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#### NOTE VERBALE

The Permanent Mission of Georgia to the Organization for Security and Co-operation in Europe (OSCE) presents its compliments to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Centre and has the honour to provide Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for the calendar year 2012.

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



Vienna, 12 April, 2012.

To: OSCE Delegations and Missions  
Conflict Prevention Centre

13.06.12

## 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?*

**Reply:**

##### **a) Universal Conventions**

Georgia is a party to all of the **thirteen (13)** UN antiterrorism conventions (see the links provided below in order to view the status of all UN antiterrorism conventions for Georgia):

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;*

<http://www.icao.int/icao/en/leb/Tokyo.pdf>

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;*

<http://www.icao.int/icao/en/leb/Hague.pdf>

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;*

<http://www.icao.int/icao/en/leb/mtl71.pdf>

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;*

<http://www.unodc.org/documents/treaties/Special/1973%20convention%20eng.pdf>

5. International Convention against the Taking of Hostages, adopted in New York on 17 December 1979 - *in force for Georgia since February 18, 2004;*

[http://www.nti.org/e\\_research/official\\_docs/inventory/pdfs/apmunter.pdf](http://www.nti.org/e_research/official_docs/inventory/pdfs/apmunter.pdf)

6. Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980 - *in force for Georgia since October 7, 2006;*

<http://cns.miis.edu/inventory/pdfs/apmnuc.pdf>

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*;

<http://www.icao.int/icao/en/leb/Via.pdf>

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*;

[http://www.nti.org/e\\_research/official\\_docs/inventory/pdfs/apmsuamontreal.pdf](http://www.nti.org/e_research/official_docs/inventory/pdfs/apmsuamontreal.pdf)

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*;

[http://www.nti.org/e\\_research/official\\_docs/inventory/pdfs/apmsuamontreal.pdf](http://www.nti.org/e_research/official_docs/inventory/pdfs/apmsuamontreal.pdf)

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*;

<http://legacy.icao.int/icao/en/leb/MEX.pdf>

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*;

<http://cns.miis.edu/inventory/pdfs/apmunterII.pdf>

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*;

<http://cns.miis.edu/inventory/pdfs/apmunterII.pdf>

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*.

[http://www.nti.org/e\\_research/official\\_docs/inventory/pdfs/apmnuc.pdf](http://www.nti.org/e_research/official_docs/inventory/pdfs/apmnuc.pdf)

**b) Regional Conventions** (see the links provided below in order to view the status of CoE conventions for Georgia)

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

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=090&CM=8&DF=09/03/2011&CL=ENG>

- 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*.

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=190&CM=8&DF=09/03/2011&CL=ENG>

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

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=196&CM=8&DF=09/03/2011&CL=ENG>

*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 330<sup>1</sup> (Publicly calling for Terrorism) and Article 330<sup>2</sup> (Training for Terrorist Purposes). With respect to “recruitment”, although the Criminal Code does not mention the term “recruitment” itself, this action is covered by the definition of incitement for the commission of a crime, which, under Art. 24(2) is defined as “convincing someone to commit a crime”.*

### **c) Sub-regional Multilateral International Agreements**

Sub-regional Cooperation within BSEC (Organization of the Black Sea Economic Cooperation) and GUAM (Georgia, Ukraine, Azerbaijan, Moldova - Organization for Democracy and Economic Development)

Georgia is a party to:

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

### **d) Bilateral International Agreements**

Georgia has signed bilateral international agreements that include the cooperation in the fight against terrorism with the following countries:

1. Armenia
2. Austria
3. Azerbaijan
4. Belarus
5. Bulgaria
6. Egypt
7. Estonia
8. France
9. Italy
10. Latvia
11. Malta
12. Moldova

13. Poland
14. Romania
15. Turkey
16. Ukraine
17. United Kingdom
18. USA
19. Uzbekistan

*Agreements signed in the years of 2011-2012*

On March 18, 2011 the Agreement between the Government of Georgia and the Government of the Republic of Bulgaria on cooperation in the fight against crime was signed;

On June 8, 2011 the Agreement between the Government of Georgia and the Government of Malta on cooperation in the fight against crime was signed;

On 20 October 2011 the Ministry of Internal Affairs signed bilateral agreements with the law enforcement agencies of Armenia, Azerbaijan, Moldova and Ukraine in the sphere of operative-searching cooperation, which include the cooperation in the fight against terrorism;

On February 22, 2012 the Memorandum of Understanding between the Government of Georgia and the Government of the Republic of Turkey on cooperation in combating crime was signed.

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

**Reply:**

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

**a) Legislative acts**

Law of Georgia on “Combating Terrorism”;

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

Law of Georgia on “Organized Crime and Racketeering”;

Law of Georgia on “Nuclear and Radioactive Safety” (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 (particularly: Chapter XXXVIII);

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);

## **b) By-laws**

Decree of the President of Georgia approving “The Rule of Organizing Overall Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism”; 17 January 2008

Decree of the President of Georgia approving “The Rule of Social Rehabilitation of Participants and Victims of Counterterrorist Activities”; 17 January 2008.

In order to comply with international obligations stemming from the international legal instruments, including the UN Security Council (UNSC) Resolutions and UN General Assembly Resolutions, Georgia has adopted respective implementing legislation via new laws and regulations as well as by amending the existing laws, namely:

- **Law of Georgia on Combating Terrorism: 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. It also provides the grounds of participation of public unions, organizations, governmental officials and citizens in combating terrorism, their rights, obligations and their social protection guarantees;**
- **Criminal Code of Georgia (namely, Chapter XXXVIII):** criminalizes all acts of terrorism, that are determined as such by the international anti-terrorism conventions or CoE conventions;
- **Criminal Procedure Code of Georgia:** sets out a detailed definition of each and every stage of investigation and criminal prosecution on any action that is considered as a crime under the Criminal Code of Georgia;
- **The Law on International Cooperation in Criminal Matters** defines the rules and procedures of cooperation with foreign countries in relation to all crimes, including terrorism (*please view below detailed information*).
- **Law of Georgia on Nuclear and Radioactive Security:** prohibits and criminalizes any form of non-peaceful use of nuclear or radioactive materials on the territory of Georgia;
- **Law of Georgia on License and Permits:** provides that any activity related to the trading with nuclear and radioactive materials is subject to the special licensing.

## **Law of Georgia on Combating Terrorism:**

In 2007, the Parliament of Georgia adopted the Law on Combating Terrorism which specifies the legal and organizational foundation of the fight against terrorism in Georgia including the order of coordination of the state authorities in the sphere of fight against terrorism, grounds of participation of public associations, organizations, officials and citizens in fight against terrorism, their authorities, liabilities and guarantees of social protection.

The Law on Combating Terrorism provides legal definitions of: terrorism, terrorism act, international terrorism, terrorism activity, terrorist, terrorist organization and etc. Additionally, the Law establishes the core objectives of fight against terrorism in Georgia, namely: rule of law; protection and respect of the rights and freedoms of natural and legal persons; the priority of measures of terrorism prevention; complex use of legal, political, social-economic, propaganda, informational and other measures; inevitability of punishment for terrorist activity and etc.<sup>1</sup>

According to Article 4 paragraph 2 of the present Law, the following state agencies directly carry out the fight against terrorism:

- a) The Ministry of Interior of Georgia, which is the main authority of the joint state system of fight against terrorism;
- b) The Ministry of Defense of Georgia;
- c) The special service of foreign intelligence of Georgia;
- d) Special service of the state security of Georgia.

In addition, other relevant state agencies of Georgia may participate in the fight against terrorism within limits of their mandate.<sup>2</sup>

In this occasion, the mentioned legal instrument regulates issues concerning: control over extreme situation, originated as a result of terrorist act; provision of forces and means for counterterrorism operations; authority for application of special means or (and) physical compulsion; means of conducting negotiations with terrorists; reimbursement of damage caused as a result of an act of terrorism; legal and social protection of persons engaged in combating terrorism; liability for participation in terrorist activity and etc.

### ***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?***

#### **Reply:**

The Law of Georgia on “Combating Terrorism” 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.

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<sup>1</sup> Article 3 of the Law of Georgia on Combating Terrorism;

<sup>2</sup> Article 4 paragraph 3 of the Law of Georgia on Combating Terrorism;

According to the Paragraph 1 of the Article 4 of the abovementioned law, the organization of a combat against terrorism and its maintenance with special means and material resources are exercised by the Government of Georgia.

The Paragraph 2 of the Article 4 of the law sets forth the governmental agencies, which directly exercise combat against terrorism. These agencies are:

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

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

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 President of Georgia entitles the Counterterrorist Center of the Ministry of Internal Affairs of Georgia with the following powers:

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



- After the information is submitted to the Counterterrorist Center, it determines the authorized competent agency (agencies), which will carry out counterterrorist activities related to the received information;
- The Counterterrorist Center is authorized to request improved materials connected to the abovementioned information from respective government agencies;
- The Counterterrorist Center determines the expediency of continuing special measures after it receives additional information from counterterrorist activities;
- With the aid of the Minister of Internal Affairs of Georgia the Director of the Counterterrorist Center shall submit to the President of Georgia annual report on the counterterrorist activities conducted in the country.

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

**Reply:**

– **Financing of terrorism**

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

In July, 2006, Article 331<sup>1</sup> envisaging an autonomous offence of terrorism financing was introduced to the Criminal Code of Georgia. In October, 2011, Article 331<sup>1</sup> (Financing of terrorism) of the Criminal Code of Georgia was further amended. Based on the above-mentioned amendment, the scope of Article 331<sup>1</sup> has been extended to the individual terrorists as well. Article 331<sup>1</sup> of the Criminal Code of Georgia defines the financing of terrorism as an action of allocation or distribution of financial resources or any type of property with previous knowledge that fully or partially will be used or might be used for crimes stipulated in the following Articles of the Criminal Code of Georgia: **Article 144** (Taking a Hostage); **Article 227** (Illegal Seizure of Flying Object or Water Vessel or Movable Railway Corpus); **Article 227<sup>1</sup>** (Creation of a Threat to a Vessel's Navigation); **227<sup>2</sup>** (Illegal Appropriation, Destruction or Damaging the Stationary Platform); **Article 230** (Illegal Handling of Nuclear Material or Device, Radioactive Waste or Radioactive Substance); **Article 231** (Seizure of Nuclear Material, Radioactive Substance or Other Source of Ionizing Exposure); **Article 231<sup>1</sup>** (Threat of Illegal Appropriation of Nuclear Substances); **Article 231<sup>2</sup>** (Threat to Seize or Use Illegally a Nuclear Substance); **Articles 323-330** ( respectively, 323 - **Terrorist Act**; 324 – **Cyberterrorism**; 325 - **Assault on Political Official of Georgia**; 326 - **Assault on Person or Institution Enjoying International Protection**; 327 - **Formation of Terrorist Organization or Leading Thereof or Participation Therein**; 328 - **Accession and Assistance to Terrorist Organization of Foreign State or to Such Organization Controlled by Foreign State**; 329 - **Seizure of Hostage for Terrorist**

**Purposes; 330 - Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Purposes) and Article 330<sup>2</sup> (Training for Terrorist Purpose).**

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

Besides prohibiting and sanctioning the crime of terrorism financing, Georgian legislation effectively addresses the issue of freezing the terrorist assets. According to the new Criminal Procedure Code of Georgia, property shall be frozen if it could be used for the preparation of any crime prescribed by Articles 323-330 (Crimes related to terrorism), Article 331<sup>1</sup> (Terrorism financing) or any other grave offence envisaged by the Criminal Code of Georgia, as well as for ensuring their prevention, if there is a sufficient data that this property may be used for commission of a crime. In addition, during 2007-2008, proper amendments were made to the Law of Georgia on Facilitating the Prevention of Illicit Income Legalization. The said law provides a detailed definition of what a suspicious transaction is and sets out the grounds for freezing the suspicious transaction. According to the present Law, Financial Monitoring Service is authorized to address the Court with the motion for the authorization of the freezing of property (bank accounts) or to suspend the transaction if there is grounded supposition to believe that the property may be used for terrorism financing. In this case, files must be sent promptly to the competent bodies of the Chief Prosecutor's Office and the MoIA.

– **Border controls**

The major institutional reforms in the border management sector started in early 2004, when the State Border Defense State Department (independent military agency directly subordinate to the President) was transformed into a law-enforcement agency and became the part of the Ministry of Internal Affairs. In mid 2006 the Law of Georgia on Border Police was introduced therefore the MoIA State Border Defense Department was transformed into the Border Police.

The most recent reform in the border management was conducted in 2009. As a result of the amendments to the relevant legislation, MoIA Patrol Police Department assumed the responsibility over the border check points – replacing the MoIA Border Police. This substantially improved coordination of all relevant units involved in the border management and as a result more efficient detection, eradication and prevention of the criminal activities as well as administrative offences at the border is ensured.

According to the above-mentioned changes tasks of the Patrol Police Department at the border are as follows:

- Border-migration control at the border crossing points;
- To inspect the citizens of Georgia and foreigners on the state border check points of Georgia;
- To observe and control the legal regime of the Georgian state border;

- To Prevent, reveal and eliminate trans-border organized crime and irregular migration, trafficking in human beings, smuggling of drugs, weapons, explosive devices and the movement of means of nuclear materials and other activities as defined by the legislation;
- PPD is authorized to issue the National Visa on the state border;
- PPD acts as a competent authority on implementation of the Readmission Agreement with the EU.

Following the above mentioned changes the most important structural reform was the merger of the Border Police Coast Guard with Armed Forces Navy. The strategic decision of merging AF Navy with the MoIA Coast Guard was taken soon after Russian-Georgian War following the consultations between the MoD Joint Staff and the MoIA as well as foreign recommendations which advocated the creation of single maritime force. Tasks of the BP Coast Guard remain unchanged as well as its primary role as the law-enforcement agency on the sea i.e. it is responsible for the control of the maritime space and territorial waters as well as exclusive economic zone of Georgia, enforces the border regime, conducts search and rescue operations on the sea and acts as the maritime support of the Armed Forces in case of war. MIA Border Police Coast Guard has undertaken international obligations of the Naval Forces such as participation in the Allied Operation “Achieve Endeavour”.

Other structural changes include:

- BP Special aviation unit was subordinated to the MoD Air Force;
- BP Rapid Reaction unit was subordinated to the MoIA Special Tasks Main Division;
- MoIA Information – Analytical Department undertook the functions of GBP C2 & Border Technologies Center;
- Border Faculty of the MoIA Police Academy assumed the functions of BP Training & Retraining Center.

These changes significantly improved interoperability and contributed to forming the Border Police as a primarily law-enforcement entity. Border Police remains responsible for control of border regime and security on the “green” border and the maritime space of Georgia.

The complexity of tasks performed at a border requires the integrated approach to the Border Security. That was the base for the special attention given to the creation of the National Integrated Border Management Strategy of Georgia. This Strategy was developed by the Temporary Inter-Agency Commission at the National Security Council with the assistance of the EU Special Representative to South Caucasus and was approved by the Presidential Decree in February 2008. This document sets targets which should be achieved throughout the five years. Following the approval of the Strategy, Interagency Working Group operating under the NSC in cooperation with EUSR Border Support Team elaborated an IBM Strategy Action Plan. AP was approved by the president in December 2009; it envisages wide range of activities to be implemented for effective management of state borders in terms of Intra-agency, Inter-agency and International cooperation as outlined in the IBMS.

Further reforms in the Border Management sector initiated in 2009 prompted the necessity of updating the IBM Strategy of Georgia, in order to align it to the current realities. The Interagency

WG under the NSC updated the IBMS in late 2010 in cooperation with the South Caucasus Integrated Border Management project. The document was approved by the Inter-Agency Commission in late 2011 and finally signed off by the President in February 2012.

Georgian Border Management authorities are implementing the IBMS AP under the supervision of the NCS, the process of implementation started even before the first AP was approved and is ongoing with considerable success. “Green Border” SOPs were elaborated with the assistance of EUSR BST experts and approved by the special order issued by the Chief of Border Police. Elaboration of the Standard Operating Procedures for Patrol Police at BCPs is ongoing with active support of the South Caucasus Integrated Border Management project, but due to the refurbishment ongoing at major BCPs – the process is prolonged. The SOPs for pilot BCP “Red Bridge” were approved in August 2011. It is envisaged that the elaboration of SOPs for all BCPs will be completed until the end of 2012. In order to bring operations of Patrol Police and the Customs services closer to the principles of Integrated Border Management, the Joint Order of the Ministers of Internal Affairs and the Finance has been issued. The Joint Order authorizes the customs officers at the BCPs to inspect travel documents of drivers as well as to put entry and exit markings whenever applicable. Furthermore the Civil Registry of the Ministry of Justice (responsible for issuing the national IDs and Passports) has the relevant level access to the MoIA border crossing database as well as the Patrol Police can access the CRA database in case of need.

Georgia has modern, operational BCPs, adapted and modernized to control different flows and is fully in line with best practices of western states. There is standard design model applied to all Georgian BCPs which stipulates safe and well organized movement of passengers and cargoes. Infrastructure including buildings, access roads and booths are fully compliant and adapted for organized movement of different entry and exit flows. All road, sea, railroad and air 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. The Personal Identification and Registration System (PIRS) is installed at all BCPs. This not only expedites immigration formalities, but enables the border officials to efficiently detect fraudulent documents, maintain a database on exits and entries into the country, therefore allowing for data analysis and exchange of information on migration trends. Software allowing linking of border crossing database with other MoIA databases as well as verification of persons entering or leaving Georgian territory in “live” (online) regime is operational at every BCP. Software is provided together with new passport readers which substantially increases the speed of the travel document processing. In parallel, digital photos of travelers are taken which enhances identification and control of crime. In the frame of South Caucasus Integrated Border Management project as well as US State Department “Georgian Border Security and Law Enforcement program” (GBSLE), second line document inspection equipment has been purchased: fixed integrated passport readers, mono-microscopes video spectral comparators, etc. Therefore, as of November 2011 the second line “labs” at all BCPs are fully equipped and operational. Considering increased flows of travelers at the BCPs it is particularly important to provide for simplification of the border crossing procedures by individuals while keeping the effective level of control. One of the ways to decrease the workload of the Georgian police officers is the installment of electronic gates (e-gates) for passport control – which was made

possible by introduction of biometric travel documents. As of October 2011 e-gates are installed at Tbilisi International Airport and it is planned to install similar devices at all major BCPs.

MoIA Police Academy provides training and in-service retraining courses for the personnel of different departments of the Ministry of Internal Affairs of Georgia. Patrol Police Faculty together with the Border Police Faculty conducts training courses for Border Police and Patrol Police officers. Training courses are conducted in accordance with their future specializations and envisage deeper training in border control aspects. Curriculums are based on the recommendations and direct support of European Union and US experts. At the current stage the FRONTEX Common Core Curriculum is being considered at the Police Academy in order to be used in accordance to the Georgian border security related training needs. It has to be outlined that the Police Academy provides basic training for Customs recruits at the Customs Faculty within the Academy as well as training for functioning Customs officers in inspection of travel documents.

EU provides substantial assistance to the Georgian border management agencies through various training projects. In this regard South Caucasus Integrated Border Management project has to be mentioned which is implemented jointly by UNDP and ICMPD. The overall objective of the project is to enhance inter-agency, bilateral and regional co-operation on the border management issues between the South Caucasus countries, EU member states and other international stakeholders. Integrated Border Management Flagship Initiative Training Project under the Eastern Partnership (EaP IBM FIT) implemented by the ICMPD is also an excellent tool for further enhancing the skills of Georgian border management personnel as it is geared towards more tactical and operational level training and facilitating border related cooperation in the wider region East of Europe.

– ***International Legal Framework for International Cooperation of MIA Border Police of Georgia***

The MIA Border Police of Georgia conducts international cooperation within the frames of the following instruments:

***Bilateral Cooperation***

- Agreement between the Ministry of Internal Affairs of Georgia and the National Security Service at the Government of the Republic of Armenia on Border Cooperation;
- Agreement between Georgia and the Republic of Azerbaijan on cooperation in boundary issues;
- Protocol between the State Department of State Boundary Defense of Georgia and the Ministry of National Security of the Republic of Azerbaijan on cooperation in the sphere of border control of state boundaries of Georgia-Azerbaijan;
- Protocol between the State Department of State Boundary Defense of Georgia and the Ministry of National Security of the Republic of Azerbaijan on cooperation in the exchange of information on situations at state boundaries of Georgia-Azerbaijan;

- Protocol between the State Department of State Boundary Defense of Georgia and the Ministry of National Security of the Republic of Azerbaijan on cooperation in the operative-investigatory activity;
- Agreement between the Executive Authority of Georgia and the Government of the Republic of Bulgaria on cooperation in boundary issues;
- Protocol between the Department of State Boundary Defense of Georgia and the Ministry of Internal Affairs of the Republic of Bulgaria on cooperation in operative-investigatory activity on the international traffic roads for the protection of state border;
- Protocol between the Department of State Boundary Defense of Georgia and the Ministry of Internal Affairs of the Republic of Bulgaria on an exchange of Information on situations at international traffic roads and state boundaries of Georgia and Bulgaria;
- Agreement between the Ministry of Internal Affairs of Georgia and the Police and Border Guard Board of the Republic of Estonia on border guard cooperation;
- The Agreement on Border Cooperation between the Ministry of Internal Affairs of Georgia and the Ministry of Interior of the Republic of Latvia;
- Agreement on border cooperation between the Ministry of Internal Affairs of Georgia and the Border Guard Service of the Republic of Moldova;
- Border treaty between Georgia and the Republic of Turkey;
- Agreement between the Government of Georgia and the Government of the Republic of Turkey on cooperation between the competent services responsible for Black Sea maritime spaces;
- Agreement between the Government of Georgia and the Cabinet of Ministers of Ukraine on cooperation in boundary issues;
- Protocol between the State Department of State Boundary Defense of Georgia and the State Committee of State Boundary Defense Affairs of Ukraine on an exchange of information on situations at state boundaries and on cooperation in the operative-investigatory activity;
- Protocol between the State Department of State Boundary Defense of Georgia and the State Committee of State Boundary Defense Affairs of Ukraine on interaction in the protection of individual, state and other types of property on the Black Sea from criminal abuse and rendering assistance in this sphere;
- Protocol between the State Department of State Boundary Defense of Georgia and the State Committee of State Boundary Defense Affairs of Ukraine on cooperation in the sphere of border control of international traffic roads;
- Agreement between the Department of State Boundary Defense of Georgia and the Department of Defense of the United States of America on support to Georgia in elaboration of export control system for prevention of the proliferation of weapons of mass destruction;
- The Agreement on Cooperation between the Ministry of Internal Affairs of Georgia and FRONTEX.

***Multilateral Cooperation:***

- The Implementation of Ministerial Declaration of the EU and Georgia supporting Integrated Border Management systems in South Caucasus countries has been started;

- Memorandum of the Working Group Session on Cooperation between the Border Services and Other Competent Bodies in Combating Drug Smuggling held within the International Border Police Conference was signed on 2nd of December 2009 in Tbilisi. The MoIA Border Police of Georgia is head of the mentioned Working Group;
- Tactical Memorandum of Understanding between the Ministry of Internal Affairs Border Police of Georgia and Allied Maritime Component Command Naples regarding the Coast Guard Department of MoIA Border Police of Georgia participation and contribution to Operation Active Endeavour;
- Operational Arrangement between the Navy of the Republic of Albania, of the Republic of Croatia, of the Republic of Cyprus, of the Hashemite Kingdom of Jordan, of the Hellenic Republic, of the State of Israel, of the Italian Republic, of the Portuguese Republic, of Romania, of the Republic of Senegal, of the Republic of Turkey, of the United Kingdom, of the United States of America, the Ministry of Internal Affairs of Georgia Subordinated State Entity - Border Police of Georgia, the Armed Forces of the Republic of Malta, the Ministry of Defence of the Kingdom of Belgium, of the Republic of Bulgaria, of the French Republic, of Montenegro, of the Kingdom of Netherlands, of the Republic of Slovenia, of the Kingdom of Spain, the Federal Ministry of Defence of the Federal Republic Germany, Concerning the Establishment of a Trans-Regional Maritime Network for the Global Maritime Information Sharing.

– **Travel document security**

The Civil Registry Agency (CRA) and its corresponding territorial units have online system and the issuance of the document is supported by the unified electronic database of the agency. During the issuance of passports, the act records are checked online. All changes are immediately reflected in the database decreasing the risk of falsification to the minimum.

The diplomatic missions and consular posts of Georgia abroad are connected to the database of the CRA. The program allows issuing passports in a single day, without requiring physical presence of interested individuals. The program runs without errors enabling Georgian diplomatic missions and consulates abroad to serve Georgian citizens regularly and effectively.

The changes were carried out at the legislative, as well as sub-legislative level for the introduction of biometric passports. Respectively, Georgia has introduced a second generation Biometric Passports, issuance of which has started in April 2010. It is equipped with an electronic data storage device containing four finger prints, face image and photo. This information is read from passport using a contactless reader. By combining visual and electronic security features, bio-passes ensure high identification standards.

As for today, number of issued passports is over 283 000. CRA has three biometric passport printing centers, in accordance with the territorial principle: one in the capital, one in the Eastern and another in the Western part of Georgia.

Second generation bio-passes contain more biometric data than earlier documents, including images of the passport holder's fingerprints in addition to their facial image. At this stage, fingerprints are only used for Biometric Passports in Georgia to enable extended access control (EAC). The EAC allows checking of the relevance of an individual with the recorded passport data.

– **Security of radioactive sources**

Ministry of Internal Affairs of Georgia pays particular attention to radiation security issue, especially prevention of smuggling of radioactive substances through Georgian borders. The United States Department of Energy, Second Line of Defense (SLD) Programme has been working with the Patrol Police to install radiation detection equipment and to provide sustainable trainings. Presently, all major road, sea, railroad and air BCPs are fully equipped with radiation detection equipment. Besides, SLD has provided two vans fitted with the radiation detection equipment for inland operations to the MoIA. The MoIA Emergency Management Department is responsible for CBRN response in the country, a special 24/7 CBRN team is available for response and decontamination activities to be performed at any location throughout Georgia.

– **Use of the Internet and other information networks for terrorist purposes**

Apart from the crime of terrorism financing, the Criminal Code of Georgia contains separate provision regulating the Cyber terrorism which is a novelty in the criminal legislation of Georgia since 2006.

The Criminal Code defines the Cyber terrorism as unlawful possession, Article 324<sup>1</sup> defines cyber terrorism as “unlawful possession, use or threat to use of computerized information protected by law that poses a threat of grave consequences and undermines public security, strategic, political or economic interests of state, 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.

In addition, the joint regional project of the European Union and the Council of Europe on cooperation against cybercrime in Eastern Europe is implemented under the Eastern Partnership – Council of Europe Facility. The project started on 1 March 2011 and has duration of thirty months. Countries participating in the Project are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

It is also noteworthy to mention, that Georgia has signed Council of Europe Convention on Cybercrime on 1 April 2008. In 2010 the relevant law was adopted in order to implement the provisions of the above-mentioned convention before Georgia becomes a party to it, which had been drafted within EU funded CoE project.

The Facility aims at strengthening the follow-up to the findings of Council of Europe monitoring and advisory bodies in selected priority areas, and cybercrime was identified as one of them.

The project will therefore address the following needs:

- Policies and awareness of decision-makers of the priorities regarding cybercrime and electronic evidence;
- Harmonized and effective legislation based on the Budapest Convention on Cybercrime;
- Judicial and law enforcement training on cybercrime and electronic evidence;
- Law enforcement – Internet service provider cooperation in the investigation of cybercrime;
- International judicial and police cooperation;



- strengthening of 24/7 Points of Contact;
  - Financial investigations: measures to prevent and control laundering and to search, seize and confiscate crime proceeds on the Internet.
- **Legal co-operation including extradition**

In 2010, Georgia adopted the Law on International Cooperation in Criminal Matters, which entered into force together with the new Criminal Procedure Code of Georgia. The new Law covers international cooperation related issues, such as mutual legal assistance, extradition, transfer of sentenced persons, transfer of proceedings and enforcement of criminal judgments. The Law has been drafted taking into consideration relevant human rights standards/safeguards as well as Georgia's obligations stemming from the international and regional conventions.

One of the advantages of the above-mentioned law is that it established effective mechanism for cooperation not only with those states having international agreements with Georgia, but also with other countries on the basis of the reciprocity principle and *ad hoc* agreements. Namely, when extradition or enforcement of criminal judgments is requested by the state with which Georgia does not have treaty basis for cooperation, the latter can conclude *ad hoc* agreement with the respective foreign authorities, and in this way provide them with legal assistance.

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

- Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 1993;
- European Convention on Extradition of 1957 and its 1<sup>st</sup> and 2<sup>nd</sup> Additional Protocols;
- European Convention on Mutual Assistance in Criminal Matters of 1959 and its 1<sup>st</sup> Additional Protocol;
- European Convention on the Transfer of Sentenced Persons of 1983 and its Additional Protocol;
- European Convention on the International Validity of Criminal Judgments of 1970.

Currently, Georgia is examining the possibility of signing the Third Additional Protocol to the European Convention on Extradition of 1957 and the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 1959. The former establishes simplified extradition proceedings when the fugitive voluntarily consents on the transfer and the latter provides possibility of cooperation with regard to specific types of mutual legal assistance. In case of acceding to the above-mentioned protocols, the relevant amendments will be made in the law on International Cooperation in Criminal Matters.

Besides, Georgia is a party to several UN conventions (e.g. Convention against Transnational Organized Crime of 2003) which contain provisions of international cooperation in the field of criminal law. On the basis of the mentioned treaties, Georgia effectively cooperates with the respective foreign authorities regarding certain types of crimes covered by the relevant conventions.

In addition, Georgia has bilateral agreements with a number of states with regard to international cooperation in filed on criminal law. The states with which Georgia has bilateral agreements are

as follows: Bulgaria, Turkey, Armenia, Turkmenistan, Ukraine, Uzbekistan, Kazakhstan, Greece and Azerbaijan. Currently, Georgia is planning to start negotiations with Canada, Argentina, Brazil, Japan and the People's Republic of China in order to conclude MLA agreements with them.

- **Safe havens and shelter to terrorists and terrorist organizations**

In order to address more comprehensively all the requirements of the United Nations Security Council Resolution related to fight against terrorism (including SC Resolutions 1267 and 1373), an Interagency Commission on Implementation of the UN Security Commission Resolutions (*hereinafter* the Commission) has been established in December 2011. The Commission is led by the Minister of Justice and it is mandated to implement Georgia's commitments stemming from UN SC Resolution on fight against terrorism. The commission conducts its work on three major directions: assets freeze, travel ban and arms embargo on individuals and entities associated with terrorist acts.

The Commission refers the List prepared by the Committee established under SC Resolution 1267 to the Court to freeze all assets of the individuals enumerated in this list and monitors the enforcement of these measures. In addition, the Commission itself prepares the list of individuals related to the terrorist acts in accordance with SC Resolution 1373 and refers it to the Court for freezing of assets of those persons.

## **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.*

**Reply:**

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 Participating States.

## **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.***

**Reply:**

3.1 – 3.2

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

1. According to the protocol on inspections of the CFE treaty, Georgia receives the following kinds of inspections:
  - I) Declared site Inspection,
  - II) Challenge inspection within specified areas,
  - III) Inspection of reduction.
2. According to the Chapters I, II, III, V, VI, VII, IX, X of the protocol on notification and exchange of information of the CFE treaty, Georgia prepares and circulates corresponding notification forms for the states parties by means of INA system and OSCE network.
3. According to the paragraph 1(C) of the Chapter VII of the protocol on notification and exchanging information and annex of exchanging information format, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its own armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid until the 1<sup>st</sup> of January of the next year.
4. Reduction of the decommissioned Treaty Limited Equipment by the means of their destruction according to the protocol of CFE treaty regarding the regulations of procedures on reduction of TLE.

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

1. According to the articles IX and X of the 1<sup>st</sup> 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 1<sup>st</sup> of January of the next year (AEMI).
2. According to the article XV of the II chapter of VD2011 prepares and circulates via diplomatic channels information about the defense planning.
3. According to the articles 74-106 of the IX chapter of VD2011 receives inspections in the specified areas.
4. According to the articles 74-137 of the IX chapter of VD2011 receives evaluation visits in the military units and formations.
5. According to the article 144.9 of the X chapter of VD2011 receives additional inspections/evaluation visits according to the bilateral agreements.
6. According to VD2011 Georgia prepares and circulates the corresponding notification forms during the year (INA System and OSCE network).

7. Georgia annually prepares and circulates via diplomatic channels Global Exchange of Military Information (GEMI) until April 30<sup>th</sup>.
8. According to the provisions of the “Open Sky” Treaty, Georgia as a State Party receives 4 (four) observation flights (passive quota). These measures are implemented by the Arms Control and Verification Division of the Joint Staff of the Armed Forces of Georgia in conjunction with other relevant agencies.

## **Export Control Implementation in Georgia**

Export Control in Georgia is implemented by Normative Acts guiding all structures involved in Export Control system: Ministry of Defence, Ministry of Economy and Sustainable Development, Revenues Service of Ministry of Finance, and Border Police. Their common efforts are implemented based on the following:

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

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

For the weapons and military products – with MOD Permission;  
For the products of dual-use – with MOE Permission.

## **Section II: Intra-State Elements**

### **1. National planning and decision-making process**

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

**Reply:**

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;

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

According to the Constitution of Georgia:

- The Parliament of Georgia:
  - Is 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 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:
  - 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, including law of budget;
  - Is entitled to dissolve the government, dismiss the ministers of internal affairs, defense and justice on his/her own initiative or in other cases envisaged by the constitution;
  - Declares material law in the case of armed attack on Georgia, makes peace when appropriate conditions exist and submits the decisions to parliament within 48 hours for approval;
  - In the case of war or mass disorder, infringement upon to territorial integrity of the country, coup d'état, armed insurrection, ecological disasters, epidemics, or in other cases, when state bodies are unable to normally exercise their constitutional power shall declare a state of emergency throughout the whole territory of the country or a certain part thereof and submit this decision to the parliament within 48 hours for approval. In the case of a state of emergency issues the decrees having the force of law, which shall remain in force until the end of the state of emergency, shall take emergency measures. The decrees shall be submitted to the parliament when it is assembled. Emergency authorities shall apply only to the territory where the state of emergency is declared for the reasons mentioned in the present paragraph;
  - Shall award state honors, higher military ranks, special and honorary titles and higher diplomatic ranks;
  - The president is the Supreme Commander-in-chief of the armed forces of Georgia. He/she appoints and dismisses the heads of Joint staff of armed forces of Georgia and

other commanders. He/she Chairs the National Security Council and appoints the Secretary of the National Security Council.

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

Georgian defence planning process is structured according to the law on defence planning. The Law on Defence Planning is based on the Constitution of Georgia, International Agreements and other normative acts.

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

**Strategic level documents of defence planning are as follows:**

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

**Intra agency level documents of defence planning are as follows:**

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

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

Drawing up of the Defense Budget within the frames of the state budget constitutes indispensable condition for determining the general guidelines of the Defense Policy and its further realization. The draft of the defense budget is submitted to the Government and the National Security Council. After consent of the Executive authority, the President shall submit the defense budget as an integral part of the State budget to the Parliament. The important role in forming the defense budget is assigned to the relevant committees 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.

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

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

The Law of Georgia “On participation of the Armed Forces of Georgia in Peacekeeping Operations” adjust legal relations existing in Georgia and the obligations undertaken by Georgia under international treaties and agreements connected with the participation of the armed forces and civil personnel of Georgia in operations of maintenance and restoration of International Peace and in other kinds of Peacekeeping Activities.

Currently Georgia contributes troops to ISAF mission in Afghanistan.

Georgia meets all international commitments related to defence issues such as international agreements, treaties, and memorandums (including adherence to the 6 point ceasefire agreement of August 12, 2008). Georgian defence capabilities fall under the ceilings regulated in the framework of Organization for Security and Cooperation in Europe. It remains transparent and shares information on defence matters in accordance with international obligations (including CFE, Vienna Document, Open Sky treaty, CCW and the Memorandum of Understanding between the Ministry of Defence of Georgia and the European Union Monitoring Mission of January 26, 2009 and it’s amendment of July 02, 2010).

**2. Existing structures and processes**

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

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

**Reply:**

**2.1. 2.2.**

Article 73, paragraph 4 of the Constitution: The President of Georgia shall be entitled, on his/her own initiative or in other cases envisaged by the Constitution, to dissolve the Government, dismiss the Ministers of Internal Affairs and Defence of Georgia.

Article 73, paragraph 4 of the Constitution: The President is the Supreme Commander-in-Chief of the Armed Forces of Georgia. He/she appoints members of the National Security Council, and appoints and dismisses the Chief of the Joint Staff of the Armed Forces of Georgia, other commanders; “

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

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

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

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

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

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

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

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

According to Article 78 of the Constitution of Georgia, government, including the police and other law-enforcing agencies, is accountable to the Parliament of Georgia. Furthermore, there is a law on Group of Trust according to which the mentioned Group is established in the Parliament



of Georgia chaired by the Head of Defence and Security Committee. The Group exercises overall democratic control on Law enforcement and defence agencies.

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

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:

1. According to the Article 78 of the Constitution, the Government is responsible before the President and the Parliament;
2. 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;
3. According to the Article 80 (3), the composition of Government and the Governmental program shall obtain the confidence from the Parliament of Georgia;
4. According to the Article 81 (2) of the Constitution, the Parliament of Georgia is empowered to declare unconditional non-confidence to the government by qualified, three-fifth majority vote and the President is not authorized to intervene;
5. 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, and under the Article 64 (1), the Parliament is empowered to dismiss individual ministers by the impeachment procedure;
6. 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;
7. According to the Article 73 (1, "b") of the Constitution, the President of Georgia appoints the Prime Minister and gives him consent to appoint other members of government;
8. The President of Georgia under the Article 73 (1, "c") of the Constitution of Georgia has a discretionary power to dismiss the Government, and respectively the Prime Minister (the termination of the office of the Prime Minister automatically results in the resignation of the government - Article 79 (7)) on his/her own initiative;
9. The Article 73 (1, "c") directly gives the President power to dismiss the Ministers of Internal Affairs, Defence and Justice;
10. According to the Article 78 (4), the President of Georgia is authorized to convene and preside over the sittings of the Government;
11. 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, the President of Georgia, and the Public Defender of Georgia (regarding control over activities of these forces for ensuring protection of human rights and fundamental freedoms).

Moreover, parliamentary and presidential control over the security forces, intelligence services and the police are reiterated by the provisions of the following Laws of Georgia: Law of Georgia on Police; Law of Georgia on Public Security Service; Law of Georgia on Counterintelligence Activity; Law of Georgia on Combating Terrorism; Law of Georgia on Trust Group and etc.

For example:

1. According to the Article 26 of the Law of Georgia on Counterintelligence Activity, head of the service coordinating counterintelligence activity will be obliged to submit the report to the President of Georgia at least once a year;
2. Provisions of the Law of Georgia on Police, Law of Georgia on Public Security Service, Law of Georgia on Combating Terrorism envisage the procedures of parliamentary and presidential control of police, security forces, and forces exercising counterterrorist activities;
3. According to the Article 1 of the Law of Georgia on “Trust Group”, the trust group is formed within the Defense and Security Committee of the Parliament of Georgia by the members of the same committee in order to exercise budget control over special programs and secret activities of agencies of the executive government of Georgia. According to the Paragraph 1 of the Article 3 of the mentioned law, 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, 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.

Besides presidential and parliamentary control, the abovementioned laws (except for the Law of Georgia on Trust Group) also provide the procedures for judicial, prosecutorial, and audit (fiscal) control of the police and security forces.

### ***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?***

#### **Reply:**

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

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

- Prevention;
- Deterrence;
- Defence;

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

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

- President of Georgia who is elected on the base of universal, equal and direct suffrage by secret ballot and according to the constitution is the supreme commander-in-chief of the Armed forces;
- The parliament of Georgia approves the number of military forces, adopts State Budget, the part of which is the Defense Budget, declares the power of attorney to the government, the member of which is the minister of defense of Georgia.

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

According to above-mentioned Law, functions between the Ministry of Defense of Georgia and Joint 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 Joint Staff – as the operative managing body of the armed forces.

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

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

Moreover, the Constitution of Georgia, „Parliament regulation”, Laws “On Ombudsman of Georgia”, “On Committees of the Parliament of Georgia”, “On Parliamentary Fractions” , “On Chamber of Control of Georgia” 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?***

##### **Reply:**

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

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

#### **Reply:**

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

1. The following persons shall be released from the military draft:

- Persons recognized as unfit for military service as per their condition of health;
- Persons who did military service in the military forces of other states;
- Persons who have been convicted for serious or especially serious crimes;
- Persons doing non-military, alternative labour service;
- Post-graduate students;
- Persons with a scientific degree and engaged in pedagogical or scientific work;
- The only son in family in which even a family member has been lost in struggle for territorial integrity of Georgia or in the performance of military service.

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

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

According to the Article 5 of the Law of Georgia “On Non-Military, Alternative Labour Service”:

Citizens shall perform non-military, alternative labour service in the following special non military labour formations, in groups or individually:

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

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

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

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

#### **Reply:**

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

Besides, the rights of all service personnel are protected according to the state laws on “Public (civil) Service”, “Labor Code” and “Military Obligation and Military Service”.

The servicemen enjoy all rights provided by the Constitution except the following:

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

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

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

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

### **National Inter-Agency Commission on IHL:**

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

The Commission is a Standing Inter-Ministerial body set up to implement and ensure respect for International Humanitarian Law (*hereinafter* IHL) as well as coordinate the work of different entities in this field. It is composed of deputy ministers of the key ministries and representatives from the National Security Council of Georgia as well as the Parliament of Georgia.

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

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

### **IHL in National Legislation:**

The Government of Georgia reaffirms its obligation to respect and ensure respect for international humanitarian law in all circumstances.

In order to provide full respect of IHL norms, Georgian legislation criminalizes violation of rules of international humanitarian law (willful breaches of IHL) both in international and non-international armed conflicts.<sup>3</sup> Article 411 refers to the willful breaches of norms of international humanitarian law committed in course of international or internal armed conflict, that are directed against the persons who do not take part in the hostilities or have no means of defence, as well as wounded, sick, medical and religious personnel, medical units, medical transportations, prisoners of war, civilians, civilian population of the occupied territory or in the combat zone, displaced persons, stateless persons, the persons enjoying any other type of protection. Some other notable amendments have taken in place in 2006. Article 412 of the Criminal Code of Georgia dealing with the willful breach of the norms of international humanitarian law in international or internal armed conflicts resulting into threat to the health or physical injuries criminalizes conducting medical procedures upon the protected person or any person deprived of liberty, that is not required by his/her health conditions, and that does not comply with the universally excepted medical norms, even upon of the consent of the said person.

Criminal Code further contains specific articles on Preparation or Waggging of Aggressive War,<sup>4</sup> Genocide,<sup>5</sup> Crimes against Humanity,<sup>6</sup> War Crimes,<sup>7</sup> Ecocide,<sup>8</sup> Recruitment, Training, Financing or other material type of support/assistance of the Mercenary, as well as his/her use in armed conflict or in course of conduct of hostilities.<sup>9</sup> In addition, Criminal Code of Georgia includes broader clause (Article 413) referring to other violations of international humanitarian norms that do not include criminal characteristics identified in article 411 or 412 of the Criminal Code of Georgia. It should be maintained that Georgia has ratified the Statute of International Criminal Court and Article 8 of the Statute is directly enforceable in Georgian legal system.

Criminal Code of Georgia also includes the provision which provides for the possibility to exercise universal jurisdiction. Article 5 of the Criminal Code of Georgia provides that competent authorities can prosecute and punish the perpetrators for acts that are included in international conventions that Georgia is party to. This provision is an effective tool which

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<sup>3</sup> Criminal Code of Georgia, Article 411.

<sup>4</sup> Criminal Code of Georgia, Article 404.

<sup>5</sup> Criminal Code of Georgia, Article 407.

<sup>6</sup> Criminal Code of Georgia, Article 408.

<sup>7</sup> Criminal Code of Georgia, Articles 411, 412 and 413.

<sup>8</sup> Criminal Code of Georgia, Article 409.

<sup>9</sup> Criminal Code of Georgia, Article 410.

guarantees that a criminal jurisdiction can be exercised for the breaches of relevant legal instruments governing situations of armed conflicts, for example, Geneva Convention of 1949, Convention concerning the Protection of the World Cultural and Natural Heritage of 1972 etc.

### **Military Personnel and IHL:**

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

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

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

1. IHL forms an integral part of the trainings, activities, curricula and methodology of armed forces.

2. Military personnel are trained and informed about rules and principles of IHL, international treaties and documentation as well as legal domestic framework on the law of armed conflicts.

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

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

In order to ensure further dissemination of IHL, Military Education and Combative Training Department as well as other departments and sub-divisions of Joint Staff of the Ministry of Defence in their daily work and planning activities foresees that adequate actions and programs

are planned and undertaken for improving professional knowledge of officers in IHL and safeguarding that high, mid and low level official's training enshrines the course of IHL with an aim to enable them to perform their functions in compliance with international humanitarian law.

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

**Reply:**

Lawyers, employed at the military divisions, permanently give instructions to military persons in order to inform about normative acts (from them local and international legislation). Field Manuals and guiding documents consider the aspects of IHL in it.

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

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

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

***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?***

**Reply:**

The Joint Staff of Georgian AF on regular base co-operates with the International Committee of Red Cross (ICRC) (exclusion: 2004-2006). Relevant trainings ("training the trainers") have been conducted on each level of the Armed Forces.

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



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

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

Besides, during the state emergency the use of armed forces can be done only by the consent of the Parliament of Georgia.

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

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

**Reply:**

The Law of Georgia “On the Status of Military Servicemen” defines the rights, obligations, and also the basic guarantees of the 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.

According to the chapter 5 of the Article 26 of the Constitution of Georgia “A person who is enrolled in the personnel of the armed forces, the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association”.

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

**Reply:**

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

Law department is taking part in the drafting process of each doctrine and political document; it also ensures these documents to be in compliance with international law.

**Section III. Public access and contact information:**

**1. Public access:**

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

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

**Reply:**

**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?*

**Reply:**

According to Article 10 of the Administrative Code of Georgia “Everyone may gain access to official documents kept by an administrative agency, and obtain a copy thereof, unless such documents contain state, professional, commercial, or private secrets”.

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