



საქართველოს სალჩო ავსტრიისა და უნგრეთის რესპუბლიკებში
საქართველოს მუდმივი წარმომადგენლობა ეუთო-სა და ქ. ვენაში
განლაგებულ სხვა საერთაშორისო ორგანიზაციებთან

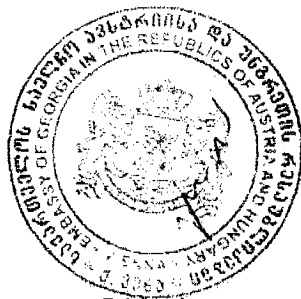
EMBASSY OF GEORGIA TO THE REPUBLICS OF AUSTRIA AND HUNGARY
PERMANENT MISSION OF GEORGIA TO THE OSCE AND
OTHER INTERNATIONAL ORGANIZATIONS IN VIENNA

N – 02/235

NOTE VERBALE

The Permanent Mission of Georgia to the OSCE and other International Organizations in Vienna presents its compliments to all the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and, in accordance with the Decision of the Forum for Security Cooperation (FSC.DEC 4/03), has the honour to provide the annual report in respect of the exchange of information on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Georgia to the OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to all other Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 16 April 2008

To all Delegations/Permanent Missions to the OSCE
To the Conflict Prevention Centre

Information Exchange on the Code of Conduct on Politico-Military Aspects of Security

1. **Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to the end (Paragraph 6):**

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party.

Georgia is party to the following major international instruments related to the fight against terrorism:

1. **Convention on Protection of Human Lives in the Sea. 1974.** By the protocol of 1978. Resolution of the Cabinet of Ministers of Georgia. 15.11.93.
2. **Convention on Prevention of Hijacking. Hague. 16.12.1970.** Resolution of the Parliament of Georgia of December 7, 1993.
3. **Convention on Offences and Certain Other Acts Committed on Board Aircraft. Tokyo. 14.09.1963.** Resolution of the Parliament of Georgia of December 7, 1993.
4. **Convention on the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971 (Montreal Convention).** Resolution of the Parliament of Georgia of December 7, 1993.
5. **Convention on International Civil Aviation".** Resolution of the Parliament of Georgia of December 7, 1993.
6. **Convention on Prevention of Tortures and Other Inhuman Treatment and Punishment.** Resolution of the Parliament of Georgia of September 22, 94.
7. **The Hague International Convention on Civil Aspects of Children Abduction.** Resolution of the Parliament of 24.02.95.
8. **New-York International Convention on Prevention of Usage, Finance and Training of Mercenaries.** Resolution of the Parliament of 3.05.95.
9. **Convention on Prohibition or Reduction of Ordinary Arms.** Resolution of the Parliament of 2.04.96.
10. **Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases.** Resolution of the Parliament of 24.01.96.
11. **Convention on Legal Mutual Assistance in Civil, Family and Criminal Cases.** 22.07.1993. Valid for Georgia since 11.07.1996.
12. **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.** Signed in 1996.
13. **Convention on Transference of Criminals.** 21.03.1983. Valid for Georgia since 01.02.1998.
14. **Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, added to the Montreal Convention on Prevention of Illegal Actions Against Security of Civil Aviation.** 23.09.1971. Valid for Georgia since 25.11.98.
15. **Montreal Convention on Marking of Plastic Explosives for the Purpose of Detection,** March 1,1991.Resolution of the Parliament of Georgia of 11.02.2000.
16. **Convention for the Suppression of the Financing of Terrorism.** Signed June 23, 2000. In force since November 13, 2001.
17. **Convention on Prevention of Financing Terrorism.** Ratified by the Parliament of Georgia on June 7, 2002.
18. **New-York Convention on Prevention and Punishment of Crimes Against Diplomatic Agents and Persons, Under the International Patronage,** Deposited with Secretary General, December 14, 1973. Presidential Decree of September 24, 2003.

19. **New-York Convention on Against the Taking of Hostages**, Deposited with Secretary General, December 17, 1979. Presidential Decree from September 24, 2003.
20. **International Convention on Combat Terrorist Bombing**, January 12, 1998. Presidential Decree from September 24, 2003.
21. **Vienna Convention on Physical Protection of Nuclear Materials, March 3 1980**. Resolution of the Parliament of Georgia of 07.06.2006.
22. **Rome Convention on Prevention of Illegal Actions against the Safety of Maritime Navigation, March 10, 1988**. Resolution of the Parliament of Georgia of 07.06.2006.
23. **Rome Protocol on Prevention of Illegal Actions against Permanent Platforms Security on Continental Shelf, March 10, 1988**. Resolution of the Parliament of Georgia of 07.06.2006.
24. **International Convention for the Suppression of Acts of Nuclear Terrorism**. New York, 13 April 2005 – not signed yet, the accession procedure is under way.

Council of Europe

1. **European Convention on Cooperation in Criminal Cases. 20.04.1959**. Resolution of the Parliament of Georgia of 11.01.2000.
2. **European Convention on Combat Terrorism, January 27, 1977**. Resolution of the Parliament of Georgia of 11.05.2000.
3. **Amendment to the European Convention on Terrorism Prevention**, 15.05.2003. (Ratified by the Parliament of Georgia on 26.10.2004).
4. **Additional Protocol to the European Convention on Cooperation in Criminal Cases**. (Signed by Georgia - November 7, 2001).
5. **Council of Europe Convention on the Prevention of Terrorism**, concluded at Warsaw on 16 May 2005 – signed on 14.12.2005, the procedure of ratification is ongoing;
6. **Council of Europe 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 – not signed

OSCE Documents

1. **Helsinki "OSCE Final Act"**-Resolution of the Supreme Council of Georgia. 15.09.91.
2. **Vienna "OSCE Final Document"**- Resolution of the Supreme Council of Georgia. 15.09.91.

Other agreements

1. **EU Convention on Combat Terrorism. 2005**
2. **On Cooperation between Governments of the GUUAM Countries on Combat in the Sphere of Terrorism, Organized and other Crimes**. July 20, 2002, ratified on June 24, 2004, entered into the force on August 25, 2004.
3. **GUUAM Yalta Charter** 7.06.2001. Resolution of the Parliament of Georgia of October 26, 2004.
4. **Adoption of Guarantees in view of the Non-proliferation Treaty**. Agreement between Republic of Georgia and International Atomic Energy Agency. September 11, 1997.
5. **Adoption of Guarantees in view of the Non-proliferation Treaty. Additional Protocol** on Agreement between Republic of Georgia and International Atomic Energy Agency September 11, 1997.
6. **Agreement on Comprehensive Prohibition of Biological Tests and Text about Establishment of the Preparatory Commission for the Organization of Agreement on Comprehensive Prohibition of Biological Tests**

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities.

Bilateral Agreements

1. 6.04.1993. – On Ratification of the Agreement on Friendship, Cooperation and Mutual Security between the Republic of Georgia and the Republic of Azerbaijan.
2. 10.06.1993. – On Ratification of the Agreement on Friendship, Cooperation and Mutual Security between the Republic of Georgia and the Republic of Armenia.
3. 19.01.1995. Agreement on Legal Assistance in Civil Legal Cases between the Republic of Georgia and the Republic of Bulgaria. Sophia. Ratified by the Parliament of Georgia on 16 February, 1996. Valid since 16 May, 1996
4. 04.09.1995. Agreement on Cooperation in Crime Prevention between the Republic of Georgia and the Republic of Uzbekistan. Tashkent. Valid since the day of its signature.
5. 15.09.1995. Agreement on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases between the Republic of Georgia and the Russian Federation. Tbilisi. Subject to ratification. Submitted to the Parliament on 09.10.1995.
6. 19.03.1996. Agreement on Transference of Convicts between Georgia and the Russian Federation. Ratified by the Parliament of Georgia on 16.05.1996.
7. 20.03.1996. Agreement on Exchange of Legal Information between the Government of Georgia and the Government of Turkmenistan. Valid since the day of its signature.
8. 20.03.1996. Agreement on Legal Relations in Civil and Criminal Cases between Georgia and Turkey. Valid since 23 January 1999.
9. 28.05.1996. Agreement on Transference of Criminals for Serving Sentence to the States, whose nationals they are, between Georgia and the Republic of Uzbekistan. Valid since 3 October 1996.
10. 8.03.1996. – Declaration on Peace, security and Cooperation in Caucasian Region between Georgia and the Republic of Azerbaijan.
11. 2.04.1996. – On Ratification of the Agreement on Legal Mutual Assistance in Criminal Cases between Georgia and the Republic of Bulgaria.
12. 2.04.1996. – On Ratification of the Agreement on Legal Assistance and Legal Relations in Civil and Criminal Cases between Georgia and Ukraine.
13. 12.06.1996. – On Ratification of the Agreement on Strengthening Friendship, Cooperation and Mutual Security between Georgia and the Republic of Azerbaijan.
14. 12.06.1996. – On Ratification of the Agreement on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases between Georgia and the Republic of Azerbaijan.
15. 27.06.1996. – On Ratification of the Agreement on Legal Mutual Assistance in Civil, Trade and Criminal Cases between Georgia and the Republic of Turkey.
16. 17.09.1996. Agreement on Transference of Convicts to the States, whose Nationals they are between Georgia and the Republic of Kazakhstan. Tbilisi. Ratified by the Parliament of Georgia on 05.02.1997.
17. 18.09.1996. – On Ratification of the Agreement on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases between Georgia and the Republic of Uzbekistan.
18. 14.02.1997. Agreement on Transference of Convicts between Georgia and Ukraine. Kiev. Ratified by the Parliament of Georgia on 2 April 1997. Valid since 10 May, 1998.
19. 18.04.1997. Agreement on Exchange of Representatives of the Ministry of Internal Affairs of Georgia and the Ministry of Internal Affairs of Azerbaijan between the Government of Georgia and the Government of the Republic of Azerbaijan. Baku. Submitted to the President's Machinery.
20. 5.03.1997. – On Ratification of the Agreement on Transference of Criminals with a view to Instituting Criminal Proceedings or Executing Sentences between Georgia and the Republic of Kazakhstan.

21. 5.03.1997. – On Ratification of the Agreement on Legal Mutual Assistance in Civil and Criminal Cases between Georgia and the Republic of Kazakhstan.
22. 22.04.1997. Agreement on Exchange of Legal Information between the Government of Georgia and the Government of the Republic of Kyrgyzstan. Valid since the day of signature.
23. 15.05.1997. – On Ratification of the Agreement on Assistance in Criminal Cases between Georgia and the Republic of Armenia.
24. 27.06.1997. – On Ratification of the Protocol on Interactions in Cases of Criminal Appropriation of Nationals, State or Other Property on the Black Sea and Those of Rendering Assistance between the State Department of State Border Guard of Georgia and the State Committee of State Border Guard of Ukraine. Register No32, 1997.
25. 27.06.1997. – On Ratification of the Protocol on Exchange of Information About the State at Frontiers and About Operation-Investigation Cooperation of Frontier Troops between the State Department of State Border Guard of Georgia and the State Committee of State Border Guard of Ukraine.
26. 17.07.1997. Agreement Between Georgia and the United States of America Concerning Cooperation in the Area of the Prevention of Proliferation of Weapons of Mass Destruction, and The Promotion of Defense and Military Relations.
27. 1997. Agreement on Transference of Persons for Serving Sentence between Georgia and the Republic of Armenia. Submitted to the President's machinery.
28. Agreement on Transference between Georgia and the Republic of Armenia. Ratified by the Parliament of Georgia on 1 April 1998.
29. 15.10.1998. – On Ratification of the Agreement on Legal Mutual Assistance in Civil and Criminal Cases between Georgia and Turkmenistan.
30. 1998. Agreement between the State Department of the State Border Guards of Georgia and The Department of Defense of the United States of America about Supporting Georgia to Establish Export Control System for Prevention the expansion of the Weapons of Mass Destruction.
31. 05.03.1999. – On Ratification of the Protocol on Cooperation in Operation-Investigation Sphere with a view to Protecting Frontiers on the International Routes between the State Department of State Border Guards of Georgia and the Ministry of Internal Affairs of the Republic of Bulgaria.
32. 10.05.1999. Agreement on Legal Assistance in Civil and Criminal Cases between Georgia and the Hellenic Republic. Valid since completion of intra-state procedures. Tbilisi. I.Menagarishvili, G.Niotis, Deputy Minister of Foreign Affairs.
33. 10.08.1999. Agreement on Cooperation in Crime Prevention between the Executive Authority of Georgia and Arab Republic of Egypt, Enters into force for Georgia after completion of intra-state procedures.
34. Agreement to Combat Crime and Especially its Organized Forms between the Governments of the States Parties to the Black Sea Economic Cooperation. Valid since 27 June, 2000.
35. 26.10. 2001. Agreement between Georgia and Latvia on Joint Combat against Terrorism, Illicit Circulation of Drugs and Organized Crime The agreement entered into force on April 9, 2004.
36. 30.04.2002. Agreement on Cooperation to Combat Terrorism, Organized and Other Grave Crimes between Georgia, Republic of Azerbaijan and Republic of Turkey. The agreement ratified by the Parliament of Georgia on April 22, 2005.
37. 7.06.2002. Protocol to Agreement on Combat Crime and Especially its Organized Forms between the Governments of the States Parties to the Black Sea Economic Cooperation. Ratified by The Parliament of Georgia on March 11, 2005.
38. 30.12.2002. Agreement between the Ministry of Defense of Georgia and the Department of Defense of the United States of America, Concerning Cooperation in the Area of

Prevention of Proliferation of Technology, Pathogens and Expertise Related to the Development of Biological Weapons.

39. 23.03.2004. Amendment to the Agreement between the Ministry of Defense of Georgia and the Department of Defense of the United States of America, Concerning Cooperation in the Area of Prevention of Proliferation of Technology, Pathogens and Expertise Related to the Development of Biological Weapons.
40. 2004. Protocol about Information Exchange between Sub-Division of the Ministry of Home Affairs State Border Guards of Georgia and Federal Service of Security of the Russian Federation.
41. Agreement between Governments of Georgia and the Republic of Kazakhstan on Cooperation in Combat against Terrorism, Illicit Circulation of Drugs, Psychotropic Materials and Precursors, Organized Crime and other kinds of crime. Signed in March 2005.
42. Agreement between Governments of Georgia and Romania on Cooperation in Combat against Terrorism, Organized Crime, illicit Trade of Drugs, Psychotropic Materials and Precursors and other kinds of Crime. Approved by the Presidential Decree #202 from April 7, 2005.

Agreements within CIS

1. Decision on Interstate Program of Joint Measures to Combat the Organized and Other Forms of Grave Crime on the Territory of the States Parties to CIS until the year 2000. 17.05.1996.
2. Agreement on Cooperation to Combat the Crime between the States Parties to CIS. 25.11.1998.
3. Decision on Conception of Interaction to Combat the Crime between the States Parties to CIS. 02.04.1999.
4. Agreement on Cooperation to Combat Terrorism between the States Parties to the CIS. June 4, 1999. Minsk.
5. Decision of the States Parties to CIS on Counteraction the International Terrorism in accordance with the results of the 1999 OSCE Istanbul Summit. Moscow 25.01.2000.
6. Decision to Establish the Antiterrorist Centre between the States Parties to CIS. 21.06.2000.
7. Decision on the Program of the States Parties to CIS to Combat the International Terrorism and Other Demonstration of Extremism until the year 2003. 21.06.2000.
8. Decision on the Antiterrorist Centre between the States Parties to CIS. 01.12.2002.

(c) National measures to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above.

According to Article 2 of the law of Georgia "On Combating Terrorism", the Constitution of Georgia, International Agreements of Georgia, laws of Georgia, including the Law on Combating Terrorism, and other legislative acts (e.g. criminal code of Georgia, code of criminal procedure, law of Georgia on counterintelligence activities, law of Georgia on operative and investigative activities) form the legal basis for the fight against terrorism in Georgia. The Constitution of Georgia and the legislation in general, is based on universally accepted principles and norms of international law. Basic human rights and universal freedoms are enshrined in the constitution of Georgia and other relevant legislative acts and are in line with internationally recognized standards.

International agreements of Georgia, by their legal force supersede laws and other normative acts of Georgia and stand after the Constitution of Georgia in the hierarchy of normative acts.

In case of contradiction between different legislative acts, priority should be given to the one higher in the hierarchy. Thus, in a theoretical case of contradiction of a certain piece of Georgian national legislation with the international convention duly signed, ratified, or acceded to by Georgia, the latter shall apply. Government organs are obliged to follow the above rule of interpretation in their activities if such conflict of laws arises.

Terrorism constitutes one of the most serious threats to peace and security, democratic order, economic and social development. That is why the prevention, investigation, prosecution and punishment of acts of terrorism represent one of the main priorities of the Georgian government. Chapter XXXVIII of the CCG under the title "Terrorism" criminalizes different forms and manifestations of terrorism: terrorist act (Art. 323), Technological Terrorism (Art. 324), Cyber terrorism (Art. 324¹), Assault on Political Official of Georgia (Art. 325), Assault on Person or Institution Enjoying International Protection (Art. 326), Formation of Terrorist Organization, Leading Thereof or Participation Therein (Art. 327), Accession and Assistance to Terrorist Organization of Foreign State or to Such Organization Controlled by Foreign State (Art. 328), Hostage-taking for Terrorist Purposes (Art. 329), Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Purposes (Art. 330), Public Incitement on Terrorism (Art. 330¹), Providing Training for the Terrorist Purposes (Art. 330²), False Notification on Terrorism (Art. 331) Financing of Terrorism (331¹). Absolute majority of the crimes listed in this chapter belong to the category of utmost grave offences. The penalties for terrorist offences are more severe in case they result in death or any other grave consequences.

It should be emphasized that Georgia made one more step forward in the field of combating terrorism, particularly, based on the amendments to the CCG of 25 July, 2006, important novelties have been introduced. It is worth mentioning that the range and the level of sanctions were increased by CCG for certain grave terrorist offences. Since the introduction of amendments Georgian criminal legislation will bring to justice not only actual perpetrators of the terrorist act, but also those who incite (Article 330¹) or train (Article 330²) others to commit this or that terrorist offence. In addition, the CCG penalized the financing of terrorism (Article 331¹). In such a manner, Georgia complied with its obligation undertaken under the International Convention on the Suppression of the Financing of Terrorism of December 9, 1999 (Article 4).

Legislative bases for criminal prosecution and punishment of manifestations of terrorism are not limited to chapter XXXVIII; rather CCG criminalizes certain terrorism related offences as well. In compliance with its obligations undertaken under the Tokyo Convention on Offences and Certain other Acts Committed on the Board Aircraft of 14 September, 1963, Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December, 1970, Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971 and its Supplemental Protocol of 24 February, 1988, International Convention for the Suppression of terrorist Bombings of 15 December, 1995, and for the purposes of fight against such offence as nuclear terrorism, CCG penalized hijacking of aircraft, explosion, criminal offences related to seizure or misuse of nuclear materials, equipments, radioactive substances and reminders, production of nuclear weapon or nuclear explosive device, illegal export of technology, scientific and technical information or service for the production of weapons, arms or military techniques of mass-destruction. Based on the amendments to the CCG of 25 July, 2006, three new provisions have been introduced criminalizing such wrongs as are endangering the navigation of vessel, wrongful acquisition, destruction or damage of stationary platforms, and threat to wrongfully obtain control over the nuclear materials.

It is also worth mentioning that recent amendments to the Criminal Procedure Code of Georgia offer the possibility of bringing to justice not only natural persons but legal persons as well. In this respect, in order guarantee more strong and effective mechanisms for combating terrorism special notes have been included in each and every Article criminalizing terrorist offences in chapter XXXVIII. In accordance with this notes the legal person shall be punished for the perpetration of a specific terrorist activity with liquidation or deprivation of the right to pursue activities and fine.

(Criminal Code of Georgia chapter XXXVIII:

Article 323 foresees terrorist act i.e. explosion, arson, use of arms or other act, which inflicts threat of death of person, serious property damage, or other grave consequence and infringes public safety, strategic, political or economic interest of the state, perpetrated with the purpose to intimidate population or to put pressure upon a governmental body. The abovementioned act shall be punishable by deprivation of liberty from 10 to 5 years. *Paragraph 2* of the present Article foresees aggravating circumstances: same acts perpetrated by a group of persons, repeatedly, by the using weapons of mass destruction, shall be punishable by deprivation of liberty from 12 to 17 years. *Paragraph 3* stipulates that if act foreseen by the paragraphs 1-2 has given rise to death of a person or other grave consequence it should be punishable by deprivation of liberty from 15 to 20 years or life imprisonment. The note of the same Article reads as follows: criminal liability shall be lifted up from the person participating in the preparation of the terrorist act who by giving a timely notice to a governmental body or acting otherwise, will help stave off the terrorist act, in case his/her action bears no signs or any other crime.

Article 324 declares as punishable technological terrorism i.e. use of nuclear, radiological, chemical or bacteriological (biological) weapon or its component, pathogenic microorganisms, radioactive or/and other harmful substances for health of person or threat to capture or/and use, *inter alia*, seizure of the object containing nuclear, chemical or strong technological or ecological threat, which infringes public safety, strategic, political or economic interest of state, perpetrated for the purpose to intimidate population or to influence individual or legal person, governmental organ, state or international organization. Sanction provided for the abovementioned act is deprivation of liberty from 10 to 15 years. *Paragraph 2* of the present Article stipulates that if this act caused death of person or other grave consequence, it shall be punishable by prison sentence ranging from 12 to 20 years in length or by life imprisonment. Note of Article 324 states: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Article 324¹ foresees cyber terrorism i.e. misappropriation, use of or threatening to use a law-protected computer information, that presents a threat of grave consequence and infringes public safety, strategic, political or economic interest of a state, perpetrated with the purpose to intimidate population or/and to put pressure upon a governmental body shall bear legal consequences of imprisonment ranging from ten to fifteen years in length. *Paragraph 2* of the present Article stipulates that same act which caused death of person or other grave consequence is punishable by deprivation of liberty from 12 to 20 years or by life imprisonment. Note of Article 324¹ states that: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Article 325 foresees attack on the person having political occupation as encroachment upon life, health or property of president of Georgia, other political official of Georgia or a family member thereof related to the public activity of this person. Sanction for such an act is deprivation of liberty from 7 to 20 years or life imprisonment. According to the note of Article

325 for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Article 326 foresees assault on the internationally protected person or building. Attack on the internationally protected person or employee of international organization or on their office or residential building or transport means, also infringement of life, health or property of their family members on political motive or for complication of international relations. Such act shall be punishable by prison sentences ranging from seven to twenty years in length or by life imprisonment. According to note of Article 326: for the action stipulated by this article a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Article 327 foresees formation or leadership of the terrorist organization or participation in it. Paragraph 1 of the present Article provides that formation or leading of a terrorist organization is punishable by deprivation of liberty from 12 to 15 years. Paragraph 2 of the present Article stipulates that participation in terrorist organization is punishable by deprivation of liberty from 10 to 12 years. Pursuant to note of Article 327: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Pursuant to **Article 328** accession to or assistance in terrorist activities of the terrorist organization of foreign state or terrorist organization controlled by foreign state shall carry the legal consequences of imprisonment ranging from ten to fifteen years in length. According to note of Article 328: for the action stipulated by this article a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Article 329 foresees hostage-taking with terrorist purposes i.e. to coerce governmental organ or international or religious organization to carry out or not carry out a particular act promising that hostage will be released shall be punishable by prison sentences ranging from eight to twelve years in length. Paragraph 2 of the present Article stipulates that the same act committed against a political official of Georgia or his/her family members, official representative of foreign country or person enjoying protection under international law, by a group, repeatedly, by a terrorist organization shall bear the legal consequences of imprisonment ranging from ten to fifteen years in length. Paragraph 3 of the present Article provides that act provided in Paragraph 1 or 2 of this Article resulting in death of a person or other grave consequence shall be punishable by deprivation of liberty from 14 to 20 years. Pursuant to note of Article 329: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Article 330 stipulates that taking possession of or blocking of an object of strategic or special importance for terrorist purposes is punishable by deprivation of liberty from 10 to 15 years. Paragraph 2 provides that act provided in paragraph 1 resulting in death of a person or other grave consequence shall carry legal consequences of imprisonment ranging from twelve to twenty years in length or by life imprisonment. Pursuant to note of Article 330: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Criminal Code of Georgia was amended on 25.07.2006 introducing Article 330¹ which foresees disseminating of information publicly or otherwise calling for committing any of the crimes stipulated in Articles 323-330, 330² and 331¹ of this Code if such action whether or not containing a direct appeal to commit a crime, presents a treat of commission of such crime, - shall be punishable by imprisonment from three to six years in length. Note of the

Article 330¹ states: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Furthermore, 25.07.2006 amendment introduced Article 330² which foresees training for terrorist purposes i.e. Providing instruction, with the purpose to commit any of the crimes stipulated in Articles 323-330 of this Code, toward using firearms or any other weapons or poisoning or other dangerous substances or other specific methods and preparing and using equipment, - shall be punishable by imprisonment from eight to eleven years in length, if this act is committed repeatedly, against two or more person inflicts deprivation of liberty from 11 to 15 years. According to note of Article 330²: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine.

Article 331¹ foresees financing of terrorism i.e. raising of or providing of finances or other property with knowledge that it will be totally or partially used or may be used by terrorist organization or for the commitment of crimes provided in Articles 227¹, 227², 231¹, 323-330 and 330², will inflict deprivation of liberty from 10 to 14 years. If this act is committed by organized armed group o repeatedly then it will inflict deprivation of liberty from 14 to 17 years. If this act is committed by terrorist organization, or caused grave consequence, it will be punished by deprivation of liberty from 17 to 20 years. According to note of Article 331¹: for the action stipulated by this article, a legal entity shall be punished by liquidation or by deprivation of the right to engage in a particular activity and fine)

On 27 June 2007 was adopted the Law of Georgia on "Combat of Terrorism", which defines legal grounds and organized forms for suppression of terrorism; rules relating to the coordination of governmental organs in the field of suppression of terrorism; grounds for participation of public unions and organizations, officials and citizens in combating terrorism, their rights and obligations and social protection guaranties.

Provisions on terrorism are also scattered through the following legislative acts of Georgia: Law of Georgia on "Public Health"; Law of Georgia on the "Legal Status of Foreigners"; Law of Georgia on "Amnesty and undeclared tax obligations and legalization of property"; Law of Georgia on the "Support of suppression of the legalization of illegal income"; Law of Georgia on "Intelligence"; Law of Georgia the "Public safety service"; Law of Georgia on the "Activities of Commercial Banks".

(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups).

Georgia has introduced measures to prevent use of financial institution for the purpose of Money laundering and/or terrorist financing. The Law of Georgia on Facilitation of Prevention Legalization of Illicit Income (AML Law) (06.06.2003) established legal requirement for financial institutions to report transactions which could possibly be related to terrorism financing. The Financial Monitoring Service of Georgia (FMS) was established on the basis of the Law of Georgia on Facilitating the Prevention of Illicit Income Legalization (the AML Law) and under the Ordinance N 354 of the President of Georgia "on Establishing the Legal Entity of the Public Law – Financial Monitoring Service of Georgia". Staff of the FMS and Special Service on Prevention of Legalization of Illicit Income at the General Prosecutor Office of Georgia was selected by conducting of strict elimination proceedings in order to assure the staffing with highly qualified and non-corrupted employees.

The FMS receives, collects, analyses and transmits information in accordance with the AML Law. The FMS issues and regularly updates normative acts determining the list of terrorists and persons supporting terrorism in accordance with United Nations Security Council Resolutions 1267 (1999) and 1373 (2001). The lists are published and distributed to financial institutions, which, on their part, are under obligation to identify and check against the lists every individual which participates in a transaction. If a financial institution finds similarity with the list, the transaction is aborted (Article 5, paragraph 7) and the information is immediately transmitted to the FMS (Article 9, Paragraph 2).

Currently the FMS purposes and functions, along with the prevention of illicit income legalization, cover the issues regarding the assistance in development of securities market in Georgia, protection of investors' rights on securities market as well as participation in implementation of State policy in the field of insurance. Financial Monitoring Department represents one of the main units of the present, renewed structure of FMS which carries out the functions of FIU.

On 23 June 2004, the FMS became a member of the Egmont Group. As a member of this organization, the FMS established contacts and co-operates with numerous FIUs of other member countries. In particular, on the basis of the MOU (Memorandum of Understanding) model of the Egmont Group, agreements on exchange of information were concluded with FIUs of 12 countries (Lichtenstein, Ukraine, Serbia, Estonia, Czech Republic, Israel, Slovenia, Romania, Thailand, Panama, Belgium, and Bulgaria). The negotiations are in progress with China and Canada, as well as with Moldova.

The spectrum of the transactions subject to the monitoring is determined by Article 5 of AML law; it underwent appropriate adjustments in order to assure compliance with the requirements of revised 40 FATF Recommendations and 9 Special recommendations. As of today, all transactions over GEL 30,000 (approximately USD 15,000) are subject to monitoring whether suspicious or not, as well as all suspicious transactions (which includes transactions connected to terrorists or terrorist supporting persons) regardless their amount. Paragraph "J" of Article 2 of Anti Money Laundering law defines "suspicious transaction" as a transaction, irrespective of the amount, where there is a reasonable ground to suspect that it has been completed for the purpose of terrorist financing (and/or money laundering) or when any person participating in a transaction is included on the list of terrorists or individuals supporting terrorism or may be related to them. Under article 9 of the Anti-Money Laundering Law, Financial institutions are obliged to report such transactions to the Financial Monitoring Service of Georgia.

If, after analyze of information received from financial institutions, the reasonable suspicion remains that the transaction was suspicious and/or is related to money laundering or terrorist financing, the FMS immediately and without prior authorization from any person or institution submits this information (including confidential information), as well as any additional materials available to FMS, to the relevant services of Prosecutor General's Office and of the Ministry of Internal Affairs (paragraph 5(b) of article 10). Information about attempt to complete suspicious transactions is as well subject to urgent submission to FMS. The FMS is also authorized to request judicial institutions immediate freezing of property (bank accounts) and abortion of transaction if there are reasonable grounds to suspect that the property (the amount of transaction) may be used for financing of terrorism. In such a case materials are immediately transmitted to the relevant services of Prosecutor General's Office and of the Ministry of Internal Affairs (paragraph 4(f) of article 10). Relevant authorities initiate criminal investigation on the basis of information submitted by FMS.

Freezing of funds used for terrorist financing is covered by the Georgian Criminal Procedure Code (CPC), the "Law of Georgia on facilitating the Prevention of Illicit Income Legalization" (the AML Law) and the Ordinance N.526 of the President of Georgia from 21 December 2001. The AML Law was amended on February 25, 2004 in order to address requirements of relevant international standards, UN Security Council Resolutions 1267(1999) and 1373(2001). Article 10 section 4 (f), of the AML Law gives authority to the FMS to apply to court for the purpose of seizing the property (bank account) or suspending a transaction (operation) if there is a grounded supposition that the property (transaction amount) may be used for financing of terrorism (in such event, materials shall be immediately forwarded to the relevant authority of the General Prosecutor's Office of Georgia and the Counter Terrorist Center at the Ministry of Internal Affairs). Article 10 section. 4 (f), is understood to cover both the FMS forwarding information to the General Prosecutor on persons with assets in Georgia, in order that the General Prosecutor should obtain a court based (longer) freeze or seizure of assets identified as being held by a person on the United Nations list.

(e) Roles and mission of armed and security forces in preventing and combating terrorism.

The law on Combating Terrorism has been adopted by the parliament of Georgia on 27th of June 2007. The objective of the law is to determine legal basis and the forms of organizing fight against terrorism, as well as regulation of coordination of government organs, grounds participation of civil unions and organizations, civil servants and individuals, their rights, responsibilities and their social protection guarantees.¹ Article 1 of the Law sets out definition of basic terms and notions used in the document. Terrorism is defined as "violence or the threat of violence, directed against physical or legal persons, destruction or the threat of destruction of buildings or establishments, transportation means, communications or other material objects, using or threatening to use explosives, nuclear, chemical, biological or other substances dangerous for human life or health, or by kidnapping or hostage taking, with the objective of compelling state organ or an international organization to carry out or to abstain from a particular act, which is in the illegitimate terrorist interests."² The law contains separate definition of terrorist act, which is "explosion, arson, use of weapons or other act which causes the danger to human life, the damage of valuable property or causes other serious consequence, infringes public security, important political or economic interest of the government and is committed to intimidate the population or to influence the government agency." This definition is identical with the definition of terrorist act contained in Article 323 of the Criminal Code of Georgia (CCG) under Chapter XXXVIII - Terrorism. Terrorist activity is defined in reference to the mentioned chapter of CCG and comprises: terrorist act (Art. 323), Technological Terrorism (Art. 324), Cyber terrorism (Art. 324¹), Assault on Political Official of Georgia (Art. 325), Assault on Person or Institution Enjoying International Protection (Art. 326), Formation of Terrorist Organization, Leading Thereof or Participation Therein (Art. 327), Accession and Assistance to Terrorist Organization of Foreign State or to Such Organization Controlled by Foreign State (Art. 328), Hostage-taking for Terrorist Purposes (Art. 329), Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Purposes (Art. 330), Public Incitement on Terrorism (Art. 330¹), Providing Training for the Terrorist Purposes (Art. 330²), False Notification on Terrorism (Art. 331) Financing of Terrorism (331¹).

The article contains description for such notions as *international terrorism* (the terrorist activity carried out – a. on the territory of third states, or where damage is done to third states; b. by nationals of one states towards nationals of another state; c. outside the territory

¹ Preamble, *Law of Georgia on Combating Terrorism*, # 50/11, 27.06.2007.

² Id. Article 1.

of the country of nationality of either the terrorist or the victim(s), where terrorist and the victims are the nationals of either the same or different states.), *terrorist* (a person carrying out terrorist activity), *terrorist group*, *terrorist organization*, *hostage*, *fight against terrorism*, *counterterrorist operation*, etc.

Principles of the fight against terrorism are: legality, respect for human rights and freedoms and rights of legal persons, ensuring life and health of human beings, implementing preventive measures, combined use of legal, political, social-economic, doctrinal, information and other means, negotiations with terrorist for the purpose of avoiding predictable consequences, joint organization of means and personnel participating in the counterterrorist operation, unacceptability of disclosure of tactics, technical means, and personnel contributing to the counterterrorist operation, inevitability of punishment for terrorist activities.³

Subjects specifically involved in the fight against terrorism are the Ministry of Internal Affairs as the main organ in the united state mechanism for combating terrorism, Ministry of Defense of Georgia, Foreign Intelligence Special Service, and the Security Police.⁴ Article 5 defines the scope of competencies of various organs involved in the fight against terrorism. The Ministry of internal affairs is the central organ for combating terrorism by preventing and investigating terrorist acts, collecting information and organizing information on the activities of international terrorist organizations, coordinating activities of counterterrorist organs within the country through the Counter Terrorist Center of the MoIA, which, on its part, ensures conduct of counterterrorist activities.

The Ministry of Defense of Georgia ensures protection of arms, ammunition, explosive and poisonous materials stored at the stocks of military bases or special storages; in case of commission of the terrorist act within air or maritime borders of the country, organizes and ensures training and operation of air forces, marines, and ground forces; participates in the counterterrorist operations carried out within military objects.

Foreign Intelligence Special Service obtains and processes the information about terrorist organizations operating outside Georgia and submits to relevant authorities, and participates in the counter terrorist operation within its competence.

In case of extreme situations caused by terrorist activities, special body – Operative Headquarters lead by the Minister of Internal affairs is established by the presidential decree. For successful conduct of counterterrorist operation, the Headquarters are entitled to mobilize resources of executive and local bodies.⁵ From the moment of launching of counterterrorist operation every participant obeys the orders of the Chief of Headquarters.⁶ Participants of the counterterrorist operation are authorized to resort to coercive and forceful measures and use special means for the purpose of ensuring security of persons, prevention of crime and apprehension of terrorists, if, without such measures participant of the counterterrorist operation will not be able to complete his/her responsibility.⁷ Negotiations with terrorists could also be used, if this ensures successful conduct counterterrorist operation without use of force or without causing damage to life or health of individuals or material damage.

³ Id. Article 3.

⁴ Id. Article 4.

⁵ Id. Articles 7-8

⁶ Id. Article 9, par. 1

⁷ Id. Article 11

The Law on Combating Terrorism also envisages provisions on material compensation for damage caused to individuals as a result of counterterrorist operation, as well as social guaranties for persons participating in the operation.

Chapter VII of the Law sets framework for international cooperation in combating terrorism. Articles 20 and 21 deal with provision of information to foreign states and extraditing and surrendering persons participating in terrorist activities for the purpose of conducting criminal proceedings against them.

On January 17, 2008 the President of Georgia signed and issued two normative acts – Presidential Orders – required by the Law of Georgia on Combating terrorism: the “Rule of Organizing Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism” and the “Rule of Social Rehabilitation of Victims of Counterterrorist Activities”.

According to the “Rule of Organizing Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism”, the overall organization and coordination of counterterrorist activities in the country are exercised by the Counterterrorist Center of the Ministry of Internal Affairs of Georgia. 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”.

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.

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

From the institutional point of view, the duly authorized central authority involved in combating terrorism in Georgia is the Counter Terrorist Centre of the Ministry of Internal Affairs. The said anti-terrorism body has been established as a separate division in July, 2005 as a result of the reorganization processes in the Ministry of Internal Affairs of Georgia. Along with the establishment of the Counter-Terrorist Center, a process of development of infrastructure and human resources of the Center has started. At this stage the main building of the CTC has been renovated, and the Center has been equipped with modern technical facilities.

The Center carries out its anti-terrorism duties with three (two operational and one analytical) structural units. Its activities rest upon the principles of legality, protection of human rights and fundamental liberties, fairness, humanity, cooperation and confidentiality.

Counter Terrorism Centre concentrates on collection and analysis of information about terrorist threats, in identification of specific measures for their prevention and implementation of those within its competence. More precisely, Center carries out the following anti-terrorism activities:

- Collection of information about presumable terrorist attacks against the president of Georgia, other officials with political status and their respective family members, internationally protected natural and legal persons;
- Detection, prevention and combat of politically motivated terrorist activities directed against the personal liberty;

- Detection, prevention and combat of terrorist activity directed against strategic, political and economic interests of state;
- Uncover terrorist organizations and terrorism related illegal armed units operating on the territory of Georgia and suppression of their activities;
- Reveals illegal armed groups and terrorist organizations in the territory of Georgia and prevents their activities;
- Detection of facts of preparation of terrorist attacks against the state of Georgia, the acts of international terrorism and illegal immigration, their prevention and suppression;
- Examination, within one's competence, of probable links of foreigners entering the territory of Georgia with terrorist organizations and acts of their support towards such organizations;
- Collection of information about the illegal acquisition of nuclear, radioactive, chemical and bacteriological arms or substances hazardous to the health of human being, as well as the seizure of strategic and especially important objectives for terrorist purposes.

The center actively exchanges information and collaborates on operational, as well as intelligence issues with other units of the Ministry of Internal Affairs (Special Operations Center, Counterintelligence Department, Border Police, Special Operative Department – dealing with organized crime, Criminal Police, Department for Constitutional Security) and other state organs (Ministry of Defense, Ministry of Foreign Affairs, Foreign Intelligence Special Service). It shall also be emphasized that Counter Terrorism Centre actively cooperates with UN, OSCE, anti-terrorism structures of NATO and other international organizations in the field of exchange of information on terrorism related issues and on anti-terrorism legislation.

- The personnel of the CTC is continuously trained and retrained using the resources of the MoIA, as well as with international support.

The Counter Terrorism Centre successfully continues its operations to fight all forms and manifestations of terrorism. At this stage, following the successful counter-terrorist operations in 2005-2006, there is not a single identifiable terrorist on the territory of Georgia.

The special operations center is the structural division of the MoIA which, apart from other police functions and in cooperation with CTC and Counterintelligence Department, carries out following counterterrorist activities:

- Hostage Rescue
- Destroying Terrorist camps and mobile groups
- Negotiations during counterterrorist operations
- Anti Nuclear smuggling operations
- Ensuring safe transportation of nuclear charges
- De-mining works

Above tasks are allocated among three divisions of the Center. I Unit is composed of elite personnel with specialized training in hostage rescue and counter-terrorist operations. They also could be charged with the destruction of terrorist camps and groups. In certain situations they are assisted by II Unit -- Quick Reaction Force, which ensures support for the I Unit when necessary. Apart from securing the perimeter during the anti-terrorist operation, II Unit implements anti-criminal operations. The responsibility of the III Unit is to ensure physical security of political figures.

A group of three persons, subordinated directly to the director of the center, is specifically trained and skilled in negotiations with the terrorists. The group is composed of two male and one female negotiator. Trainings of the negotiators were conducted by the US government. They also undergo regular retraining courses for increasing their professionalism. Specific divisions of the Special Operations Center receive specialized, task oriented trainings in their respective fields of operation. In 2007, National Guard of the US conducted training for de-mining and countering terrorism within chemical and biological safety.

New personnel of the special operation center undergoes three months long baseline training, after which they are allocated to specific units according to their professionalism, skills, and personal characteristics. Regular physical, tactical and theoretical trainings are part of everyday work of the Special Operations Center. For this purpose Mentoring Unit is established which coordinates and carries out trainings within the Special Operations Center. In 2007, 32 new personnel have been trained and employed at relevant units of the center.

2. Description of the national planning and decision-making process including the role of the Parliament and Ministries for the determination/approval of
(a) the military posture;
(b) defense expenditures;

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

- the status, boundary regime and defense of the state frontiers; the status and defense of territorial waters, airspace, the continental shelf and Exclusive Economic Zone;
- state defense and security, armed forces, military industry and trade in arms;
- the issues of war and peace, the determination of a legal regime of the state of emergency and the martial law and their introduction;
- foreign policy and international relations;
- criminal police and investigation;
- The creation of armed formation by public and political associations shall be impermissible.

According to the Constitution of Georgia:

- The Parliament of Georgia:
 - shall be the supreme representative body of the country, which shall exercise legislative power;
 - decision on Presidential proposal on announcement of the state emergency or martial law is made by the majority of the total members;
 - by 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 law is made by majority of the listed membership;
- The president of Georgia:
 - Shall be the Head of State of Georgia. He/she shall lead and exercise the internal and foreign policy of the state, ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution;
 - Signs laws adopted by the Parliament, from them law of budget;
 - Be entitled to dissolve the Government, dismiss the Ministers of Home Affairs, Defense and State Security of Georgia on his/her own initiative or in other cases envisaged by the Constitution;

- Declare a martial law in the case of armed attack on Georgia, make peace when appropriate conditions exist and submit the decisions to the Parliament within 48 hours for approval;
- In the case of war or mass disorder, infringement upon the territorial integrity of the country, coup d'etat, armed insurrection, ecological disasters, epidemics or in other cases, when state bodies are unable to normally exercise their Constitutional powers, 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 issue 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 shall be the Higher Commander-in-Chief of the armed forces of Georgia. He/she shall appoint the members of the Council of National Security appoint and dismiss the head of general staff of the armed forces of Georgia and other commanders (acquired a new wording by the Constitutional Law of 6 February 2004).

To refrain from repetition of functions between military and armed forces in the state, laws of Georgia "On Defense of Georgia", "On Police", "On Civil Security Service" and "On Intelligence Activities" and other legislative acts are defining functions of state bodies. The establishment of the conception of the military restoration and the policy of the state Defense, generally, are based on the Constitution of Georgia and the laws of Georgia adopted under the Constitution: "On Defense of Georgia", "On Mobilization", "On Martial Law", "On State of Emergency", as well as the military doctrine and other legislative acts of Georgia.

The Executive and Legislative Branches of Government, as well as the local bodies of self-government and government, within their competence participate in the process of elaboration, determination and adoption of the Policy of Military Restoration and State Defense.

Before the adoption by the Parliament of the general guidelines of the defense policy, the appropriate Executive Body, in particular, the Ministry of Defense, works intensively in cooperation with the rest Law Enforcement Bodies and other executive institutions, according to their competence, for the definition of the above-mentioned issue. The documents, elaborated by them are submitted for consideration to the Presidential Consultative Body – the National Security Council for the further improvement. After this step, by the decision and initiative of the President, the drafts of the Law on the Definition of the general guidelines of the defense policy, are submitted for consideration to the Parliament, where under coordination of the respective committee, the rest committees of the Parliament, Factions, members of the Parliament and other appropriate organs of the Parliament work on the above-mentioned issues. After this procedure the drafts of the Law on the Definition of the General Guidelines of the Defense Policy coordinated between the Executive and Legislative Bodies are submitted for the consideration to the Parliament Plenary Session, where after the final considerations and discussions the Law is adopted by the Parliament of Georgia. Finally the Law enters into force after the signature of the President of Georgia.

Drawing up of the Defense Budget within the frames of the State budget constitutes the indispensable condition for determining the general guidelines of the Defense policy and its

further realization. The Ministry of Defense, internal forces and the Border Police (within the budget of the Ministry of Home Affairs), Special Service of State Protection, within their competence, are charged with forming of the Defense Budget and the initial determination of its main parameters. The above-mentioned institutions shall submit the draft budget to the Government, the National Security Council. After the agreement of the executive authority, the President shall submit the Defense Budget, as an integral part of the State Budget, to the Parliament. The important part in forming the Defense Budget is assigned to the relevant Committee of the Parliament, which, under the general guidelines of the Defense policy and on the basis of the appropriate priorities, thoroughly perfects the budget and, within the frames of the state budget, submits it to the plenary session of the Parliament, which after the final consideration and discussions, shall adopt it.

3. Description of

(a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary and internal security forces, as well as intelligence services and the police;

According to Article 60 of the Constitution of Georgia, each member of the government i.e. the executive branch is obliged to, upon request and on his own will, present annual report on the activities of the relevant ministry to the Parliament of Georgia as well as to answer questions raised by the MPs. The Minister of Internal Affairs also reports to the President of Georgia on conducted activities.

The major mechanisms of democratic control over the military forces are defined by the Georgian Constitution, according to which the Parliament of Georgia is a supreme legislative body effecting democratic control over the activity of the military forces.

According to the Article 99, Paragraph 1 of the Constitution of Georgia "With the view of organizing the military construction and defense of the country, the Council of National Security shall be set up which shall be guided by the President of Georgia".

On the basis of the above-mentioned, organ law "On National Security Council" was adopted in November 11, 2004, where, according to the Article 1, Paragraph 2 "National Security Council of Georgia is the consultative office of the President, which is set up for organizing the military construction and defense of the country, establishing state security issues of foreign and internal policy, stability and legislation ensure strategy, as well as getting high decision in the sphere of state security".

In accordance with Article 3 of the Georgian Constitution, "National defense and security, military forces, military industry and trade of arms come exclusively within the special competence of supreme state authorities of Georgia".

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

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

The democratic control over the military forces is manifested in a range of authorities granted by law to court and prosecutor's office. More concretely, the military forces are prohibited without court decision to infringe upon privacy, disclose private letters divulge telephone conversations or search dwelling houses against the will of their owners.

(b) Constitutionally established authorities/institutions responsible for the democratic control of the military, paramilitary and security forces;

According to Georgian legislation Prosecutors Office is the supervisor body of the Ministry of Internal Affairs. The responsibility of the Prosecutors office is to supervise that activities of the MoIA are carried out in accordance with respective legislation. This concerns, in particular, activities related to criminal investigation, as well as other measures envisaged by the legislation.

Control on the expenditure of the Ministry of Internal Affairs is carried out by the Chamber of Control of Georgia. The Chamber controls daily financial activities of the Ministry, as to the control of the secret expenditure; this is exercised by Trust Group in the Parliament of Georgia. The Group is created on the basis of the law of Georgia on the Trust Group. The Group is composed of 5 members of parliament, including the MPs elected by majority voting system and representative of the opposition.

On the basis of the Constitution of Georgia, as well as the Law on Parliamentary Committees of Georgia and the Parliamentary Regulations, there is the Defense and Security Committee set up in Parliament along with other committees. The major functions of the Committee are as follows:

- to elaborate, review and prepare the drafts of laws, parliamentary resolutions and other decisions for consideration at the parliamentary session;
- to exercise control over the execution of laws, parliamentary resolutions and other decisions and, where necessary, to submit conclusions to the parliament;
- to exercise control over the activity of the government and state bodies accountable to the parliament and, where necessary, to submit conclusions to the parliament;
- to decide the organizational issues of its activity.

(c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

The military, paramilitary and security forces insure the protection of Georgia's constitutional order, sovereignty, territorial integrity and military potentiality against illegal acts of special services and separate individuals.

In accordance with the Law of Georgia on National Security, the control over the national security services is affected by the Parliament of Georgia (through the Defense and Security Committee), the President of Georgia, judicial authorities (Article 21) and General Prosecutor's Office of Georgia (Article 22).

In accordance with Article 7 of the Law of Georgia on Defense, 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 obligations assumed by Georgia. The exercise of control over the activity of military forces is prescribed by the law, according to which it is inadmissible to use the military forces in the state of emergency or for the implementation of international obligations.

Mechanisms for democratic control of the armed forces in Georgia are the following:

- The President of Georgia, who shall be elected on the basis of universal, equal and direct suffrage by secret ballot, and according to the Constitution, is the Higher Commander-in-Chief of the Armed Forces of Georgia.
- The Parliament of Georgia approves the number of military forces, adopts State Budget, the part of which is a defense budget, declares the power of attorney to the Government, the member of which is the Minister of Defense of Georgia.

For the ensuring of democratic control on Defense system, a project of the law of Georgia "On Georgian Defense" has been adopted, about the changes and additions in the Georgian law, which was adopted by the Parliament of Georgia on December 9, 2004.

According to the above-mentioned law, functions between the Ministry of Defense and the General Staff (civilian and military) have been divided on the legislative level. Particularly, the Ministry of Defense was defined as a 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:

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

Moreover, the Constitution of Georgia, laws "On Ombudsmen of Georgia", "On Committees of the Parliament of Georgia", "On Parliamentary Fractions" and "On Chamber of Control of Georgia", by legislative points of view, ensures democratic control on Armed Forces, legislative and security services.

(d) public access to information related to the armed forces.

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.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreement 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.

For the time being neither of the international agreements or treaties of Georgia envisages such an international liability, which stipulates the deployment of the certain amount of the Armed Forces of Georgia in the territory of other state.

On the basis of the Agreement between the Ministry of Defense of Georgia and the Federal Republic of Germany on Cooperation and Support within the framework of the Kosovo Security Insuring Forces signed in Berlin on 4 February 2003, the Georgian peacekeeping contingent participates in the Kosovo peace operation under the operative subjection of the commander of the military contingent of Germany.

Georgian peacekeepers participate in the peace operation in Kosovo under the Turkish command.

Besides, Georgia is participating in anti-terrorist operations in Iraq in the frame of ensuring stability.

5. Description of

(a) procedures for recruitment or call-up of personnel for service in the military, paramilitary or security forces, if applicable;

Article 5, of the Georgian Law "On Military Obligation and Military Service", regulates the subject of conscription citizens and non-citizens into the military forces. According to this, the basis for conscription to the compulsory military service is the Decree of the President of Georgia, which is elaborated by the National Security Council, where the purposes of the Ministries of Defense and Home Affairs should be taken into the consideration. The conscription of the citizens, as a rule, is carried out in spring and autumn.

Citizens from 18 to 27 years old are under the Law of Military Obligation. Citizens over 27 years will not be conscripted to the military service and will be included into the reserve. The organization of and control over the conscription to the compulsory military service set up by presidential decree. The body of local administration of district or city carries out the conscription of citizens to the compulsory military service, while the conscription to the contractual (professional) military service comes within the competence of the Ministry of Defense of Georgia or other paramilitary authorities. The conscription body presents the general information on conscription, obtained from the local administration to the General Staff of the Armed Forces.

The conscription to the military service consists of two parts: preliminary military registration and conscription to the compulsory military service.

The aim of a citizen's preliminary military registration is to insure that the state has the information on the number of conscripts to be enlisted into the compulsory military service where necessary and under the rule prescribed by law. To this end, the state authorities carry out the registration at an early age, from 1 January to 30 April of the year in which a

conscript reaches 15 years. For the registration of conscripts, the head of the military section of the local administration body calls up citizens to include them into the records of the military registration commission. Citizens concerned receive respective bills with the indication of the date and address.

At the military-registration commission, a person concerned undergoes medical check-up and professional-psychological examination in order to determine his suitability for the military service. Upon the completion of these procedures, a certificate of registration is issued.

According to the Article 29 of the Georgian Law on "Military Obligations and Military Service", it is defined the category of citizens, which could be free from the military service or postpone the military service. Particularly, free from military obligations could be: person, known as unsuitable for military service due to the health problems; person, who was in military service in other country; person condemned for heinous or extraordinary heinous crime; person, who is on non-military, alternative labor service; postgraduate student; person with scientific degree and occupied in pedagogic or scientific work; only son in family, even one member of which died in wars for territorial unity of Georgia or during military service. The President of Georgia has the authority to release from military obligations conscript with extraordinary intellect.

(b) exemptions or alternatives to compulsory military service, if applicable;

According to the Article 101 of the constitution of Georgia "Defence of Georgia shall be an obligation of every citizen of Georgia"

According to the Georgian Law "On non-military alternative labor service", non-military alternative labor service is defined as the human and rational compromise among the freedom of speech, conscience, confession and belief and military obligation.

The non-military alternative labor service is a civil service of public benefit, which replaces the military service and is provided in case the military liability cannot be fulfilled in the form of military service due to the freedom of conscience, confession and belief. The non-military alternative labor service should be capable of meeting the problems within the military service. Its duration should not exceed the term of the conscription-based military service prescribed by law.

The non-military alternative labor service enlists the conscripts who are liable to military service under the Georgian legislation but refuse to serve on the motive of freedom of conscience, confession or belief.

Conscription of Citizens into the non-military, alternative labor service is made by the State Committee for Conscription of Citizens into the Non-military, Alternative Labor Service.

The non-military alternative labor service is served in the following specialized non-military-labor formations, groups or on an individual basis:

- emergency-rescue, ecological, fire-prevention or other special non-military-labor units;
- construction and repair organizations and works of civil destination;
- organizations and works manufacturing agricultural products;
- municipal service establishments;
- health protection establishments.

The State Committee for Conscription of Citizens into the Non-military, Alternative Labor Service shall consider the assignment of citizens of Georgia for caring of old and disabled people, abandoned and socially vulnerable people under the current legislation to be the non-military, alternative labor.

A citizen of Georgia can be on the active list of non-military, alternative labor service in other offices or non-military labor units, the specification of which is approved by the President of Georgia. A citizen may be on non-military, alternative service occupying a relevant civil post in construction, economic and other appropriate sub-units of the Armed Forces of Georgia.

By order of the President of Georgia a citizen, being on non-military, alternative labor service, may be employed for liquidation of consequences of natural calamities, for season work within a period of reaping the harvest and other work of non-military character.

The type and place of non-military, alternative labour service to be carried out by a citizen shall be defined by the State Committee for Conscription of Citizens into the Non-military, Alternative Labour Service in compliance with the relevant requirements presented by the organizations concerned.

A citizen being on non-military, alternative labor service shall be issued a relevant document that indicates the type and place of non-military, alternative labor service.

Terms of non-military, alternative labor service are as follows:

For people with high education	-	18 months
For people without high education	-	24 months.

The Law of Georgia "On Military Liabilities and Military Service" envisages the exemption from or putting off the term of conscription to the military service in the following special cases: acknowledgment of ineligibility for military service due to the state of health; a person who has served in the Armed Forces of the other state; a person who is on non-military alternative labor service, etc.

It should be noted that under the same law the terms of conscription into the military service might be postponed if a conscript pays the fees for conscription adjournment prescribed for the Law.

(c) legal and administrative procedures protecting the rights of all forces personnel;

Social-legislative guarantees of military servants are defined by the constitution of Georgia "On the Status of Military Servant", "On Pension maintains of the Persons Retired from Military, Internal Affairs bodies and Special Service of State Security and Their Family Members, "On Military Obligations and military service", Georgian Laws, Georgian Criminal Code and "On Social Protection and Material Maintains of Military Servants and Civilians of Georgian Ministry of Defense" according to the Decree #493 of the President of Georgia from November 5, 2004. Chapter 2 of the same Law insures the rights and realization of rights of servicemen, people resigned from the service and members of their families.

6. Instructions on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programs and regulations;

According to the Article 1, Paragraph 3 of the Georgian Law from July 22, 1999 "On Participation of Georgian Armed Forces in the peacekeeping operations" for implementation

of the aims of Law, Peacekeeping forces have special training and studies (control on the agreement of ending fire, separate adversarial sides, their disarmament and dispersal, conduction of engineering works) and are created in the frame of the number of military forces, approved by Georgian legislation rules

Lawyers, employed at the military divisions, permanently give instructions to military persons due to be informed about normative acts (from them local and international legislation), by other side, military divisions' lawyers are taking consultations and necessary normative acts at the Board of Justice of the Ministry of Defense of Georgia.

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