



Nº 11/13344

NOTE VERBALE

The Permanent Representation of Georgia to the OSCE presents its compliments to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Center, and has the honor to submit Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspect of the Security for the year 2016.

The Permanent Representation of Georgia to the OSCE avails itself of this opportunity to renew to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Center the assurances of its highest consideration.

Vienna, April 14, 2016

Attachment: 46 pages.



To: OSCE Delegations and Missions
Conflict Prevention Centre

ENGLISH only

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:

1. **European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 27 January 1977 - *in force for Georgia since March 15, 2001*;
2. **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*;
3. **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*;
4. **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*;
5. 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

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

Georgia is a party to:

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

d) Bilateral International Agreements

Georgia has signed bilateral international agreements/MoUs that include the cooperation in the fight against terrorism with the following countries (26 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. Slovak Republic
21. Spain
22. Turkey
23. Ukraine
24. United Kingdom (MoU)
25. USA (MoU)
26. Uzbekistan

- **Draft Agreements ready for signature:** *Czech Republic and Europol;*
- **Draft agreements under negotiations:** *Belgium, Greece, Qatar, Saudi Arabia and UAE.*
- Moreover, Georgia has concluded International Agreements on Exchange and Mutual Protection of Classified Information with **17 countries** (*Austria, Armenia, Azerbaijan, Bulgaria, Czech Republic, Estonia, France, Latvia, Lithuania, Luxembourg, Norway, Romania, Slovak Republic, Spain, Sweden, Ukraine, and Poland*), which are firm legal basis for sharing the classified information on the issues related to crimes, including terrorism. Besides, the negotiations on the **Memorandum of Understanding on Confidentiality and Information Assurance between Georgia and EU** have been completed and the finalisation process on the draft is undergoing. After completion of the relevant technical procedures, it is expected to be signed this year.
- Georgia is participating in the NATO Operation ACTIVE ENDEAVOR. Participation of Georgia into the anti-terrorism operation is based on the **Tactical Memorandum of Understanding signed between the Ministry of Internal Affairs of Georgia and Headquarters Allied Maritime Command Naples regarding the participation in and contribution to Operation ACTIVE ENDEAVOUR.** Based on this memorandum the GCG Liaison Officer has been deployed to MARCOM HQ in Northwood since 1st of May, 2014. Manning the Liaison officer at MARCOM enables the GCG to exchange information timely and creates new cooperation perspectives between NATO maritime forces and Georgian Coast Guard.

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

a) Laws and by-laws

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

In 2007 the Parliament of Georgia passed the Law of Georgia on “**Combating Terrorism**” (*last amendments made on 15 July 2015*), which defines the legal basis of combating terrorism, forms of

organizing combat against terrorism in Georgia, as well as the rule of coordination of governmental agencies in the field of combating terrorism, and the grounds of participation of public unions, organizations, governmental officials and citizens in combating terrorism, their rights, obligations and their social protection guarantees.

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

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

- Law of Georgia on “**Facilitating the Suppression of Illicit Income Legalization**” (creates a legal mechanism for countering money laundering and terrorism financing);
- Law of Georgia on “**Organized Crime and Racketeering**” (facilitates the fight against and the prevention of organized crime in order to protect private, public and state interests);
- Law of Georgia on “**Nuclear and Radioactive Security**” (prohibits any form of non-peaceful use of nuclear or radioactive materials on the territory of Georgia);
- Law of Georgia on “**License and Permits**” (according to this law, any activity related to the trading with nuclear and radioactive materials is subject to the special licensing);
- **Criminal Code of Georgia** (criminalizes all acts of terrorism, which are determined as such by the international anti-terrorism conventions or CoE conventions);
- Law of Georgia on “**Criminal Intelligence Activity**” (defines the system of measures carried out by special services of state agencies through application of open or covert criminal intelligence methods in order to protect the rights and freedoms of human, the rights of legal entities and the public safety from criminal or any illegal conduct);
- **Criminal Procedure Code of Georgia** (defines in detail each and every stage of investigation and criminal prosecution on any action that is considered as a crime under the Criminal Code of Georgia, as well as defines types and rules of application of covert investigative measures);
- **Civil Procedure Code of Georgia** (defines the procedure of the seizure and transfer to the state of a person’s property, who is convicted for the perpetration of terrorism financing, other material assistance to terrorist activity or provision of resources thereto);

- Law of Georgia on “**International Law Enforcement Cooperation**” (defines the rules of international law enforcement cooperation in the fight against crime, including terrorism-related crime);
- Law of Georgia on “**International Cooperation in Criminal Matters**” (defines the rules of mutual legal assistance and extradition issues);
- Law of Georgia on “**State Security Service of Georgia**” (defines basic guiding principles for the activities of the State Security Service of Georgia, its functions and authority, procedures for the performance of services by public servants of the Service, and their legal and social protection guarantees, the forms of controlling and overseeing activities of the State Security Service of Georgia);
- Law of Georgia on “**Police**” (defines basic principles of the Georgian police activities, the legal grounds for organizational structure of the police, its functions, measures to be carried out by the police and legal forms of exercising police authority, procedure for serving in the police, legal and social protection guarantees of police officers and control over police activities);
- Law of Georgia on “**Trust Group**” (defines rules on conduction of budget control over special programs and secret activities of agencies of the executive Government of Georgia by Trust Group created within the Parliament of Georgia);
- Law of Georgia on “**Personal Data Protection**” (defines provisions on ensuring protection of human rights and freedoms, including the right to privacy, in the course of personal data processing);
- Decree of the Government of Georgia approving “**The Rule of Organizing Overall Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism**” of 26 March 2014, substituting the Presidential Decree of 17 January 2008;
- Decree of the Government of Georgia approving “**The Rule of Social Rehabilitation of Participants of Counterterrorist Activities and Victims of Terrorist Act**” of 26 March 2014, substituting the Presidential Decree of 17 January 2008;
- Decree of the Government of Georgia approving “**The Rule of Organization and Activity of the Operational Headquarters on Extreme Situations Management**” of 5 December 2014.

b) Criminalization

Criminal Code of Georgia criminalizes the following terrorist acts:

- Terrorist Act (Art. 323),
- Unlawful purchase, storage, carrying, manufacturing, transportation, transfer, sale or use of firearms, ammunition, explosives or equipment for terrorist purposes (Art. 323¹),

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

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

- Preparation of Crime (Art. 18) (can be applied in conjunction of any other mentioned crimes),
- Attempted Crime (Art. 19) (can be applied in conjunction of any other mentioned crimes),
- Complicity in Crime (Art. 23) (can be applied in conjunction of any other mentioned crimes),
- Taking a Hostage (Art. 144),
- Creation or Management of Illegal Formations, or Joining And Participation in Such Formations, and/or Implementation of Other Activities in Favor of Illegal Formations (Art. 223)⁵,
- Illegal Seizure of Aircraft, Water Vessels or Railway Rolling Stock (Art. 227),

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

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

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

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

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

- Endangering the Navigation of Water Vessels (Art. 227¹),
- Illegal Seizure, Destruction or Damage of a Stationary Platform (Art. 227²),
- Posing Danger to Aircraft (Art. 227³),
- Piracy (Art. 228),
- Explosion (Art. 229),
- Illegal Handling of Nuclear Material or Equipment, Radioactive Waste or Radioactive Substance (Art. 230),
- Seizure of Nuclear Material, Radioactive Substances or Other Sources of Ionizing Radiation (Art. 231),
- Unlawful Demand of Nuclear Materials (Art. 231¹),
- Threat to Illegally Seize or Use of Nuclear Substance (Art. 231²),
- Manufacturing of Nuclear Weapons or Other Nuclear Explosive Equipment (Art. 232),
- Public Incitement to Acts of Violence (Art. 239¹)⁶.

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

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

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

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

For committing the act determined by this Article *a legal entity* is punished by liquidation or deprivation of the right to conduct activity and by fine. In general, sanctions related to terrorist offences are relatively high. For example, article 323 of the Criminal Code of Georgia criminalizing terrorist act provides imprisonment up to 15 years. If the aggravating circumstances are met, imprisonment up to 20 years or lifetime imprisonment is applied. According to the recent amendments to the Criminal Code of Georgia, Article 323² criminalizes participation in international

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

terrorism, while Article 330² introduced punishment for providing training and instruction for terrorist activities and Article 327¹ covers the crime of recruiting a person as a member of a terrorist organization or for carrying out terrorist activities.

c) Measures for tackling FTFs

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

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

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

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

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

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

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

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

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

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

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

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

- The Instructions and requests of Counterterrorist Center are obligatory and must be observed by any agency;
- Governmental agencies are obliged to submit to the Counterterrorist Center any information in accordance with “the List of Information ensuring overall counterterrorist activities” approved by the same decree;
- On the basis of acquired materials the Counterterrorist Center ensures providing identical and mutually agreed information base on counterterrorist condition and its dynamics, detects foreseeable threats by analyzing the information in all its aspects, and conducts measures to avoid terrorist activities;
- During conducting special (operational, operational-technical) and operational-investigative measures of counterterrorist activities the Counterterrorist Center and other agencies are

authorized to use potential, property or material-technical base of other governmental agencies in accordance with the rules provided by legislation;

- After the information is submitted to the Counterterrorist Center, it determines the authorized competent agency (agencies), which will carry out counterterrorist activities related to the received information;
- The Counterterrorist Center is authorized to request improved materials connected to the abovementioned information from respective government agencies;
- The Counterterrorist Center determines the expediency of continuing special measures after it receives additional information from counterterrorist activities;

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

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

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

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

Financing of terrorism

Fight against money laundering and the financing of terrorism as transnational crimes and their prevention is one of the priorities of the Government of Georgia. Georgia is a party to **the 14 UN antiterrorism international conventions**, among them to the **International Convention for the Suppression of the Financing of Terrorism**. On 25th of March 2013 Georgia signed **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention)**. This Convention was ratified by the Parliament of

Georgia on **4th of October 2013**. Georgia deposited its instrument of ratification with the Secretary General of the Council of Europe on **10th of January 2014**. Pursuant to the Article 49 (4) of the Convention, it entered into force for Georgia since **1st of May 2014**. The provisions of the mentioned conventions have already been implemented in the Georgian legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Border controls

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

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

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

MIA has launched massive rehabilitation of Green Border infrastructure. In order to analyze threats and vulnerabilities along Georgia's green borders and to evaluate the ability of the Georgian Border Police, the first joint mission of US and EU experts conducted the assessment of Georgia's borders with Turkey, Armenia and Azerbaijan. Based on the assessment and as a result of further coordinated work, the Ministry of Internal Affairs has elaborated the 5 year Program for Modernization, Standardization and Unification of Georgian Border Police. 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 roads, sea, railroad and air border crossing points are fully equipped with radiation detection equipment. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control. At the same time, MIA operative units have special technical equipment necessary for neutralization of nuclear related incidents. In nuclear non-proliferation and radiation security areas Georgia's main partner is the USA.

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

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

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.

-Travel document security

The legal entity of public law (LEPL) of the Ministry of Justice of Georgia – LEPL Public Service Development Agency (PSDA) bears primarily responsibility for issuance of identification and travel documents. Since 2006 the system of issuance and security of identification and security document has been constantly reformed and improved. On the first stage of the document security reform, the need of the existence of electronic database raised. Civil acts as well as identity documents are being digitalized since that period. This process was completed in 2008, although the digitalization of civil acts is still underway. On the second stage of the reform the systems of the electronic case management were created, that allows the exchange of information in real time. The introduction of

biometric passports in the beginning of 2010 and of ID cards in August 2011 can be considered as the successful completion of the second stage. Both these documents meet the ICAO standards and their application is possible for identity verification as well as for travel purposes. Blanks of documents as well as the means of production were purchased from the European companies, particularly, the French company is the partner of the PSDA in the terms of passports and German company - in the terms of ID Cards.

Since 2011 the LEPL Public Service Development Agency has commenced the introduction of security standards of business processes. Particularly the business process of all documents' production was revised and rebranded. At the same stage, Public Service Halls and Community Centers were constructed. Actually, the functions were divided into front and back functions which played an important role in the prevention of corruption schemes and document falsification. Rights and obligations were strictly delimited in the electronic systems of documents' production, the principle of random assignment of cases was introduced which means that employees and citizens are not informed who will examine their cases. Trainings in professional development, personal data protection and information security are constantly provided to officers of Public Service Halls, Community Centers and PSDA.

Since 2014 the process of introduction of the System of Information security management (ISO 27001) has started. It aims at certification of business process of issuance of identity documents and registration of civil acts. A number of documents regulating security issues has been adopted during this period as well as the collegial body - the Council on Issues of Information Security, was created. The risks and processes of documentation production are regularly analyzed, evaluated and control mechanisms are implemented.

The Georgian Government is actively involved in the promotion of electronic documents, biometric passports and ID cards. More than 800 000 Identity cards were distributed for free or at a reduced price in 2013-2015. Totally more than 2 400 000 persons are provided with electronic documents, biometric passport or/and ID cards. This process promotes the improvement of the quality of authenticity as different state of the art devices of document verification are used, individual's civil acts are checked during the examination of applications, and all photographs are compared with the help of electronic system. Information is revised in several databases, including the database of the Ministry of Internal Affairs. This process assists preserving the highest value of documents' validity and minimizing the facts of falsification.

Systematic care is provided with the aim of reinforcing the process' safety as well as application of modern technologies in this process. At this stage, PSDA works actively on introduction of new biometric passports. In particular, printing of the biometric passports of the third generation is planned by the end of 2016. New passports will be edited according to ICAO latest recommendations as well as modern security tools will be used which will make printed document more protected from falsification.

In addition, Georgia works actively for joining the ICAO (International Civil Aviation Organization) Public Key Directory (ICAO PKD) (At this stage, the memorandum between ICAO and PSDA is

signed and auxiliary procedures are being passed). The membership of ICAO PKD will allow the member states to revise the authenticity of travel documents issued by Georgia on the basis of information recorded on electronic carrier.

Security of radioactive sources

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

a) Legislative Developments

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

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

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

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

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

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

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

b) Institutional Developments

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

Georgia is in the process of developing as an international partnership centre in the field of CBRN. **In July 2013, Tbilisi Regional Secretariat of CBRN Risk Mitigation Centres of Excellence started functioning**. CBRN Centre is the initiative of EU that was implemented through active contribution of European Commission’s Joint Research Centre and UN Interregional Crime and Justice Research Institute (UNICRI). *Centre of Excellence unites 9 countries of South East and Eastern Europe, also South Caucasus (Albania, Armenia, Bosnia-Herzegovina, Macedonia, Montenegro, Georgia, Moldova, Serbia and Ukraine)* and its function is the capacity building of agencies involved in the reduction of the abovementioned threats.

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

It is also a priority for Georgia to become a member of the **G7 Global Partnership against the Spread of Weapons and Materials of Mass Destruction**. It should be noted that on October 1, 2015, at the G7 Global Partnership Working Group (GPWG) Meeting held in Berlin, the representative of the State Security Service of Georgia expressed Georgia's readiness to join the Global Partnership in the field of CBRN security and with its experience, to further increase its contribution to global security architecture. Based on the recommendation of SSSG, the Ministry of Foreign Affairs, has already addressed Japan (chairman country) with an official letter for Georgia's accession to the Global Partnership.

Furthermore, The State Security Service of Georgia will be the main host of the *CSCM - World Congress on CBRNe Science & Consequence Management*, which will be organized under the auspices of the Government of Georgia *on 30 May - 3 June, 2016, in Tbilisi*. The Congress will focus on CBRN counter-proliferation and counterterrorism issues with the goal of better understanding and acting to minimize the CBRNe threat. It's noteworthy, that Georgia is hosting the mentioned event for the second time, before the CSCM - World Congress on CBRNe Science & Consequence Management was held on June 2-5 2014 in Tbilisi.

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

The SSSG actively supports the MIA in border safety of the country and provides radiation controls systems existed at the state border with high quality technical and IT support, as well as training of personal. Operative-Technical Department of the SSSG along with the US experts and with the support of Institute for Transuranium Elements of the EU Joint Research Center (JRC) elaborated and implemented **intensive training course** related to detection and response on radioactive materials, as a result of which more than 1000 **employees of different structural units of MIA** (Patrol Police, Border Police, Special Tasks Department and etc.) and Ministry of Finance (Customs Department) have been trained *in the premises of Technological Innovations and Training Center*. Furthermore, recently the

training curriculums and plans on prevention and non-proliferation of WMD and related materials for the personal of Coast Guard Department of the MIA Border Police of Georgia have been elaborated and implemented. Also, SOPs on detection of nuclear and radioactive materials for the MIA Border Police of Georgia have been created.

In order to ensure control of the movement of radioactive materials through the border crossing points, Georgia works closely with the US Department of Energy. Since 2006, within the frame of the “Second Line Defense” (SLD) program certain important projects have been conducted on capacity building of Georgia in the sphere of non-proliferation of nuclear weapons and radiation. The radiation control equipment was installed in all border crossing points and the relevant trainings have been conducted for the staff. It should be noted that cooperation with the US Department of Energy is not limited to technical direction; standard operative procedures and personnel training system for sustainable development are also included in the spheres of cooperation with SLD Office.

Georgia attaches great importance to the proper implementation of Joint Document of the U.S and Georgia to Combat Nuclear Smuggling. The United States and Georgia have been cooperating under the framework of the Joint Document since February 2007. On 27 of February 2009 addendum to the *‘Joint Document of U.S and Georgian delegations on Georgia’s Priority Needs to Improve Its Capabilities to Combat Nuclear Smuggling’* was signed. The Addendum envisages providing state agencies of Georgia involved in the sphere of nuclear and radiation security with modern equipment, training of Georgian experts, information-sharing and etc. Georgia is actively implementing tasks and programs detailed in the Joint Document. Various projects included in the framework of the agreement have been funded by the U.S. DoE, the U.S. DoD, the U.S. DoS, the EU, Britain and Sweden. These include strengthening Georgia’s nuclear regulatory authority; increasing patrols of green borders; supporting Georgian border police aviation; equipping mobile radiation detection patrols; sponsoring international cooperation in nuclear forensics; developing a joint maritime coordination center; and supporting maritime patrols (Coast Guard). The US side underlined **Georgia’s success in full implementation** of the Join Document and expressed its willingness to acquire knowledge about the Georgian experience in detecting, suppressing and eliminating, as well as investigating illegal activities related to the nuclear and radioactive materials. In this regard, in 2016 **Georgian-American bilateral dialogue** is planned to be held with organization of the SSSG and the US Embassy to Georgia.

It is important to note the measures implemented by the SSSG in terms of non-proliferation, as well as security of radioactive sources. In 2015-2016, Officers of the SSSG exposed two attempts of illegal sale of radioactive substances and, as a result, radioactive substances "Cesium -135" and "Cesium-137" were seized, eight persons have been charged. In the last ten years, a total of 23 facts of illegal sale of nuclear and radioactive substances have been identified and 62 persons have been charged. Here it’s worth to mention the important steps conducted by the Government of Georgia in terms of nuclear security by evacuating 1.83 kg enriched uranium from the E. Andronikashvili Institute of Physics to the producing country in December 2015.

c) Operational Developments

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

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

Use of the Internet and other information networks for terrorist purposes

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

Safe havens and shelter to terrorists and terrorist organizations

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

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

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

In order to counter the **recruitment of nationals as foreign terrorist fighters**, their movement through border crossing points of Georgia is strictly limited to the maximum possible extent. **Information is exchanged and active joint measures are planned with partner countries** in order to reveal FTFs and to prevent their illegal activities. Georgia uses the **secured channels existing within the frames of regional organizations**, for the exchange of relevant information. **Police/security attaché channels are widely applied** for sharing the information as well. Georgia is also a party to **CoE Committee of Experts on Terrorism (CODEXTER)**.

Besides, it should be noted that Georgia took steps towards integration of local Muslim society of certain regions of Georgia into the Georgian society. **Government is trying to talk not only on the language of restrictions but also on the language of opportunities**. Georgia has plans on developing economy of those regions. There are several ongoing projects to support education and develop educational infrastructure, to create special programs for local students and update school facilities. Ministry of Education and Science of Georgia has financed certain projects that have been developed by the local schools. Government is supporting sport developments (such as rugby, Judo and etc. building modern facility for sports).

Due to the effective and firm measures taken by the Government of Georgia the number of FTFs is not as high as in some other countries. **According to the current data, around 40 citizens of Georgia are in the territory of Syria**. The SSSG has been conducting respective activities in order to prevent involvement of Georgian citizens in the conflict, as well as to suppress using the Georgian territory for transit by foreign fighters. **Moreover, based on the information collected, as well as supplied by special services of partner countries, more than 2000 foreign nationals have been put on non-entry regime**.

Border control has been strengthened; respective steps had already been taken, which resulted in a sharp decrease of the number of persons travelling to Syria. **In this regard, detention of ISIS representatives in Georgia, strengthening of terrorism-related legislation, as well as active campaign conducted in the society has played an important role**.

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 Infantry Battalion with U.S. contingent in Bagram;
- One Infantry Company with U.S. contingent in Kabul;
- One Infantry Company with German contingent in Mazar-e-Sharif
- 2 staff officers with Turkish contingent, Kabul;
- 8 staff officers inside SNR office.

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

- One light infantry company (156 PAX) and 2 platoons (85 PAX) successfully accomplished its' tasks in the Central African Republic (EUFOR RCA) under the EU-led operation from June 2014 to March 2015.
- Georgian side has deployed a team of 5 PAX as Immediate Reaction Team (IRT) to EUMAM RCA (European Union Military Advisory Mission RCA) since October 2015 (next Rotation will be conducted on April 2016).
- Georgian side has deployed one officer on Liaison Officer's position in the EUTM-Mali Mission since 5th of January 2016 (Next rotation is planned on May 2016).

In addition, MOD Participates to the United Nations Assistance Mission in Afghanistan (UNAMA) totally with 3 PAX, namely:

- MOD has deployed Brigadier General as a Senior Military Advisor to UNAMA since October (for one year), 2016;
- Another officer has been deployed as an assistant to Senior Military Advisor of UNAMA since November 2015,
- 3rd Georgian officer has been deployed as a Military Advisor since January 2016.

Besides, MOD has deployed a civil servant (HR expert) to the EU Advisory (civilian) Mission in Ukraine (EUAM Ukraine) from 1st of September, 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 commitments:

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

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

1. According to the paras 9 and 10 of the 1st chapter of VD2011, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its own armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid until the 1st of January of the following year.
2. According to VD2011 provisions prepares and circulates corresponding notification formats for states parties by means of INA system and OSCE network.
3. According to chapter IX of VD2011 Georgia implements the following provisions:
 - According to paras 74-106 Georgia receives/conducts specified area inspections;
 - According to paras 107-137 Georgia receives/conducts evaluation visits;
4. According to the article 144.9 of the X chapter of VD2011 receives/conducts additional evaluation visits (according to the bilateral agreements).
5. According to VD2011 Georgia prepares and circulates the corresponding notification formats 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 Staff⁷ 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

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

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

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

- Georgian Law on “Control of Military and Dual-use Goods”
- Ordinance of the Government of Georgia #394 (13.06.2014) on approval of “Approval of Military and Dual Use Products Lists”.
- Ordinance of the Government of Georgia #372 (09.06.2014) on “Determination of Control Measures of Military and Dual-Use Products”.

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

- Georgian Law on “Weapon”;
- Georgian Law on “Licenses and Permits”;

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

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

Section II: Intra-State Elements

1. National planning and decision-making process

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

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

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

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

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

The Prime Minister:

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

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

- Adopts normative acts on export and import control regulation and implementation;
- Approves the Strategic Military Equipment and Service List submitted by the Standing Commission on Military-Technical Issues under the Ministry of Defense.
- Directs and manages activities of the executive government bodies related to the export and import control.
- Defines the authorities of the executive government bodies related to the export and import control.

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

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 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 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 defense planning process is structured according to the law on defense planning. The Law on Defense Planning is based on the Constitution of Georgia. Defense planning is implemented on the basis of strategic and intra agency planning documents. The MOD is an active participant in the interagency working process that collaboratively produces key strategic guidance prescribed by the Law on Defense Planning. This Law was approved by the Georgian Parliament in April 2006. The Law on Defense Planning specifies the development and periodic review of national strategic documents as well as the preparation of internal MOD guidance and planning documents.

Currently the draft Law on State Defense is under revision and is expected to be adopted in close future. The law will define organization of state defense, management of the armed forces and exercise of democratic control as well as basis for evolving other state agencies in provision of state defense.

Spheres of the national security policy are also regulated by the law of Georgia on the “Rule of National Security Policy Planning and Coordination”. According to the abovementioned laws, Defense planning is implemented on the basis of strategic and intra agency planning documents.

National Strategic Planning Documents:

Georgia’s National Security Concept (NSC)

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

National Threat Assessment Document (NTA)

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

National Military Strategy of Georgia (NMS)

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

Strategic Defense Review 2013-2016

“Strategic Defense Review 2013 – 2016” (SDR 2013 - 2016) represents the guideline document for the Ministry of Defense (MOD) of Georgia, that identifies main directions for the development of the MOD and Georgian Armed Forces (GAF) through 2016 and aims to enhance GAF capabilities and NATO interoperability.

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

Considering assessment and analysis of existing capabilities, the recommendations provide a vision to improve GAF capabilities through the execution of the Strategic Defense Review Implementation Plan (SDR IP). Strategic Defense Review 2013-2016 document was approved in 2013 by the President of Georgia.

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

MoD Internal Planning Documents:

Within the MoD, several intra-agency documents are published or updated regularly to plan, coordinate and integrate defense management activities.

Minister’s Vision (MV)

Minister’s Vision 2015-2016 provides guidance and sets the main directions for the Ministry of Defense and future vision for GAF for the short term planning period. The document provides a clear vision for further development of the Georgian Armed Forces (GAF) to improve its capabilities to protect the independence, territorial integrity and sovereignty of Georgia, to participate in international operations and assist civil authorities during natural and man-made disasters.

Defense Programs Guidance (DPG)

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

Decision-Making Structure

In order to ensure that its decision-making processes are participatory and well-informed, the MoD has refined its internal decision-making system. Internal thematic working groups composed of the MoD and the General Staff mid-and lower-level representatives have been established to develop and review reform initiatives within their respective fields. There are 5 thematic working groups:

- Material resource management working group

- Human resource management working group
- Education and Training Development Working Group
- NATO Cooperation Working Group
- Force Planning Working Group

After reviewing and analyzing reform initiatives, they submit their recommendations for consideration to a higher-level body, the Management Team. The Management Team is composed of heads of MoD and GS department. Once it reviews the developed reform initiative, it passes it on to the Decision-Making Board composed of the Minister, with deputy ministers, the Chief of Defense (ChoD), and deputies (CHoD). The final decisions of the Decision-Making Board are approved by the Minister with official decrees.

Defense Resource Management System

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

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

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

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

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

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

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

According to the Chapter 7 of the Constitution of Georgia “Georgia shall have the Military forces to protect the independence, territorial integrity and sovereignty of Georgia, to fulfill international commitments 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 to NATO's new Resolute Support Mission with up to 900 PAX, making Georgia the second largest contributor after the US. Moreover, participates to the EUMAM RCA, EUTM Mali, UNAMA and EUAM Ukraine.

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

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

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

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

The new Law of Georgia “**on State Security Service of Georgia**” stipulates **clear legal mechanisms for ensuring public oversight and democratic standards**. According to the Law the activities of the Service **are subject to democratic control from the Government and the Parliament**. A number of mechanisms of accountability envisaged by the relevant legislation and the Regulations of the Parliament apply to the Service

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

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

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

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

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

Moreover, substantial changes were made to the data protection legislation in 2014. Under the amendments made to the Law of Georgia on „**Personal Data Protection**” on 1st of August 2014, the

Personal Data Inspector’s competencies were extended to law enforcement sector. The Personal Data Inspector may request access to various databases administered by the law enforcement agencies of Georgia and conducts inspections for their monitoring. In accordance with the new version of the Law, the **Personal Data Inspector is also authorized to carry out monitoring and control over covert investigative activities.**

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

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

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

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

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

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

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

Article 4, paragraph I of the Law on “Defense of Georgia” defines that:

1. “The Parliament of Georgia shall: a) approve the National Security Concept of Georgia and define the state policy of defense; b) approve the Military Doctrine and the Military Development Concept of Georgia; c) adopt laws in the field of defense; d) approve the text of the military oath; e) review and approve the defense 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 defense.

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

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

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

According to the current Georgian National Military Strategy (NMS) democratic control of the Armed Forces is a key principle of defense 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 defense policy is based on the principles of transparency and accountability implying inculcation of Good Governance practice within defense system, maximum openness of defense 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 Defense reforms with other nations.

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

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

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

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

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

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

- Adopt defense-related laws
- Determine the country's domestic and foreign policy priorities
- Determine the state defense 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 defense 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 Defense Minister and the Chief of General Staff is appointed by the President of Georgia with submission of the Government.

In addition, according to the organic Law on the “National Security Council of Georgia”, 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 defense 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 defense, in special cases or in cases envisaged by law;
- Issues regarding the combat readiness of the military forces;
- The size of the armed forces determined by the vote of 2/3 of the members of the National Security council and submitted for the approval by the Parliament of Georgia together with submitting of the State Budget by the Government of Georgia.

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

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

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

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

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

- Deterrence and Defense;
- 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 “Defense of Georgia” laws which requires that the Defense and Security Committee (in open acquisitions)/Trust Group (classified acquisitions) must be informed of planned acquisitions of an estimated cost of more than 2 million GEL for goods or services and 4 million GEL for construction works. This enables

Parliament to track high-value expenditures from initial planning to completion, as well as take timely action in the case of identifying omissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

Main objectives of the Commission are to prepare and present advisory opinions to the Government on IHL issues; to present proposals to the President of Georgia on the issue of acceding to IHL treaties; to prepare and present proposals to the Government of Georgia in order to ensure compliance of Georgian legislation with international obligations undertaken by Georgia in the field of IHL; to promote dissemination of IHL programmes and various educational activities in cooperation with the International Committee of the Red Cross; to report on national achievements to the International Conference of the Red Cross, the UN Secretary General and the meetings of National Committees for IHL.

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

In 2014 the Inter-agency Commission on the Implementation of International Humanitarian Law adopted 2014-2015 IHL National Action Plan. The Action Plan, among others, envisaged the following goals: (1) Analyzing and refining the national legislation in line with the IHL standards; (2) Disseminating IHL among all relevant target groups; (3) Ensuring submission of the reports under international duties; (4) Marking the relevant buildings and vehicles with identification and protective emblems in line with IHL; (5) Integrating IHL and International Human Rights Law into the Military manuals and doctrines. Currently, the Commission is working on elaboration of draft 2016-2017 Action Plan.

In order to disseminate IHL, Ministry of Justice of Georgia in close cooperation with ICRC and LEPL Training Centre of Justice organizes annual IHL national competition. Teams composed of three law students from different universities participate in competition. Ministry of Justice organizes trainings for the selected students. Apart from this, Inter-agency Commission in close cooperation with ICRC promoted translation of IHL related scientific literature. Students of high school pass optional course

in IHL, which implies study of the general rules of armed conflict including rules concerning protection of cultural heritage in armed conflict.

In addition, work – with regard of dissemination of IHL principles and namely principles of the Hague Convention – is still ongoing within the framework of the Commission. Government of Georgia disseminates information on the requirements of the Convention within the military through training courses on IHL and through publications (defense doctrines, manuals and defense force publications) and organizes seminars, workshops, conferences and symposiums.

During the 32nd International Conference of the Red Cross and the Red Crescent, held on 8-10 December, 2015, Georgia took pledges to further continue strengthening dissemination of IHL among all stakeholders; implementation of the IHL at national level and ensuring permanent trainings of personnel of the Armed Forces on IHL and integration of IHL into internal regulations.

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

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

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

All military order includes ROE Annex.

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

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

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

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

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

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

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

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

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

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

Section III. Public access and contact information:

1. Public access:

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

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

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 public information kept by an administrative agency, and obtain a copy thereof, unless such documents contain state, professional, commercial secrets or personal data”.

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

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

With the aim to be more proactive in releasing relevant public information about its decisions and activities, Georgian Government introduced a new Government Decree on Electronic Request and Proactive Publication of Public Information. This Decree, which is based on the recommendations from a group of civil society organizations, obliges all agencies to release information on their activities electronically, free of charge and in easy-to-use, open forms. Based on the Decree, MoD official web-site offers its visitors a special space, where public information - general info, employment, procurement, financing, legal acts and other information is published. Proactive disclosure of public information greatly simplifies the process of accessing information for the general public. Besides this, the citizens can request public information electronically on the official web-site of MoD.

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