished from fifteen to twenty years of imprisonment or by life imprisonment.

For committing the act determined by this Article a legal entity is punished by liquidation or deprivation of the right to conduct activity and by fine. In general, sanctions related to terrorist offences are relatively high. For example, article 323 of the Criminal Code of Georgia criminalizing terrorist act provides imprisonment up to 15 years. If the aggravating circumstances are met, imprisonment up to 20 years or lifetime imprisonment is applied.

c) Measures for tackling FTFs

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

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.

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

On June 27, 2007 Parliament of Georgia passed the Law of Georgia on “Combating Terrorism”. The Article 4 of the law sets forth the governmental agencies, which exercise combat against terrorism. These agencies are as follows:

1. Ministry of Internal Affairs of Georgia, being the key agency in governmental systems exercising combat against terrorism;
2. Ministry of Defence of Georgia;
3. Intelligence Service of Georgia;
4. State Protection Special Service of Georgia.

According to the Article 5 of the Law, the Ministry of Defence of Georgia:

- Ensures protection of arms, ammunition, explosive and hazardous materials that are stored in military bases or specially designated facilities;
- Ensures the preparation and use of Land Forces units of the Armed Forces of Georgia when the terrorist acts are committed within the airspace of Georgia;
- Participates in counter-terrorist operations conducted on the military installations.

On the basis of Articles 4 and 26 of the Law of Georgia on “Combating Terrorism”, the government of Georgia issued the ordinance in 2014, which approved “the rule of organizing overall counterterrorist activities in the country and coordination of activities of agencies in combating terrorism” and “the rule on social rehabilitation of the participants of counterterrorist operations and victims of terrorist acts”.

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

Border controls

a) Consolidation of the legal and institutional framework for border management

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

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

MIA has launched massive rehabilitation of Green Border infrastructure. In order to analyze threats and vulnerabilities along Georgia's green borders and to evaluate the ability of the Georgian Border Police, the first joint mission of US and EU experts conducted the assessment of Georgia's borders with Turkey, Armenia and Azerbaijan. Based on the assessment and as a result of further coordinated work, the Ministry of Internal Affairs has elaborated the 5 year Program for Modernization, Standardization and Unification of Georgian Border Police. Concept of the Unified System of Analysis on Risks and Threats at the State Border of Georgia was approved by the Ministerial Order N92 of January 31, 2015.

Moreover, "Green Border" Standard Operating Procedures (SOPs) were elaborated with the assistance of EUSR Border Support Team (BST) experts and approved by the special order issued by the Chief of Border Police. The new SOPs for the land Border Crossing Points (BCPs) were approved in December 2014. The SOPs for all seaport and airport BCPs are in the process of elaboration and will be approved in the nearest future.

b) International Cooperation

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

Georgia has concluded bilateral cooperation agreements on border issues with Republic of Armenia, Republic of Azerbaijan, 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.

Within the framework of the cooperation plan representatives of the border agencies of MIA participated in the following 4 joint operations: 1. *Alexis I 2014 (Airport Border Checkpoint)* which serves enhancing capabilities of airport border guards to detect and react on abuses made by passengers within the transit areas of Schengen and non-Schengen airport; 2. *Poseidon Sea 2014 (Greece)* General objective was to coordinate operational cooperation between Member States in the field of management of the EU external borders through organizing joint patrols of the assets and personnel provided by the Member States in the predefined areas as well as border checks at the border crossing points on persons and vehicles; 3. *EPN Aeneas 2014 (Italy)* - the aim of the operation was to enhance capabilities in Combating illegal migration from the Ionian Sea towards Italy (Apulia, Calabria) from Turkey and Egypt; 4. *Focal Points 2014 Air – Intermediate Managers* - the concept of the operation was to deploy and host border guards among different airports within and outside European Union in order to enhance the Integrated Border Management and to increase the operation at the external borders of Member states including the Tbilisi International Airport.

c) 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 border crossing points are fully equipped with radiation detection equipment. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control. At the same time, MIA operative units have special technical equipment necessary for neutralization of nuclear related incidents. In nuclear non-proliferation and radiation security areas Georgia's main partner is the USA.

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

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

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.

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.

a) 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 Combating Terrorism and Criminal Code. Law on Combating Terrorism defines organizational forms, legal foundations and law enforcement coordination issues necessary for combating all forms of terrorism (Including nuclear terrorism).

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

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. In February 2014 Interagency Coordination Council on Combating CBRN Threats was established. The Council is

mandated to coordinate the process of elaboration of CBRN Threat Reduction Action Plan, to approve this action plan and to monitor its implementation. The action plan has already been elaborated and it is expected to be approved in the beginning of 2015. The action plan will cover years of 2015-2019.

b) 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.

On June 2-5 2014 "World Congress on CBRN Science and Consequence Management" was held in Georgia for the first time, which was hosted by the Ministry of Internal Affairs of Georgia. Congress was dedicated to the non-spreading of CBRN substances, handling CBRN incident consequences, and other CBRN safety issues. The congress was an opportunity to share Georgia's experience in the field of CBRN incidents and establish close co-operation with scientists and decision makers from various countries. Congress was attended by members of Georgian Government, representatives of executive branch, top officials from the US defense sphere, representatives of diplomatic corps accredited to Georgia and CBRN experts from 38 countries.

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 CBRN 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 CBRN 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 CBRN materials at the border areas.

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

Financing of terrorism;

In order to combat with terrorism and terrorism financing in line with UNSC resolutions, Interagency Commission on Implementation of the UN Security Council Resolutions (hereinafter the Commission) was established in December 2011. Governmental Decree N. 487 on the Establishment of the Governmental Commission on the Matters related to the Execution of the United Nations Resolutions (hereinafter the Decree) in line with several amendments introduced in Georgian legislation now provides for a legal framework for implementing UNSC Resolutions on Terrorism related issues (1267 together with its successor resolutions and UNSCR 1373, as well as UNSCR 1844). The Commission is assisted by the Secretariat, which is the Public International Law Department of Ministry of Justice of Georgia. The Secretariat is headed by the Secretary (the head of the Department as well). The Secretariat provides technical assistance to the Council. Its meetings are requested when there is a need to draw the consequences to the updated lists or resolutions. Therefore, the Government Commission would meet as soon as the need arises or agrees on urgent matters via email communication from the Secretariat.

The Commission conducts its work on three major directions: assets freeze, travel ban and arms embargo on individuals and legal entities suspected in terrorism as designated in line with UNSC Resolutions.

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

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

The Court issues order/s on freezing measures and sends one copy to the Commission and the other to National Bureau of Enforcement (hereinafter NBE) as an agency responsible for execution of the

Court decision on freezing of financial assets of designated persons. NBE lists all persons included in the Court Order in the Debtor Registry. A debtor's registry is a sanction before enforcing the financial claim; it is a systematized electronic database containing list of natural and legal/organizational entities. Debtor's Registry is publicly available and accessible from the NBE website at <https://debt.reestri.gov.ge/main.php?s=1>.

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

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

In addition, Secretariat of the Commission closely works on technical level with the NBE and other monitoring entities requiring guidelines in relation to the procedure.

Since the establishment of the Commission in 2011 the Deputy Minister of Justice in the capacity of a co-chairperson of the Governmental Commission has addressed to the Administrative Law branch of the Tbilisi City Court with the 31 motions to issue order of seizure or release from seizure of the property of those individuals and legal persons who were added to or removed from the lists drawn up by the United Nation Security Council Sanction Committee 1267. The Ministry of Justice's LEPL - National Bureau of Enforcement immediately secures the supply of the court's order to the supervisory bodies determined by the Law of Georgia on Facilitation of Prevention of Legalization of Illegal Income.

In August, 2014 the Ministry of Justice's LEPL - the Notary Chamber of Georgia, which according to the Law of Georgia on Facilitation of Prevention of Legalization of Illegal Income is a supervising body, elaborated and provided access for the notary to the electronic database, which contains data about persons classified by the United Nation Security Council Sanction Committee. This electronic database will enable the notary to reveal and prevent illegal transactions by persons classified by the UNSC Sanction Committee as terrorist supporters.

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

Apart from the abovementioned, Georgia contributes to RS (Resolute Support) mission up to 900 Military Soldiers as follows:

- One battalion under U.S. Command in Bagram;
- One Company under German command in Mazare-Sharif
- 2 staff officers under Turkish Command, Kabul;
- 10 staff officers inside SNR office.

Moreover, Georgia participated to the EU Mission in Central African Republic with 156 PAX from June to December 2014. In addition, Georgian side extended participation in the EUFOR-RCA with two infantry platoons (85 PAX) from December till the mid of March 2015.

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/conducts the following activities:
 - I) Declared site Inspection,
 - II) Challenge inspection within specified areas,
 - III) Inspection of reduction,
 - IV) According to the bilateral agreements Georgia receives/conducts the additional Declared Site inspections
2. According to the protocol on notification and exchange of information of the CFE treaty, Georgia prepares and circulates corresponding notification formats for the states parties by means of INA system and OSCE network.

3. According to Chapter I-V of the protocol on notification and exchange of information, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid as of 1st of January of the following year.
Reduction of the decommissioned Treaty Limited Equipment by the means of their destruction according to the protocol on procedures governing the reduction of Treaty Limited Equipment.

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

1. According to the paras 9 and 10 of the 1st chapter of VD2011, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its own armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid until the 1st of January of the following year.
2. According to VD2011 provisions prepares and circulates corresponding notification formats for states parties by means of INA system and OSCE network.
3. According to chapter IX of VD2011 Georgia implements the following provisions:
 - i. According to paras 74-106 Georgia receives/conducts specified area inspections;
 - ii. According to paras 107-137 Georgia receives/conducts evaluation visits;
4. According to the article 144.9 of the X chapter of VD2011 receives/conducts additional evaluation visits (according to the bilateral agreements).
5. According to VD2011 Georgia prepares and circulates the corresponding notification forms during the year (INA System and OSCE network).
6. Georgia annually prepares and circulates via diplomatic channels Global Exchange of Military Information (GEMI) until April 30th. Information is valid as of 1st January of the current year.
7. According to the "Open Sky" Treaty provisions, Georgia as annually receives 4 (four) observation flights. These measures are implemented by the Arms Control and Verification Division of the General Staff¹ of the Armed Forces of Georgia in conjunction with other relevant agencies.
8. 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 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 "Control of Military and Dual-use Goods"
- Georgian Law on "Weapon";
- Georgian Law on "Licenses and Permits";

¹ 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.

- Resolution of the Government of Georgia #394 (13.06.2014) on approval of “Updated Georgian Register (index) on the Military and Dual Use Products”.
- Resolution of the Government of Georgia #372 (09.06.2014) on “Control Measures for Military and Dual-Use Products”

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 prohibited.

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

The Prime Minister:

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

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

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

The Parliament of Georgia:

- Is the supreme representative body of the country, which shall exercise legislative power;
- 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 foreign policy of the state, ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution;
- Is entitled to dissolve the Parliament in accordance with the Constitution;
- Declares martial law in the case of armed attack on Georgia, makes peace when appropriate conditions exist and submits the decisions to parliament within 48 hours for approval;
- In the case of war or mass disorder, infringement upon territorial integrity of the country, coup d'état, armed insurrection, ecological disasters, epidemics, or in other cases, when state bodies are unable to normally exercise their constitutional power shall declare a state of emergency throughout the whole territory of the country or a certain part thereof and submit this decision to the parliament within 48 hours for approval. In the case of a state of emergency issues the decrees having the force of law, which shall remain in force until the end of the state of emergency, shall take emergency measures. The decrees shall be submitted to the parliament when it is assembled. Emergency authorities shall apply only to the territory where the state of emergency is declared for the reasons mentioned in the present paragraph;
- Shall award state honors, higher military ranks, special and honorary titles and higher diplomatic ranks;

- The president is the Supreme Commander-in-chief of the Military forces of Georgia. 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?

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

Article 98 of the Constitution: „The types and the composition of the Military forces shall be determined by law. The structure of the Military 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”.

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

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

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

In accordance with Article 3 of the Georgian Constitution “National Defense and Security, Military Forces, Military Industry and Trade of Arms come exclusively within the special competence of Supreme State Authority of Georgia”.

Article 9 of the Law on “Defence of Georgia” defines that „The Ministry 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.

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

2. The Defence and Security Committee of the Parliament of Georgia shall perform functions in the field of defence under the Law of Georgia on Committees of the Parliament of Georgia.”

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

According to the Article 60 of the Constitution of Georgia,, 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 current Georgian National Military Strategy (NMS) democratic control of the Armed Forces is a key principle of defence policy, implying that decisions on development and use of the GAF, acquisition of armament and other material means, as well as the use of its existing resources taken under democratic and civil control. Georgian defence policy is based on the principles of transparency and accountability implying inculcation of Good Governance practice within defence system, maximum openness of defence business processes as well as effective and efficient outsourcing. It also means increasing the Ministry’s accountability to Parliament and civil society.

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

The MoD has been actively involved in development of Building Integrity program followed by its detailed action plan and National Anti-corruption program led by the ministry of Justice. In terms of this program National Anti-Corruption Strategy and its action plan were adopted.

In addition, Georgian law on Defence Planning had undergone the legislative amendment that requires that the Defence and Security Committee should be informed of planned acquisitions of an estimated cost of more than GEL 2 million for goods or services and GEL 4 million for construction works. This enables Parliament to track high-value expenditures from initial planning to completion, as well as take timely action in the case of identifying omissions.

Group of trustees is another important tool that provides additional oversight over activities of the Ministry of Defence. The Group is established in the Defence and Security Committee of the Parliament with the aim to provide budgetary control of special programs and classified activities of the MoD.

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

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

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

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

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

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

- National military strategy of Georgia;
- Issues directly related to the military development and organization of defence of the country;
- Situations related to the cases of armed attack against Georgia, declaration of a State of War and, provided that there are acceptable terms, signing of an agreement for truce;
- Situations related to the cases of war, massive disorder, violation of the territorial integrity of the Country, military coup, armed insurrection, ecological disaster or epidemic or in any other cases, in which State Authorities are deprived of the ability to execute their powers stipulated in the Constitution;
- Questions related to issuing decrees in the cases of a state of war or a state of emergency;
- Structure of the military forces and submits it to president for approval;
- Issues related to appointment and dismissal of the Chief of the General Staff of the Georgian Armed Forces and other Commanders;
- Issues related to the situations regarding the international conflict zones and develops proposals concerning Georgia's cooperation with joint security systems;
- appropriateness of Georgia's participation in security measures conducted outside the country and in accordance with treaties and agreements signed and/or recognized by Georgia;
- the appropriateness of the entrance, use and movement of the military forces of another country on the territory of Georgia for the purpose of national defence, in special cases or in cases envisaged by law;
- Issues regarding the combat readiness of the military forces;

- The size of the armed forces determined by the vote of 2/3 of the members of the National Security Council and submitted for the approval by the Parliament of Georgia together with submitting of the State Budget by the Government of Georgia.

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

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

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

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

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

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

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

Mechanisms of Democratic control of the armed forces of Georgia are the following:

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

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

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

According to above-mentioned Law, functions between the Ministry of Defense of Georgia and General Staff (Civilian and Military) have been divided on the Legislative level. Particularly, the

Ministry of Defense was defined as the State Managing Body of the Armed Forces and General Staff – as the operative managing body of the armed forces.

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

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

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

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

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

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

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

1. The following persons shall be released from the military draft:
 - Persons recognized as unfit for military service as per their condition of health;
 - Persons who did military service in the military forces of other states;
 - Persons who have been convicted for serious or especially serious crimes;
 - Persons doing non-military, alternative labor service;
 - Persons with a scientific degree and engaged in pedagogical or scientific work;

- The only son of a family in which at least one member was killed in the action for the territorial integrity or military service;
2. The Prime-Minister of Georgia shall be empowered to release an especially gifted conscript from the military draft.

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

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

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

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

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

According to article 5, paragraph 4 the 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.

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

All of basic training programs includes Humanitarian Law subject.

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

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

The General Staff of GAF on regular base co-operates with the International Committee of Red Cross (ICRC). In 2015 new Action Plan 2015 was signed. According to the Action Plan relevant trainings and seminars are conducted on each level of the Armed Forces.

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

All military order includes ROE Annex.

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

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

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

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

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

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

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

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

4.5 How does your State ensure that its 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 “General 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.

Mod is obliged to issue any kind of information, except information containing the state, personal or commercial secrecy immediately or within 10 days. If the state agency is unable to answer the

questions due to the above mentioned reasons, it should inform citizens in a written form during 3 days period.

“White Book” has been published describing the main activities of the MoD in accordance with the Minister’s vision in Georgian and English languages. It reflects all concrete steps undertaken by MoD to achieve its defence reforms priorities.

MoD conducts various activities to inform public and media about the ongoing defence reforms, official visits, meetings, trainings, military exercises, cultural events, participation in international missions. Representatives of media are regularly invited to cover the ongoing events at the MoD and GAF.