



№ 11/29882

NOTE VERBAL

The Embassy of Georgia to the Republic of Austria, Permanent Representation of Georgia to the OSCE and other International Organizations in Vienna presents its compliments to the Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Centre and has the honor to submit Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of the Security for the year 2018.

The Embassy of Georgia to the Republic of Austria, Permanent Representation of Georgia to the OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to the Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Attachment: 54 pages.



Vienna, 29 July, 2019

**To: OSCE Missions and Delegations
Conflict Prevention Centre
Vienna**

QUESTIONNAIRE ON THE OSCE 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

Georgia is the part to the United Nations system and is a member to the several international agreements, prepared and concluded under the auspices of the UN.

For the list of agreements, see the attachment.

Besides Georgia as the UN member responsible for acting in accordance with its obligations under the UN Charter has also created a mechanism for the effective implementation of United Nations Security Council (UNSC) Resolutions on targeted financial sanctions.

For detailed information on implementation of the UNSC Resolutions, see question 1.4.

Sub-regional Multilateral Agreements

- **The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters** (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Azerbaijan and Georgia) – for Georgia entered into force on 11 July 1996.
- **Sub-regional Cooperation within BSEC** (Organization of the Black Sea Economic Cooperation) and **GUAM** (Georgia, Ukraine, Azerbaijan, Moldova - Organization for Democracy and Economic Development)

Georgia is a party to:

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

It is noteworthy that joint working group on Coordination on Combating Crime, its various sub-groups (each respectively on Combatting Terrorism, Combatting Corruption and Money Laundering, Trafficking in Persons and Illegal Migration, Drug Trafficking, and on Legal Statistics) and joint working group on Cyber Security are functioning within GUAM, whose meetings are held systematically and which give possibility to the law enforcement agencies of GUAM member states to cooperate effectively, to share operational and non-operational information, to exchange experience and best practices and to plan joint measures. Moreover, secure communication line is functioning among the GUAM law-enforcement centers, which avails them to exchange information in a very rapid manner.

Bilateral International Agreements:

Georgia has signed bilateral international agreements/MoUs 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. Germany**
- 10. Greece**
- 11. Hungary**
- 12. Israel**
- 13. Italy**
- 14. Kazakhstan**
- 15. Latvia**
- 16. Lithuania**
- 17. Malta**
- 18. Moldova**
- 19. Poland**
- 20. Romania**
- 21. Slovak Republic**
- 22. Spain**
- 23. Sweden**
- 24. Turkey**
- 25. Ukraine**
- 26. United Kingdom (MoU)**
- 27. USA**
- 28. Uzbekistan**

🚩 **Draft Agreements ready for signature:** *Czech Republic, Belgium and Serbia;*

🚩 **Draft agreements under negotiations:** *Albania.*

- **Agreement on Operational and Strategic Cooperation between Georgia and Europol was signed on 4th of April 2017 and since entry into force of this agreement (on 31 July 2017) Georgia enjoys operational partner status with Europol.** On 9 March 2018 the Memorandum of Understanding on **Secure Communication Line and Liaison Agreement** were signed with Europol. **The Georgian liaison officer was deployed in Europol's Headquarters on 1 September 2018 and secure communication line is operational since May 2019.**
- Moreover, Georgia signed International Agreements on Exchange and Mutual Protection of Classified Information with **24 countries** (*Austria, Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Cyprus, Czech Republic, Estonia, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Moldova,*

Norway, Poland, Romania, Slovak Republic, Spain, Sweden, Ukraine, USA), which are firm legal basis for sharing the classified information on the issues related to crimes, including terrorism.

- **Agreement between Georgia and European Union on Security Procedures for Exchanging and Protecting Classified Information** was signed on 23rd of June 2016 and entered into force on 1 February 2017.
- Georgia is participating in the Operation SEA GUARDIAN in defending against, detecting and disrupting terrorism in the Mediterranean Sea, the straits of Gibraltar, and its approaches through information exchange, thus being actively involved in international counter terrorism efforts.

1.2

For the effective implementation of the UNSC Resolutions Georgia has adopted the Law on Facilitation of Prevention of Illicit Income Legalization and the Governmental Decree №487, establishing the Interagency Commission on Implementation of the UN Security Council Resolutions.

The special Chapter VII⁸ was introduced in the Code of Administrative Procedure of Georgia for legally prescribing procedures for freezing of assets of designated persons under the UNSC Resolutions.

In order to enhance the compliance of Georgian legal regulations with the relevant FATF recommendations, the Draft Law on Combating Money Laundering and Terrorism Financing and amendments to the Governmental Decree №487 have been elaborated. The Draft Law and amendments to the Governmental Decree are yet to be adopted by the Parliament and Government of Georgia respectively.

a) Laws and by-laws

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

In 2007, the Parliament of Georgia passed the Law of Georgia on “**Combating Terrorism**” (*last amendments made on 30 November 2018*), which defines the forms of organization of and legal grounds for the fight against terrorism, as well as the rules of coordination of relevant state authorities in the field of combating terrorism, the grounds for involvement of civil organizations and associations, of officials and citizens, their rights, obligations and their social security guarantees.

Moreover, the Law of Georgia on “**Combating Terrorism**” which has been amended several times due to the modern challenges is significant since it defines the terms of “**terrorism**”, “**terrorist**”, “**terrorist act**”, “**terrorist purpose**”, “**terrorist activity**”, “**international terrorism**”, “**terrorist group**”, “**terrorist organization**”, in accordance with the international standards. The provisions of the Law which determine the basic principles of combating terrorism, as well as the subjects who conduct the fight against terrorism, are worth noting.

Among the other laws and by-laws, which *inter alia* deal with terrorism-related issues, are the following:

- Law of Georgia on “**Facilitating the Suppression of Illicit Income Legalization**” (*creates a legal mechanism for countering money laundering and terrorism financing*);
- Law of Georgia on “**Nuclear and Radiation 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** (*criminalizes all acts of terrorism, which are determined as such by the UN international anti-terrorism conventions or CoE conventions and other international instruments*);
- Law of Georgia on “**Criminal Intelligence Activity**” (*defines the system of measures carried out by special services of state agencies through application of open or covert criminal intelligence methods in order to protect the rights and freedoms of human, the rights of legal entities and the public safety from criminal or any illegal conduct*);
- **Criminal Procedure Code of Georgia** (*defines in detail each and every stage of investigation and criminal prosecution on any action that is considered as a crime under the Criminal Code of Georgia, as well as defines types and rules of application of covert investigative measures*);
- **Civil Procedure Code of Georgia** (*defines the procedure of the seizure and transfer to the state of a person’s property, who is convicted for the perpetration of terrorism financing, other material assistance to terrorist activity or provision of resources thereto*);
- **Administrative Code of Georgia** (*defines procedural rules for hearing and decision making by the courts of Georgia on administrative cases, inter alia, on the issues of the seizure of property of the persons related to the terrorism*);
- Law of Georgia on “**International Law Enforcement Cooperation**” (*defines the rules of international law enforcement cooperation in the fight against crime, including terrorism-related crime*);
- Law of Georgia on “**International Cooperation in Criminal Matters**” (*defines the rules of mutual legal assistance and extradition issues*);
- Law of Georgia on “**State Security Service of Georgia**” (*defines basic guiding principles for the activities of the State Security Service of Georgia, its functions and authority, procedures for the performance of service by employees of the Service, and their legal and social protection guarantees, the forms of control and oversight over the activities of the State Security Service of Georgia*);
- Law of Georgia on “**Georgian Intelligence Service**” (*defines the status, powers, main fields of activity, objectives and principles of Georgian Intelligence Service, as well as the legal basis and procedures for serving at the Service, social and legal protection guarantees thereto*);
- Law of Georgia on “**Counterintelligence Activities**” (*defines and regulates the special type of activities in the field of ensuring the state security, which aim at revealing and preventing the threats emanating from terrorist and/or intelligence activities of special services of foreign countries, organizations, groups and certain individuals, directed against the state interests of Georgia*);
- Law of Georgia on “**Police**” (*defines basic principles of the Georgian police activities, the legal grounds for organizational structure of the police, its functions, measures to be carried out by the police and legal forms of exercising police authority, procedure for serving in the police, legal and social protection guarantees of police officers and control over police activities*);
- “**Regulation of the Parliament of Georgia**” (*defines the powers, structure and rules of conduct of the Parliament, including the composition and conduct of the Trust Group, exercising parliamentary control over the defense and security sector of the country*);

- Law of Georgia on “**Personal Data Protection**” (defines provisions on ensuring protection of human rights and freedoms, including the right to privacy, in the course of personal data processing);
- Other respective laws and by-laws.

In the **Criminal Code of Georgia** terrorist offenses are provided in Chapter XXXVIII under the Title of Offenses against the State. The Code widely criminalizes terrorism-related actions and establishes relevant criminal liability for individuals and legal entities. The Code defines what type of activities should be considered as a terrorist act¹. The list includes explosion, arson, attack on a person, use of weapon, as well as all the other activities which threaten human life, create risks of damaging significant property or resulting in other serious consequences. It should be noted that for the qualification of these actions as a terrorist act, each should be carried out with the terrorist purpose. This implies the intimidation of population or compulsion of the state authority, foreign state authority or an international organization to perform or not to perform certain action, or destabilization or destruction of fundamental political, constitutional, economic or social structures of a country/foreign country/international organization.

It is noteworthy that in terms of combating terrorism, important amendments were made to the Criminal Code in the years of 2013-2015. After the draft laws initiated by the Government of Georgia entered into force, a number of activities conducted with the terrorist purpose have become punishable. Furthermore, it should be noted that Georgia is one of the first countries among the UN member states, which in 2015 fully criminalized the activities related to the travel of the so-called Foreign Terrorist Fighters (FTF) in accordance with the UN Security Council Resolution 2178 (2014).

The resolution of the Government of Georgia №254 on **Approving the Rules of Organizing Counterterrorist Activities in the Country and of Coordinating the Activities of the Subjects in the Fight against Terrorism** - is a significant part of the existing legislation in the field of combating terrorism. It obliges the subjects in the fight against terrorism, as well as other state authorities to provide any terrorism-related information to the Counterterrorism Center of the State Security Service of Georgia. Furthermore, the resolution of the Government of Georgia №622 on **Approving the Rules of Organization and Activities of the Extreme Situations Management Operational Headquarter** - is worth mentioning. It determines the activities of the Operational Headquarter which is created by the Government order, in order to suppress a terrorist act.

The state devotes special attention to the development of legislative framework on border security and control, as well as on civil aviation safety. In this regard, the **Law of Georgia on the Legal Status of Aliens and Stateless Persons**, the **Law of Georgia on International Protection**, other relevant laws and bylaws are worth mentioning, which envisage relevant restrictions on entering the country by a foreigner and granting relevant legal status to this foreigner, whose presence in the country represents a threat to the state security and/or public order of Georgia, including when there is the information, with high degree of probability, indicating the individual’s link to terrorist and/or extremist organizations.

Furthermore, in order to properly implement the UN Security Council Resolution 2396 (2017), significant legislative amendment has been undertaken, on the basis of which international air carriers are required to provide free-of-charge **Advance Passenger Information (API) and Passenger Name Record (PNR)** to the competent authority - LEPL Operational-Technical Agency of Georgia of the State Security Service. Also, the resolution №174 of 10 April 2018 of the Government of Georgia approved the **rules of providing API and PNR by the air carrier to the competent authority**.

Furthermore, Georgia has taken steps to **develop national strategy for counter terrorism and**

¹ Article 323 of the Criminal Code of Georgia criminalizing terrorist act provides imprisonment up to 15 years. If the aggravating circumstances are met, imprisonment up to 20 years or lifetime imprisonment is applied. And a legal entity is punished by liquidation or deprivation of the right to conduct activity and by fine. In general, sanctions related to terrorist offences are relatively high.

its action plan. In September, 2018, the Permanent Inter-Agency Commission composed of high level representatives of all relevant agencies responsible for prevention and fight against terrorism was created under the Government Resolution N469. The Commission is chaired by the State Security Service of Georgia. The Commission elaborated **the National Strategy of Georgia on Fight against Terrorism and its 2019-2021 Action Plan**, which were adopted by the GoG on 23 January, 2019. The National Strategy aims at establishing the vision of the state of Georgia in terms of the fight against terrorism and extremism, as well as determining the ways in which the state, international partners, private sector and civil society should operate collectively in order to handle the threats stemming from terrorist organizations, extremist groups and their certain supporters. **The Strategy encompasses seven basic directions:** collection of terrorism-related information, prevention, protection, preparedness, prosecution, development of legislative framework and international cooperation.

b) Criminalization

Criminal Code of Georgia criminalizes the following terrorist acts:

- Terrorist Act (Art. 323),
- Unlawful purchase, storage, carrying, manufacturing, transportation, transfer, sale or use of firearms, ammunition, explosives or equipment for terrorist purposes (Art. 323¹),
- Participation in International Terrorism (Art. 323²)²,
- Technological Terrorism (Art. 324),
- Cyber terrorism (Art. 324¹),
- Assault on Public Political Officials of Georgia (Art. 325),
- Assault on Person or Institution Enjoying International Protection (Art. 326),
- Membership in a Terrorist Organization, Participation in its Activities or Establishment or Management of Terrorist Organizations (Art. 327),
- Recruiting a Person as a Member of a Terrorist Organization or for Carrying Out Terrorist Activities (Art. 327¹)³,
- Joining a Foreign Terrorist Organization or a Terrorist Organization Controlled by a Foreign State or Supporting this Organization in Its Terrorist Activities (Art. 328),
- Taking a Hostage for Terrorist Purposes (Art. 329),
- Unlawfully Taking Possession of an Aircraft or Water Craft, Railway Rolling Stock or of Other Public or Cargo Transport for Terrorist Purposes (Art. 329¹),
- Taking Possession of or Blocking Strategic or Other Facilities of Special Importance for Terrorist Purposes (Art. 330),
- Public Support of Terrorist Activities and/or Terrorist Organization or Public Incitement to Terrorism (Art. 330¹)⁴,
- Providing Training and Instruction for Terrorist Activities (Art. 330²)⁵,
- Theft for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330³),
- Extortion for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330⁴),
- Making of Forged Official Documents for the Commission of One of the Offenses Defined in this Chapter (Art. 330⁵),
- False Notification on Terrorism (Art. 331),
- Financing of Terrorism, Provision of Other Material Support and Resources to Terrorist Activities (Art. 331¹),
- Failure to Take Measures to Prevent Acts of Terrorism (Art. 331²).

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

² This Article also criminalizes crossing or attempt of crossing the state border of Georgia with the aim of perpetration, preparation of or participation in terrorist activity or in terrorist training (Article 323² was expended by amendments of 12 June 2015 in order to address FTF phenomenon).

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

⁴ This Article was expended by amendments of 12 June 2015 in order to address FTF phenomenon.

⁵ This Article also criminalizes the receipt of training and instruction (passive aspect).

- Preparation of Crime (Art. 18) (can be applied in conjunction with any other mentioned crimes),
- Attempted Crime (Art. 19) (can be applied in conjunction with any other mentioned crimes),
- Complicity in Crime (Art. 23) (can be applied in conjunction with any other mentioned crimes),
- Taking a Hostage (Art. 144),
- Creation, Leadership of Illegal Formation, Membership, Participation in such a Formation and/or Conducting Other Activities in favor of Illegal Formation (Art. 223)⁶,
- Illegal Seizure of Aircraft, Water Vessels or Railway Rolling Stock (Art. 227),
- Endangering the Navigation of Water Vessels (Art. 227¹),
- Illegal Seizure, Destruction or Damage of a Stationary Platform (Art. 227²),
- Posing Danger to Aircraft (Art. 227³),
- Piracy (Art. 228),
- Explosion (Art. 229),
- Illegal Handling of Nuclear Material or Equipment, Radioactive Waste or Radioactive Substance (Art. 230),
- Seizure of Nuclear Material, Radioactive Substances or Other Sources of Ionizing Radiation (Art. 231),
- Unlawful Demand of Nuclear Materials (Art. 231¹),
- Threat to Illegally Seize or Use of Nuclear Substance (Art. 231²),
- Manufacturing of Nuclear Weapons or Other Nuclear Explosive Equipment (Art. 232),
- Public Incitement to Acts of Violence (Art. 239¹)⁷.

1.3

In order to protect the country against terrorist threats, joint efforts of the state agencies of Georgia are required. The Government of Georgia conducts the organization of the country's fight against terrorism, and provides this effort with various resources, while the following agencies are directly involved in the fight against terrorism: the State Security Service, Ministry of Internal Affairs, Ministry of Defence, Georgian Intelligence Service, and Special State Protection Service. Also, other public agencies and organizations play an important role in the fight against terrorism within their scope of competence and according to the Georgian legislation.

According to the Law of Georgia on "Combatting Terrorism", **The State Security Service of Georgia** is the lead agency in the unified system of the country's fight against terrorism, ensuring detection, prevention and suppression of terrorist crimes, through the application of special and criminal intelligence activities; collecting information on the activities of foreign and international terrorist organizations and conducting the systemization of this information. The Service coordinates the activities of the subjects in the fight against terrorism through its structural entity – Counterterrorism Center. The Centre is directly responsible for ensuring implementation of counter-terrorist measures; other divisions of the State Security Service of Georgia shall allocate necessary forces and means and ensure their effective use in counterterrorism operations.

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

According to the Article 5 of the Law on "Combating Terrorism", the Ministry of Defence of Georgia:

- Ensures protection of arms, ammunition, explosive and hazardous materials that are stored in military bases or specially designated facilities;

⁶ This Article was expanded by amendments of 12 June 2015 in order to address FTF phenomenon.

⁷ This Article was added by amendments of 12 June 2015 in order to address FTF phenomenon.

- Ensures the preparation and use of units of the Defence Forces of Georgia when the terrorist acts are committed within the airspace of Georgia;
- Participates in counter-terrorist operations conducted on the military installations.

On the basis of Articles 4 and 26 of the Law of Georgia on “Combating Terrorism”, the government of Georgia issued the following 3 ordinances:

- Approving the rule on Social Rehabilitation of the participants of counterterrorist operations and victims of Terrorist act – Ordinance of the Government of Georgia N253, 26/03/2014
- Approving the rule of Organizing Overall Counterterrorist Activities in the country and of Coordination of Activities of Agencies in Combating Terrorism – Ordinance of the Government of Georgia N254, 26.03.2014.
- Approving The Rule of Organization and Activity of the Operational Headquarters on Extreme Situations Management – Ordinance of the Government of Georgia N662, 5.12.2014

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

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

The Ministry of Internal Affairs of Georgia plays an important role in the fight against terrorism, which might be the first responder to the terrorist activity and the crime. The Ministry ensures the protection of public security and the law and order, the security of the land border and maritime space, as well as the protection of state border and border regime at Border Crossing Points. The Community Oriented Policing approaches within the system of the Ministry of Internal Affairs are especially worth mentioning, which aim at proactive communication and close cooperation with the society including, the identification of the risks of possible radicalization, extremism and terrorism, and the threat prevention.

In addition to the above-mentioned, it is noteworthy that **the Rules of Organizing Counterterrorist Activities in the Country and of Coordinating the Activities of the Subjects in the Fight against Terrorism** approved by the resolution №254 of the Government of Georgia, entitle the Counterterrorism Center of the State Security Service of Georgia with the following powers:

- Instructions and requests of the Counterterrorism Center are obligatory and must be observed by the subjects involved in the fight against terrorism;
- State agencies are obliged to submit to the Counterterrorism Center any information in accordance with the List of Information Ensuring Overall Counterterrorist Activities approved by the GoG resolution №254;
- On the basis of acquired materials, the Counterterrorism Center ensures creation of uniform and mutually-agreed information base on counterterrorism situation and its dynamics, detects potential threats by overall and comprehensive analysis of the mentioned information, and develops measures in order to avoid terrorist activities;
- While conducting special (operational, operational-technical) and criminal intelligence measures of counterterrorism activities, the Counterterrorism Center and other subjects involved in the fight against terrorism are authorized to use capabilities, property and material-technical base of other state agencies, in accordance with the rules provided by the legislation;

- After the information as envisaged by the List of Information Ensuring Overall Counterterrorist Activities is submitted to the Counterterrorism Center, it determines the authorized competent subject (subjects) which will carry out counterterrorism activities related to the received information;
- The Counterterrorism Center is authorized to request comprehensive materials related to the above-mentioned information from respective state agencies;
- The Counterterrorism Center determines the expediency of continuing special measures, after it receives additional information from counterterrorism activities.

In case of emergency situations resulted from terrorist activities, according to the GoG resolution N662 on the **“Rule of Organization and Activity of the Extreme Situations Management Operational Headquarter”**, a temporary authority - Extreme Situations Management Operational Headquarter is formed, with the leadership of the Head of the State Security Service of Georgia. The main objective of the Operational Headquarter is to carry out special activities with the aim of suppressing terrorist crime, as well as ensuring public security, neutralizing terrorists and preventing or reducing to the minimum the expected outcomes from the act of terrorism and/or other crimes conducted with the terrorist purpose.

1.4

Financing of terrorism:

Georgia is a member of the CoE Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and actively participates in the meetings of the Committee. Georgia’s anti-money laundering and countering terrorism financing (AML/CFT) legislation has been substantially reformed over the recent years to make it further consistent with internationally recognized standards. Georgia has adequately criminalized terrorism financing as a standalone offence. More precisely, Article 331¹ (**Financing of Terrorism, Provision of Other Material Support or Resources to Terrorist Activities**) of the Criminal Code of Georgia criminalizes terrorist financing as - the collection or provision of funds or other property, with the purpose that they be, or could be, fully or partially used by terrorists or a terrorist organization or/and for carrying out terrorist activities, and/or for the purpose of committing one of the offences envisaged by Articles 144, 227, 227¹, 227², 227³, 229, 230, 231, 231¹ and 231² of the Criminal Code, regardless of whether any of these offences has actually been committed; and/or premeditated provision of service, shelter or safe haven for terrorists or terrorist organizations; and/or provision to terrorists or terrorist organizations of other material support or resources.

Furthermore, Georgia is party to the **UN International Convention for the Suppression of the Financing of Terrorism**, and to the **CoE Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism** (as indicated under 1.1 of Section I of this document). The applicable **Law of Georgia on Facilitating the Prevention of Illicit Income Legalization** (AML/CFT Law) creates a legal mechanism for countering money laundering and terrorism financing.

The AML/CFT Law establishes the **Financial Monitoring Service of Georgia (FMS)** as an independent agency under the Prime Minister of Georgia, being accountable before the Government of Georgia. It is operationally independent and enjoys financial guarantees. The FMS serves as the national center for the receipt and analysis of suspicious transaction reports and other information relevant to money laundering, associated predicate offences and terrorist financing; and for the dissemination of the results of such analysis to law enforcement agencies. The Law requires reporting entities to submit suspicious and threshold transaction reports to the FMS. The Law further empowers the FMS to obtain any additional information and documents including confidential data from reporting entities and public agencies. Where the FMS believes that reasonable grounds exist to suspect money laundering or terrorism financing, it

disseminates the case to law enforcement agencies (including to the State Security Service of Georgia).

Generally, according to legislation of Georgia, investigation of illicit income legalization is subject to the competence of the Office of Prosecutor General of Georgia, while the **State Security Service of Georgia** investigates **terrorist crimes, including financing of terrorism**. It should be mentioned that investigation of illicit income legalization and financing of terrorism is carried out by the specialized units of the Office of Prosecutor General of Georgia and the State Security Service of Georgia.

The SSSG pays particular importance to fight against terrorism, including financing of terrorism. Within the frame of investigation of the case related to the international terrorist Akhmed Chatayev and his terrorist group, among the persons arrested in 2017 and 2018⁸, **6 individuals were respectively detained on charges of financing terrorism, provision of other material support and resources to terrorist activities (under Article 331¹ of Criminal Code of Georgia)**. All of them were convicted pursuant to the charges and sentenced to the deprivation of liberty ranging from 10 to 13 years.

Interagency Commission on the Implementation of the United Nations Security Council Resolutions (hereinafter, the Commission) which was set up on 21 December 2011 by the Governmental Decree №487 pursuant to the Law of Georgia on “Facilitating the Prevention of Illicit Income Legalization”, carries out adequate measures to implement the decisions of the Sanctions Committees.

Adhering to the whole of the government approach, the Interagency Commission brings together all key policy planning, supervisory, intelligence and law enforcement authorities, which are central to developing policy and legal framework for countering terrorism and which have a role to play in ensuring effective implementation of targeted financial sanctions against terrorist-related individuals and entities; identification and initiation of designations pursuant to relevant UNSC Resolutions and freezing of terrorism-related funds and assets. Specifically, the Interagency Commission is chaired by the Minister of Justice of Georgia and is assisted by the Secretariat, functions of which are carried out by the Public International Law Department of the Ministry of Justice of Georgia. The Interagency Commission is comprised of: The Prosecutor’s Office of Georgia; Ministry of Internal Affairs of Georgia; Border Police of Georgia (subordinated state institution of the Ministry of Internal Affairs); Ministry of Defense of Georgia; Ministry of Foreign Affairs of Georgia; Ministry of Finances of Georgia; Legal Entity of Public Law (LEPL) - the Revenue Service; LEPL – the Financial Monitoring Service of Georgia; Ministry of Economy and Sustainable Development of Georgia; Ministry of Environmental Protection and Agriculture of Georgia; State Security Service; Counterterrorism Centre (Department) of the State Security Service of Georgia; Intelligence Service of Georgia; National Bank of Georgia. The Interagency Commission conducts its work in three major directions: **1. Assets freezing; 2. Travel bans and 3. Import/export restrictions and arms embargoes on individuals and/or legal entities suspected in terrorism as designated in line with United Nations Security Council (hereinafter, UNSC) Resolutions.**

The structure, objectives, functions powers and procedures of the Commission are regulated by the Statute of the Interagency Commission, approved under the Decree №487 of the Government of Georgia.

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

On 28 October, 2015 the Parliament of Georgia approved the amendments to the Administrative Procedure Code of Georgia to fulfill the recommendations of FATF and further develop the procedure for freezing the financial assets of terrorism related persons (individuals and legal entities). At the 49th Plenary, the Committee of Experts

⁸ In total 8 persons were arrested;

on the Evaluation of Anti-Money Laundering (MONEYVAL) stated that Georgia has fully implemented all recommendations and therefore, taken sufficient steps to be removed from the regular follow-up process.

According to the amendments, the court reviews the motion of the Secretariat of Commission *without delay, without oral hearing* (Art. 21³² para.1 of Administrative Procedure Code). The motion submitted to the court does not need further consideration. The judge does not require further argumentation or justification from the Commission. Therefore, the court only examines if the person indicated in the motion is indeed designated by UN Security Council or not. The Court does not consider whether the listed person is connected to terrorism.

The Court issues order/s on freezing measures and sends one copy to the Commission, which submits the Court order to National Bureau of Enforcement (*hereinafter* NBE) as an agency responsible for execution of the Court decision on freezing of financial assets of designated persons. A person's property shall be frozen for an indefinite period until the judge's order to seize the property has been annulled. According to Paragraph 1 of the Article 21³³ of CAPG judicial order on seizure of a person's property shall enter into force upon its issuance and appeal against the order shall not suspend it. An order of the Appellate Court shall be final and not subject to review.

NBE *without delay, within hours* executes the court order and lists all persons included in the Court Order in the Debtor's Registry. A Debtor's Registry is a systematized electronic database containing list of natural and legal/organizational entities. Debtor's Registry is publicly available and accessible from the NBE website at <https://debt.reestri.gov.ge/main.php?s=1>. **As data of the registry is public, NBE ensures its availability (accessibility) to state register agencies, banks and other institutions (including monitoring entities).**

Besides the Interagency Commission's mandate to freeze the assets of UNSC designated persons, it is also required to consider without delay and without notifying a person concerned the requests for designations under the UNSCR 1373 (2001). It should be underscored that the requirement of urgent consideration by the court of motions for freezing of assets equally applies in relation to designations under UNSCR 1373, but in contrast to designations made by the UN Sanctions Committee, motions under the UNSCR 1373 are reviewed based on merits by the court. The distinction in the procedure of reviewing the motions by the Court is justified by the human rights protection motives. Particularly, when the person is designated by the third state or the relevant national authority, even though the designation is based on the *reasonable doubt* standard, the risk of violating rights of the designated persons may still occur. Taking into account the abovementioned, the court reviews the motion based on the merits in order to prevent any human rights violation.

Under Article 21³⁴ of the Administrative Procedure Code of Georgia, the Commission is also entitled to submit a motion to the court for the exemption of the property from seizure in the following cases:

- a) the person has been removed from the UNSC sanctions list;
- b) the Commission established, as a result of verification, that the person, whose property has been seized, was not a person defined by the UN resolutions;
- c) the Commission has removed the person from the list of persons related to terrorism;
- d) Property and/or part of the property seized is necessary to cover basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges; payment of reasonable professional fees and reimbursement of incurred expenses associated with the provisions of legal services and/or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources;
- e) Property and/or part of the property seized is necessary to cover other extraordinary and unforeseen expenses.

The criminalisation of terrorism financing is provided by Article 331¹ of the CCG. Since the introduction of the said Article to the Code, it has been subject to constant reviews and upgrades for ensuring its compliance with international standards, including the FATF recommendations. Current criminalisation

of terrorism financing is considered as being fully compliant with applicable standards.

The Criminal Procedure Code of Georgia (CPCG) provides wide range of special investigative techniques and other procedural actions for detection, investigation and prosecution of terrorism financing, as well as tracing, search, seizure and confiscation of instrumentalities and proceeds of crime. The above-mentioned mechanism under CPCG is largely in line with applicable international standards and best practice.

Georgia has in place comprehensive mechanism for international judicial cooperation on criminal matters allowing rapid and widest possible range of assistance.

MLA

Since 01 October 2010, there is a separate law in Georgia on international judicial cooperation, the International Cooperation in Criminal Matters Act (ICCMA). It replaced previously existing Criminal Procedure Code provisions on international cooperation.

ICCMA covers all aspects of international judicial cooperation, including mutual legal assistance.

One of the advantages of ICCMA is that it establishes effective mechanism for cooperation not only with those states having international agreements with Georgia, but also with other countries. Namely, when mutual legal assistance is requested by the state with which Georgia does not have a treaty basis for cooperation, Georgia is still able to assist either by concluding *ad hoc* agreement or on the basis of reciprocity.

Central Authority

According to Article 11 §1 of ICCMA, the Prosecution Service of Georgia is a central authority for mutual legal assistance.

The foreign *letters rogatory* should contain all the data, which is required by the relevant international treaty or *ad hoc* agreement. They may be submitted through any means and channels of communication allowing establishing the authenticity of the transmitted documents. If there are no grounds for refusing assistance, the Prosecution Service transfers requests for execution per territorial or subject matter jurisdiction. When the foreign requests are initiated at trial stage, the Prosecutions Service forwards them to the relevant local courts.

Processes for the timely prioritisation and execution of requests

The central authority for judicial cooperation in criminal matters maintains three-level prioritisation policy for the execution of mutual legal assistance requests (MLAR). Upon receipt, the supervising officer classifies MLARs as urgent, priority or regular.

Priority levels

MLAR qualifies as urgent if it meets any of the following criteria:

- There is an immediate threat to life or limb and the assistance requested is relevant for the investigation and/or prosecution of such threat;
- There is an immediate danger that evidence and/or property subject to confiscation will be hidden or destroyed and the case and/or evidence requested is not of *de minimis* nature (for this purpose and elsewhere in the document *de minimis* is a case if a tentative cumulative damage from a crime or a set of related crimes is less than USD 3 000. This threshold is not taken into account where pertinent investigation concerns life or limb or serious national security issues, including TF).

MLAR qualifies as priority if it meets any of the following criteria:

- Per types of crimes, ML and TF are among “priority” crimes along with e.g. murder, trafficking in human beings, cybercrime, corruption ... unless the case and/or evidence requested is of *de minimis* nature;
- Where an accused is detained pending MLAR related proceedings, unless the case and/or evidence requested is of *de minimis* nature;
- If service of summons is requested;
- If a requesting country requests priority for any other reasons, priority request is properly substantiated and priority treatment is justified owing to the seriousness of the case and/or evidence requested.

All other MLARs fall within the category of regular requests.

Time-limits per priority levels

Urgent requests should be processed by the central authority and executed by the authority to which it was assigned (executing authority) as the urgency of the matter demands (it could be hours or days). However, the overall time for the execution of such requests must not be longer than 10 days.

Priority requests must be processed by the central authority within 10 days and executed by the executing authority within a month. Where request is voluminous or otherwise requires significant resources it must be executed within 6 months. However, the executed materials must be transmitted on a rolling basis where it is possible. Possibility of execution of MLAR or a part of it may also be contingent to specific conditions. MLAR must be executed within reasonable time once the very first opportunity comes out.

Recommended time limit for regular requests is six months. However, in practice it can be longer than that.

Execution of policy compliance and monitoring

Priority policy is primarily executed and monitored through the document management software (DMS). The central authority also maintains relevant MLAR records in an excel file which is located on a remote location and can be edited by multiple users simultaneously. XLS document contains the following data: date of receipt, subject of MLAR, officer, requesting and executing authorities, types of crimes, date of closing the file.

DMS allows supervising officers to set time limits for the execution of any specific document. All overdue tasks are popped up in a special folder on the accounts of the officer whom it was assigned and that of the supervising officer/s. DMS also allows officers to request the deadline extension.

All outstanding tasks are listed in the reverse chronological order on the accounts of the officer and the supervising officer and each has its deadline tag.

In DMS supervising users can generate time-limit compliance data per user and per unit.

Grounds for refusing MLA

There are no provisions in the legislation of Georgia prohibiting MLA or making it subject to unreasonable or unduly restrictive conditions.

Dual criminality requirement

The legislation of Georgia does not require dual criminality when MLA requests do not involve coercive actions. In practice, when examining the existence of dual criminality is relevant, that condition is deemed fulfilled, irrespective of whether the legislation of Georgia places the offence within the same category of offence or denominates the offence by the same terminology as the requesting state, provided that the

conduct underlying the offence for which assistance is sought is a criminal offence under the Criminal Code of Georgia.

Apart from the mandatory grounds for refusal, ICCMA also allows the competent authorities of Georgia to temporarily postpone the execution of foreign MLA requests. This is the case when transmitting the evidence or other documents to the requesting state may prejudice the pending criminal proceedings in Georgia (Article 12§4 of ICCMA).

After receiving a *letter rogatory*, the Prosecution Service of Georgia examines the existence of grounds for refusing MLA. Pursuant to Article 12 §6 of ICCMA, in case of refusing the execution of MLA, the Prosecution Service of Georgia provides the requesting state with the respective reasons.

Notably, according to Article 12 §7 of ICCMA, before refusing the MLA, the Prosecution Service of Georgia is obliged to carry out consultation with the requesting country for securing the partial or conditional execution of the request.

The competent authorities of Georgia are also able not to comply with the dual criminality requirements regarding coercive measures, if international agreement, *ad hoc* agreement or the condition of cooperation on the basis of principle of reciprocity provides otherwise.

According to Article 11 §2 of ICCMA, foreign MLA requests are executed in accordance with the legislation of Georgia. It means that all the procedural actions, which may be conducted by the relevant Georgian authorities in the course of the investigation in the domestic case, are also available for the respective foreign states provided that there are no grounds for refusal of MLA referred to above.

Direct requests

According to Article 15 §2 of European Convention on Mutual Assistance in Criminal Matters, in case of urgency letters rogatory may be addressed directly by the judicial authorities of the requesting state to the judicial authorities of the requested state; however, executed materials shall be returned through the Ministry of Justice. According to the declaration of Georgia made to the Convention, even in case of urgency, copies of the letters rogatory shall also be transmitted to the Ministry of Justice of Georgia.

Therefore, in case foreign MLA requests are submitted in compliance with the above-mentioned procedures, all the powers of the competent authorities of Georgia are also available for use when there is a direct request from foreign judicial authorities to their Georgian counterparts.

Mutual Legal Assistance: Freezing and Confiscation

In 2018 Georgia carried out important legislative reform for upgrading its international cooperation mechanism on identification, freezing, seizure and confiscation of assets subject to confiscation.

Parliament adopted the amendments to ICCMA on 20 July 2018, introducing completely new Chapter VI¹ (Articles 56¹-56⁹) about International Cooperation on Asset Confiscation. The amendments entered into force on 06 August 2018.

Since the reform, ICCMA provides comprehensive mechanism for international cooperation on asset confiscation allowing to take expeditious action in response to requests by foreign countries to identify, freeze, seize, or confiscate: laundered property from, proceeds from, instrumentalities used in, or instrumentalities intended for use in, money laundering, predicate offences, or terrorist financing; or property of corresponding value. See the detailed explanation below:

Types of international cooperation related to asset confiscation

According to Article 56² of ICCMA, in case of existence of relevant legal basis, the following types of

assistance in relation to confiscation of property can be carried out between the Prosecution Service of Georgia and competent authority of foreign country:

- Search, seizure and/or freezing of property;
- Other measures stipulated in the legislation of a requesting country, which would facilitate the identification and tracing of property subject to confiscation, including the collection of information on bank accounts and transactions as well as monitoring;
- Confiscation of property;
- Sharing of assets.

Emergency procedures for cooperation

Article 56² §2, §3 of ICCMA provides mechanism for conducting search, seizure and/or freezing of property in a situation of emergency, when there is a reasonable ground to believe that property subject to confiscation will be hidden or destroyed. In this case, the requesting State is authorised to ask the requested State to conduct search, seizure and/or freezing of property before the submission of MLA request. If the requesting country intends to trigger the emergency procedures, it has an obligation to provide justification for the emergency.

Property subject to confiscation

The types of assistance stipulated in Article 56² of ICCMA are applicable in relation to property subject to confiscation, which is defined by Article 56¹ of ICCMA as: instrumentalities used in or instrumentalities intended for use in the commission of crime, proceeds from crime (all items and immaterial property, legal document evidencing title to property), as well as any income from that proceeds; or the property of corresponding value.

Article 56¹ of ICCMA employs general term, crime, in connection to instrumentalities and proceeds, meaning all crimes envisaged by the Criminal Code of Georgia. As far as money laundering; use, acquisition, possession or realisation of laundered property; predicate offences and terrorism financing are crimes explicitly provided by the Criminal Code of Georgia, related instrumentalities, proceeds, laundered property and the property of corresponding value are covered by the mechanism of international cooperation on confiscation under Chapter VI¹ of ICCMA.

Confiscated property

According to Article 56⁵ §11 of ICCMA, the property confiscated based on the request of the foreign country is transferred to the LEPL National Bureau of Enforcement under the Authority of the Ministry of Justice of Georgia for a temporary retention.

Asset sharing

Article 56⁹ of ICCMA (new Chapter VI¹) provides rules for asset sharing. The main applicable regulations in this regard are as follows:

The Prosecution Service of Georgia is authorised to negotiate assets sharing with the competent authority of the foreign state, based on the request of which the assets were confiscated.

Assets sharing shall not be carried out if the requesting state waives its right to property and /or the overall value of property does not exceed 40 000 GEL (13 190 EUR). In the latter case, based on the decision of the Prosecution Service, the confiscated property is transferred to the state ownership.

If no circumstances preclude assets sharing, half of the confiscated property can be shared with the relevant foreign country, while the remaining part is to be transferred to the state ownership.

Article 56⁹ §5 of ICCMA provides that if the confiscated property is not a money, it is possible to sell it for arranging its sharing with foreign country.

The interests of owners and victims of crime are taken into account during the asset sharing.

Before the decision on asset sharing, the expenditures of competent authorities of Georgia for tracing, confiscation and maintenance of the assets subject to sharing should be deducted from the total amount of these assets.

The Prosecution Service of Georgia and the competent body of the respective foreign state may agree on different rules for sharing of assets than Article 56⁹ of ICCMA stipulates it.

Other forms of international cooperation

CARIN

Since September 2012 Georgia has an observer status in Camden Asset Recovery Inter-Agency Network (CARIN). The Head of the Legal department of the General Prosecutor's Office is a national contact point in the Network. In the framework of the CARIN, the Legal Department proactively cooperates and exchanges information on identification and tracing of assets. At the same time, Georgia is actively engaged in all activities of CARIN in terms of responding its queries, exchanging information on best practices and participating in its meetings.

EU Asset Recovery Offices

In July 2018, the head of the Unit of European Integration and Cooperation with International Organisations of the Legal Department, General Prosecutor's Office of Georgia was designated as a contact point for cooperation with EU asset recovery offices. No requests have been received or sent through EU Asset Recovery Offices network yet.

Cooperation in the framework of CARIN and EU AROs allows the Prosecution Service of Georgia to exchange domestically available information with foreign counterparts for intelligence or investigative purposes relating to money laundering, associated predicate offences or terrorist financing, including the identification and tracing of the proceeds and instrumentalities of crime.

The types of cooperation involving coercive measures would need to be carried out in the framework of MLA. CARIN and EU AROs channels can be used for transmitting the MLA requests.

Direct Cooperation with Service Providers

Throughout the recent years the Prosecution Service of Georgia has established successful direct cooperation on cybercrime and electronic evidence with multinational service providers such as Facebook, Apple and Microsoft. This cooperation mainly involves requests for subscriber information and preservation of data.

For strengthening the grounds for direct cooperation, on 20 July 2018 the Parliament of Georgia adopted the amendments to the Criminal Procedure Code, which entered into force on 06 August 2018. According to the amendments, Article 138¹ was introduced to the Code establishing the following rules for direct cooperation:

A prosecutor is authorised to receive directly from a person being or registered in a foreign state (state of origin) computer data or a document in possession and/or in control of this person having significance to the criminal case, if it is permitted by an appropriate international agreement, by the law of the state of origin and/or by clearly defined practise of that state. In exercising this authority prosecutor does not

apply the MLA procedures under ICCMA.

A person being or registered in a foreign state shall not be coerced to provide the computer data or document.

Only a prosecutor and/or a structural division of a Prosecutor's Office designated by the General Prosecutor of Georgia is authorised to obtain the above-mentioned computer data and document in compliance with the Criminal Procedure Code of Georgia.

– Implementation of relevant international standards in this field (Council of Europe, Europol, Interpol, etc.);

See below the list of multi-lateral treaties of Georgia with the sections on international judicial cooperation in criminal matters:

1. European Convention on Extradition (Paris, 13.XII.1957);
2. Additional Protocol to the European Convention on Extradition (Strasbourg, 15.X.1975);
3. Second Additional Protocol to the European Convention on Extradition (Strasbourg, 17.III.1978);
4. European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20.IV.1959);
5. Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 17.III.1978);
6. European Convention on the International Validity of Criminal Judgments (The Hague, 28.V.1970);
7. European Convention on the Suppression of Terrorism (Strasbourg, 27.I.1977);
8. Convention on the Transfer of Sentenced Persons (Strasbourg, 21.III.1983);
9. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 8.XI.1990);
10. Additional Protocol to the Convention on the Transfer of Sentenced Persons (Strasbourg, 18.XII.1997);
11. Criminal Law Convention on Corruption (Strasbourg, 27.I.1999);
12. Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 16.V.2005);
13. Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Minsk, 22.I.1993);
14. Convention on the Transfer of the Sentenced Persons for the further enforcement of Sentence (Moscow, 6.III.1998);
15. United Nations Convention against Corruption;
16. United Nations Convention against Transnational Organized Crime;
17. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
18. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
19. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
20. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
21. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
22. International Convention for the Suppression of Terrorist Bombings, adopted by the General

Assembly of the United Nations on 15 December 1997;

23. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

24. International Convention for the Suppression of Acts of Nuclear Terrorism, New York, adopted by the General Assembly of the United Nations on 13 April 2005;

25. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (Deposited with the Secretary-General of the International Civil Aviation Organization);

26. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970;

27. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

28. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;

29. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (Deposited with the Secretary-General of the International Maritime Organization);

30. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (Deposited with the Secretary-General of the International Maritime Organization);

31. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 25.X.2007);

32. Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul, 11.05.2011);

33. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw, 16.V.2005).

Georgia has bilateral agreements on international judicial cooperation in criminal matters with 8 countries: Bulgaria (1995), Greece (1999), Ukraine (1995), Turkey (1996), Turkmenistan (1996) Kazakhstan (1996), Azerbaijan (1996) and Armenia (1997).

Border controls:

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

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

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

In order to analyze the threats existing and emerging at the Georgia's green borders, assess their impact on border security and evaluate the ability of the Border Police of Georgia to effectively respond to the foregoing threats, the first joint mission of US and EU experts conducted the assessment of Georgia's borders with Turkey, Armenia and Azerbaijan. Based on the assessment and as a result of further

coordinated work, the Ministry of Internal Affairs has elaborated the 5 year Program for Modernization, Standardization and Unification of Georgian Border Police, which was adopted by the Ministerial Order N404 of June 8, 2015.

The Program includes a 5-year modernization plan of the Border Police by establishing common unified and standardized procedures for infrastructure development, fleet and equipment procurement and maintenance, human resource management, etc. This five year modernization plan helps with the process of program budgeting in the Border Police as well as serves as an efficient tool for the donor coordination, ensuring targeted and standardized approach to the donor supported projects.

In 2014, the Ministry initiated the creation of a Unified System of Risk Analysis (hereinafter referred to as the “Unified System”) encompassing all the relevant actors within the Ministry having a role in border and migration management. The Unified System is expected to ensure identification of existing risks and gaps in the field of border and migration management at the state border of Georgia and to develop effective mechanisms for the implementation of responsive and preventive measures. As a result of risk analysis, analytical products will be elaborated which will support optimal decision making aimed at risk reduction with consideration of available resources and capabilities. In order to establish the Unified System, a number of Ministerial decrees have been adopted, namely: the “Concept of the Unified System of Risk and Threat Analysis at the State Border of Georgia” of 31 January 2015, “Action Plan for the Implementation of the Concept of the Unified System of Risk and Threat Analysis at the State Border of Georgia” of 15 October 2015, and finally the “Unified Concept of Operations of Analysis (ConOps) and the Catalogue of Analytical Products” of 13 June 2016. In addition to the aforementioned documents, a draft Methodological Manual has been elaborated that is in full conformity with the Common Integrated Risk Analysis Model (CIRAM) adopted and used by the European Border and Coast Guard Agency (FRONTEX).

Introduction of modern technologies triggered revision and reassessment process of existing Border Guards’ instructions and SOPs. In that regard, new SOPs for the Border Sectors (tactical level), as well as for Regional Divisions (operational level) were elaborated and approved.

The new SOPs for the land Border Crossing points (BCPs) were approved in December 2014. The SOPs for seaport were approved in December 2015. The SOPs for airport BCPs and land Border Crossing Point “Kartsakhi” were approved in December 2016.

b) International Cooperation

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

Georgia has concluded bilateral cooperation agreements on border issues with the Republic of Armenia, Republic of Azerbaijan and Republic of Turkey. On the basis of these agreements regular bilateral meetings and joint trainings are organized, which contributed to the development of the capacities of Georgian border agencies. Besides the neighboring states, Georgia has concluded bilateral cooperation agreements on border issues with Latvia, Estonia, Bulgaria, Moldova, China and Ukraine. Based on these agreements the annual Plans of Cooperation are signed and implemented with the border and other relevant agencies of Turkey, Latvia, Estonia, Ukraine. The Cooperation Plans will be concluded with Moldova and Lithuania in 2019. Within the Polish Aid program GBP has received trainings and relevant equipment with the purpose to enhance its operational capabilities.

In order to improve communication with the neighboring states about border related issues, it is envisaged to assign border representatives (border commissioners) for Armenian and Azerbaijan border lines. Bilateral Agreement on Border Commissioners was signed with Armenia in October 2016. The same agreement was signed with Azerbaijan in June 2018. The border commissioners will be responsible for the elaboration of bilateral annual joint action plans with their foreign counterparts and also for taking

preventive measures and exchange information on border violations during scheduled and extraordinary meetings.

Ministry of Internal Affairs of Georgia has close cooperation with FRONTEX since 2008, when the working arrangement, „on the establishment of Operational Cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union”, was signed.

The key objective of this working arrangement is to develop good relations and mutual trust between border guard authorities of EU member states and Georgia. Apart from that, it has created a legal background for Georgia to participate in FRONTEX led Joint Operations, as well as various kind of trainings and expert meetings.

Since then, Georgian law enforcement officers (from Patrol Police Department and from Georgian Border Police) are actively involved in FRONTEX led Joint Operations (Land, Sea as well as Air operations), which includes familiarization with both border checks and border surveillance activities as an observer.

Since 2016, due to modern security and safety challenges the legal status of FRONTEX has been revised that has resulted in expanding its mandate. In that regard, the new draft of working arrangement between MIA and FRONTEX has been elaborated, which includes establishing precise information sharing policy between parties.

During 2018, Georgian officers took part in twenty operational activities (Joint Operations, Operational Briefings, Post-Operational Briefings) organized by FRONTEX and in eight various kind of expert meetings (Such as European IBM workshop etc.)

c) Non-proliferation, Border Control and Maritime Security

Georgia has modern, operational border check points, modernized and adapted to control different flows and fully in line with the best practices of EU member states. There is a 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 adapted for organized movement of different entry and exit flows. Each border check point of Georgia is equipped with the radiation stationary and mobile detectors.

Border Police of Georgia (GBP) is responsible for control of the border regime and security on the “green” border and the maritime space („blue” border) of Georgia, while Patrol Police Department is responsible for control of the border check points. Total length of the land State Border of Georgia amounts to 1 839 km. Length of the area with Republic of Turkey is 275 km, Republic of Armenia - 224 km, Republic of Azerbaijan - 446 km and Russian Federation - 894 km.

GBP uses modern Border Surveillance Systems (BSS) to provide comprehensive situational awareness along the „green” and „blue” border of Georgia. BSS are a combination of modern technologies designed to assist GBP in its daily activities.

Nevertheless of implementing modern BSSs, having qualified border guards is crucially important. Georgian Border Guards perform border surveillance activities on the daily basis. The border patrols are responsible for detecting any irregular or illegal activities taking place in their area of responsibility.

In the process of border surveillance GBP is supported by the LEPL Operative Technical Agency (OTA) of SSSG. OTA has designed the project titled “Border Operations Management System (BOMS)”, which was installed at the Areas of Responsibility (AOR) of a number of Land Border Sectors at Georgia-Armenia and Georgia-Turkey State Border. OTA is also responsible for the technical support and maintenance of BOMS, while GBP is the operator and end user of the foregoing system.

In order to improve the state border infrastructure and to increase interdiction capabilities of the Border Police, 3 new LBSs will be opened in 2019-2020. At the same time, with support of donor organizations, Border Police of Georgia is in the process of elaboration of the infrastructure Development plan which implies to construct additional 7 LBSs and equip them with Border Guard personal equipment, with the devices for detection as well as, with the means of communication and interdiction.

One of the main pillars of Modernization program is a human resource management and professional development of Border Guards. Special professional development unit was established at the Border Police, responsible for the elaboration of career management system. In that regard Human Recourse Management Handbook and Professional Management Handbook was elaborated. Job Descriptions and Qualification Requirements were pre-determined for each position of Border Police.

Special emphasis is made on the Border Police officers. With the support of US Embassy and EXBS Program and in cooperation with MIA Academy, one month training program 'Land Protection Officers Training Course' was elaborated. At the current stage the course is intended for re-training of all junior and mid-level officers and after completing a retraining cycle, it will become mandatory training for all incumbents seeking to attain officers' rank. It is a first step of introducing of Border Police Officers Carrier Management System at the Border Police.

The MIA, being the primary agency responsible for the maritime security of the country, as well as the law enforcement agency on the sea, gives significant importance to the further enhancement of the Coast Guard's capabilities. Along with the modernization of the critical infrastructure, the modernization of the CG fleet is envisaged. In that regard, CG developed the plan for the fleet modernization and unification based on the technical standardization from the point of view of its tactical objectives and functional duties.

As regards to maritime security. Surveillance and monitoring of the Georgian maritime space is conducted by vessels and the surveillance radars installed at Coast Guard Stations. It is noteworthy that GCG Command Centre is able to see a common integrated picture of sea, land and air. Communication systems of the Coast Guard enable the Command Centre to have the uninterrupted communication with the patrol vessels as well as with the civil boats.

GBP continues to adapt and strengthen its readiness and capabilities with the NATO support. NATO Certification and Evaluation process of GBP's coast guard (CG) boarding teams is the vivid example of the fruitful cooperation, which has started in 2017 by declaring two CG boarding teams in the NATO led operation „Sea Guardian”. Certification and evaluation process is ongoing. The first phase was completed in March, 2019. It is envisaged to finalize certification process in 2020 after which boarding teams will be fully interoperable with NATO forces.

Ministry of Internal Affairs of Georgia pays particular attention to the issues of radiation security; especially the aim is to prevent the smuggling of radioactive materials through Georgian borders. As of today all major roads, sea, railroad and air border crossing points are fully equipped with radiation detection equipment. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control. At the same time, MIA operative units have special technical equipment necessary for neutralization of nuclear related incidents. In nuclear non-proliferation and radiation security areas Georgia's main partner is the USA.

It's noteworthy, that through the donor support (US Department of Energy and Department of Defense; USA defense threat reduction agency; Export Control and Related Border Security Program) MIA received technical equipment (Radiation detection pagers, hand-held equipment, survey meters and identifiers and vans with radiation detection monitors), and police officers have received specialized training.

Currently, there are several successfully ongoing projects in the radiation security area, including Defense Threat Reduction Agency (DTRA) and the Export Control and Border Security program. Within the framework of the projects MIA employees are trained to improve professional skills of law enforcement

officers to detect, investigate and carry out special operations with regards to the transportation of prohibited substances and dual use (controlled) technology.

Risk analysis represents one of the core components of effective border management. For the past few years, the Ministry of Internal Affairs of Georgia has been working on the development a comprehensive and centralized risk assessment and management system. The foregoing system and hence, the process of risk analysis within the Ministry is to be based upon systematically-gathered and centrally-coordinated information.

Within the Border Police risk analysis is currently carried out on three levels - tactical (border sectors), operational (regional divisions) and strategic (central office - Analytical Division of Border Police). The process of analysis is based upon a continuous, targeted, prompt and objective assessment of threats, as well as the evaluation of vulnerability and impact and resultantly provision of specific recommendations. Border Police units ensure gathering and processing of information on a regular basis.

As a result of intelligence cycle, risks are being identified and classified and consequently, relevant conclusions are being drawn. At the final stage of analytical process, analytical products are being created on every level of risk analysis. Analytical reports are then distributed among all relevant units of Border Police so as to convey information to decision-makers and other stakeholders. Recommendations provided therein, contribute to the optimal decision-making and ensure that existing risks are maximally mitigated as a result of efficient resource planning and optimization.

Joint Maritime Operation Center (JMOC) was established in 2013 and officially opened in 2014. The concept of the JMOC integrates interagency approach for preventing, revealing and eliminating all kind of illegal activities, maritime incidents and grave violations of maritime space régime of Georgia that pose threats to the security of Georgia and the region as a whole. All relevant Ministries and legal entities involved in maritime operations will participate in JMOC operations.

The JMOC is fully equipped with Joint Command, Control, Communications, and Maritime Surveillance Technologies. A new statute of JMOC was approved by the governmental decree in November 2015 and further amendments were made in September 2016 which shaped new structure and operational framework for the center.

JMOC ensures data integration and assessment of full maritime domain awareness picture. All relevant maritime agencies are participating in the JMOC operations: Coast Guard, Patrol Police Department, Customs (Revenue Service), Maritime Administration (Ministry of Economy), Ministry of Environment, State Security Service, Ministry of Defense. It serves a strong analytical hub during the peace time as well as ensures coordinated operations during the maritime incidents and crisis.

Travel document security:

The Georgian legislation secures that documents issued by Georgian authorities are produced according to the ICAO standards.

Documents issued by relevant Georgian authorities are in full compliance with the standards set by the ICAO, which are reaffirmed both by the existing legislative acts regarding issuing documents and relevant technical provisions. In the process of elaborating of the new generation biometric travel documents, Georgia uses the latest versions of ICAO and European Union standards and will follow the same route in the future.

Georgia is the ICAO PKD member state and currently the relevant technical work is leading to its to full-fledged integration.

Travel documents issued by Georgia contain biometric information of a person (photograph and two fingerprints). Georgia uses facial recognition technology in the process of issuing travel documents, in order to prevent possible duplication/falsification.

LEPL Public Service Development Agency has signed the agreement with Interpol on May 28, 2019 which came into force on June 12, 2019 and as a result of the agreement the Agency transfers data to Interpol in online regime.

In case of presumptive falsification of the document and/or in the case of alleged falsification of the data included in the document, Ministry of Internal Affairs of Georgia is immediately furnished with relevant information for further examination/investigation of the issue.

The Public Service Development Agency periodically carries out trainings concerning the safety of documents for its employees with the purpose of obtaining necessary skills. Such trainings are planned to be carried out in May and June, 2019.

Georgia relies on its own resources and on the knowledge and experience of highly qualified experts employed with its own resources in the process of elaborating and ensuring the security of the next generation biometric travel documents.

Security of radioactive sources:

Georgia pays particular attention to the nuclear security issues since this field constitutes the cornerstone of entire national security. Therefore, important steps have been made for strengthening nuclear security of the country that covered significant developments at the legislative, institutional, operational and international levels.

Georgia supports the existing global nuclear security architecture by implementing its requirements at a national level and demonstrating the commitment to international legal instruments. At the same time, Georgia actively contributes capacity building process of its law enforcement and security agencies designated for combating nuclear security violations.

a) Legislative Developments

In February 2014 Government of Georgia established an Interagency Coordinating Council on Combating CBRN Threats and adopted **CBRN Threat Reduction Strategy**. The document provides general directions in the process of reducing threats and mitigating consequences caused by chemical, biological, radiological and nuclear incidents. The overall objective of the Strategy is to foster the development of the nationwide mechanism for CBRN threat reduction, oriented on such components of CBRN incident management as prevention, detection, preparedness and response. The Council has been mandated to coordinate the process of elaboration of the corresponding **CBRN Threat Reduction Action Plan**, which was approved on 10 March 2015, covering the years of 2015-2019. The Council is

also responsible to monitor the Action Plan implementation.

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

It should be especially noted that Georgia was the first country among 62 partner states of the EU CBRN Risk Mitigation Centers of Excellence initiative, which has developed and adopted this document. The document was successfully presented at different international events conducted under the auspices of the UN. Various countries have already shared Georgia's experience and even more, expressed willingness to receive assistance from Georgia in elaboration of the National Action Plan.

Furthermore, in 2012 Parliament of Georgia adopted the Law on **Nuclear and Radioactive Security**, establishing obligatory requirements for public and private entities, which carry out functions involving nuclear and radioactive materials and sources for peaceful purposes. This legislative act aims to suppress and prevent all activities derived from illegal use of such materials and sources.

The Law **on License and Permits** further enhances the national legal framework for nuclear safety and security by subjecting any activity related to the trade involving nuclear and radioactive materials to the special licensing procedures.

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

Criminal Code of Georgia considers **Technological Terrorism** (CBRN related terrorism) as an especially grave crime for which defines from 12 years to life imprisonment (committed in aggravating circumstances). **Article 324 (Technological Terrorism)** of the Criminal Code of Georgia criminalizes - unlawful purchase, storage, carrying, production, transportation, transfer or sale of biological, radiological, chemical or bacteriological (biological) weapons or components thereof, of pathogenic microorganisms, of radioactive and/or other substances harmful to human health, and/or research and development of biological and chemical weapons, committed for terrorist purposes (Paragraph 1). Moreover, **Paragraph 3 of Article 324 of the Criminal Code of Georgia** envisages criminal liability for the use of biological, radiological, chemical or bacteriological (biological) weapons or components thereof, of pathogenic microorganisms, of radioactive and/or other substances harmful to human health, including seizure of the facilities constituting nuclear, chemical or increased technological or ecological hazard, committed to influence physical and legal persons or for terrorist purposes.

Furthermore, Articles 230, 231, 231¹, 231² and 232 establishes criminal liability for illegal handling, seizure, request or manufacturing nuclear substances, as well as for the threat of illegal possession of use of nuclear substances.

b) Institutional Developments

Significant institutional changes have been carried out since 1st of August 2015, after establishment of the SSSG. Considering the functions of the State Security Service of Georgia, it became the leading agency in the process of detecting, suppressing and preventing CBRN security violations and responsible for the coordination of national efforts related to the CBRN security issues. Therefore based on the **Government Decree dated 7th of September 2015, the CBRN Interagency Coordinating Council is**

chaired by and the Council Secretariat is transferred to the State Security Service of Georgia. Currently, the Counterterrorism Centre of the State Security Service is entitled to fight against terrorism crimes, whereas the relevant departments of the SSSG are entitled to combat illegal turnover of Weapons of Mass Destruction and its components and at the same time, to search and seize CBRN substances from the crime scene.

On 11 November 2015 the Parliament of Georgia adopted amendments in the Law on Nuclear and Radiation Safety, as well as the Law on Radioactive Waste Management. According to the above-mentioned laws, LEPL Nuclear and Radiation Safety Agency was established, which is authorized for regulatory control of nuclear and radiation safety and also, to coordinate state efforts for radioactive waste management. Based on these laws, the Agency elaborated Radioactive Waste Management Strategy for 15 years, which was adopted in December 2016.

Georgia has developed as a regional center in the CBRN field. **Since July 2013, Regional Secretariat of CBRN Risk Mitigation Centres of Excellence has been functioning in Tbilisi.** CBRN Centre is the initiative of EU that was implemented through active contribution of European Commission's Joint Research Centre and UN Interregional Crime and Justice Research Institute (UNICRI). **Centre of Excellence unites 10 countries of South East and Eastern Europe, also South Caucasus (Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Macedonia, Montenegro, Georgia, Moldova, Serbia and Ukraine)** and its function is the capacity building of agencies involved in the reduction of the above-mentioned threats.

Moreover, in 2015 as a result of the active efforts of the State Security Service of Georgia and by the initiative of Georgian Government, together with Philippines and Morocco, **UN Group of Friends on CBRN Risk Mitigation and Security Governance** (hereinafter GoF) was established. The GoF aims to address and promote various CBRN related topics in the United Nations, including in the Security Council, by actively engaging with Member States and the UN Secretariat.

In 2016, Georgia became a member of the **G7 Global Partnership against the Spread of Weapons and Materials of Mass Destruction.** Since then, Georgia actively participates in the annual meetings and working groups of the Partnership.

Also, it is worth mentioning that Georgia is a partner nation of the **Global Initiative to Combat Nuclear Terrorism (CICNT)** and actively contributes to the mission of the initiative.

On 3-5 October 2018, the SSSG together with the MFA, MIA and the Civil Council for Defense and Security with the support of Swedish Radiation Safety Agency and the U.S. State Department organized the **Third Tbilisi International Forum for Regional Stability - Black Sea Region and the Global Nuclear Order.** The event brought together high level government officials, representatives of international organizations and experts to discuss non-proliferation in the region, control mechanism on nuclear security and existing challenges on the occupied territories of the Black Sea countries controlled by the Russian Federation.

Georgia has been a party of various international and the UN conventions aiming to reduce CBRN related threats. The country efficiently cooperates with the IAEA, which has carried out several projects and assistance missions in Georgia.

Georgia actively collaborates with the IAEA ITDB (Illicit Trafficking Data Base) office by exchanging relevant information. Cooperation with this international mechanism for global information flow helps Georgian authorities to analyze the worldwide nuclear smuggling trends more effectively.

Georgia is continuing its partnership with the IAEA by implementing a national Integrated Nuclear Security Support Plan (INSSP), which works as a roadmap to achieve the best level of the state nuclear security. In June 2018 the INSSP evaluation team visited Georgia, which assessed the progress made by the country so far and defined the issues to further work with the Georgian agencies.

On 8 April 2015 Georgia signed second Country Programme Framework (CPF) with the IAEA, which is the frame of reference for the medium-term planning of technical cooperation between a member state and the IAEA. The Framework identifies priority areas where the transfer of nuclear technology and technical cooperation resources will be directed to support national development goals. The new CPF

covers Georgia's legislative base, nuclear radiation and safety infrastructure, health care (nuclear medicine and radiotherapy) and waste management and decommissioning.

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

The SSSG actively supports the MIA in border security of the country and provides radiation controls systems existed at the state border with high quality technical and IT support, as well as training of personal. LEPL Operative-Technical Agency of Georgia under the SSSG along with the US experts and with the support of Institute for Transuranium Elements of the EU Joint Research Center (JRC) elaborated and implemented **intensive training course** related to detection and response on radioactive materials. As a result, **employees of different structural units of the MIA** (Patrol Police, Border Police, Special Tasks Department and etc.) and Ministry of Finance (Customs Department) are being trained **in the premises of Technological Innovations and Training Center**. Furthermore, the training curriculums and plans on prevention and non-proliferation of WMD and related materials for the personnel of Coast Guard Department of the MIA Border Police of Georgia are elaborated and implemented. Also, SOPs on detection of nuclear and radioactive materials for the MIA Border Police of Georgia have been developed.

In order to ensure control of the movement of radioactive materials through the border crossing points, Georgia works closely with the US Department of Energy. Since 2006, within the frame of the "Second Line Defense" (SLD) program certain important projects have been conducted on capacity building of Georgia in the sphere of non-proliferation of nuclear weapons and radiation. The radiation control equipment are installed in all border crossing points and the relevant trainings are conducted for the staff. It should be noted that in cooperation with the US Department of Energy, the standard operating procedures and personnel training system for sustainable development are also included in the spheres of cooperation with SLD Office.

Georgia effectively cooperates with the United States in the framework of Counter Nuclear Smuggling (CNS) Joint Action Plan signed by the two governments in 2007. Georgia has implemented all areas of the above-mentioned agreement (improving border security, prosecution and nuclear forensics efforts, etc.) and continues to investigate criminal cases and arrest offenders involved in the illicit trafficking of radiological and nuclear materials. In this regard, **in June 2016 Georgian-American bilateral dialogue on countering smuggling of nuclear and radioactive materials** was held. Participants discussed key achievements made by the Government of Georgia in the field of nuclear and radioactive security. ***The US side underlined Georgia's success in full implementation of the Joint Document*** and expressed its willingness to further continue intensive cooperation with Georgian side.

It is important to note the measures implemented by the SSSG against illicit trafficking of nuclear and radioactive materials and substances. In 2015-2016, officers of the SSSG exposed two attempts of illegal sale of radioactive substances and, as a result, radioactive substances "Cesium -135" and "Cesium-137" were seized, eight persons have been charged. In April 2016, two cases of illegal handling and selling of nuclear material have been detected by the employees of the SSSG. Additionally, in May 2017 the SSSG prevented a case of illegal handling and selling of "Americium-241" source. In March 2019, the SSSG arrested two persons for possessing 40,19 grams of Uranium-238 that they were planning to sell. Investigation of the latter case is in progress on the fact of illegal handling and sale of nuclear material (Article 230, paragraph 1 of the Criminal Code of Georgia).

Further on, the Ministry of Internal Affairs of Georgia pays special attention to issues related to radiation security, including those related to control of smuggling of radioactive materials. In 2017 the special division working on the detection of chemical, biological, radioactive and nuclear threats was formed within the Special Tasks Department of the Ministry of Internal Affairs of Georgia, whose functions are the following: detection of chemical, biological, radioactive and nuclear substances adjacent to the occupied territories of Georgia, the protection of the place of their detection and avoidance of damaging factors emanating from them, conduction of coordinated measures together with the relevant units. The division is also actively engaged in monitoring of mass sportive and cultural events. With the aim of

controlling the smuggling of radioactive materials, special teams were deployed near occupied territories.

With the assistance of US Department of Energy, the division was provided with technical equipment and special motor vehicles, and the personnel of the division participated in the relevant targeted courses, trainings and interagency studies. In May 2018 another training related to the handling of special equipment and motor vehicles is planned with the assistance of instructors from US Department of Energy.

c) Operational Developments

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

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

Use of the Internet and other information networks for terrorist purposes:

The **Criminal Code of Georgia** provides the criminalization of cyberterrorism, namely Article 324¹ defines **cyberterrorism** as “*illicit possession, use or threat to use computerized information protected by the law, what poses a threat of grave consequences perpetrated to intimidate the population and/or affect the state authority*”. Liability for this act is determined in the form of deprivation of liberty from ten to fifteen years. Liability for the same act that caused a death or any other grave consequences is determined in the form of deprivation of liberty from twelve to twenty years or to life imprisonment.

Internet, especially social media is the basic platform for disseminating terrorist/extremist ideology. Terrorist/extremist organizations exploit this method for the purposes of communicating with the wide audience, for their radicalization, recruitment, disseminating messages of threats in the society, as well as for the other purposes. The State Security Service of Georgia works actively on preventing and combating the misuse of the Internet for terrorism purposes. In 2018 certain individuals were identified who were disseminating terrorist ideology via the internet and *inter alia* through social media. The SSSG has conducted the procedures as envisaged by the legislation.

Legal co-operation including extradition:

National legal regulations of Georgia on transfer of prisoners are prescribed under the Law of Georgia on International Cooperation in Criminal Matters. One of the central principles of the Law is the dual criminality rule. Specifically, the Law of Georgia on International Cooperation in Criminal Matters prohibits transfer of a prisoner to a foreign country, where an act or omission, on account of which the prisoner concerned has been held criminally responsible and has been imprisoned in Georgia, does not constitute a criminal offence or is not punished by deprivation of liberty.

The Central Authority of Georgia for the transfer of sentenced persons is the Public International Law Department of the Justice Ministry, which receives the applications, studies the case and submits relevant documentation to the Minister of Justice for the final decision.

In particular, before taking a decision on transfer of a prisoner to a foreign country, the Central

Authority requests excerpts from laws of receiving foreign countries, criminalizing an or omission of a person subject to transfer. In addition, the receiving state is required to submit the converted sanction. Moreover, prior to taking the decision on transfer, the Ministry of Justice consults with the Office of the Prosecutor General, Ministry of Internal Affairs and the State Security Service. Hence, before handing over a prisoner to another country, the Central Authority conducts an in-depth examination to ascertain that the receiving state shares the public policy that the conduct at issue constitutes a crime of comparable gravity and that the convicted person will fully serve the sentence imposed on him/her.

The final decision on transfer of sentenced persons is taken by the Minister of Justice of Georgia. The decision of transfer lies solemnly within the ambit of discretion of the Minister of Justice. Neither the national law, nor international agreements of Georgia impose an obligation on the Ministry to surrender a convicted person.

Georgia has in place proper mechanism for extradition ensuring the execution of extradition requests in relation to TF without undue delay. Chapter 3 of ICCMA regulates extradition procedures.

Pursuant to Article 18 of ICCMA, a person may be extradited to a foreign state if he/she is charged with a crime, which is punishable by the laws of both Georgia and the respective foreign state by the deprivation of liberty for at least one year or by a more severe penalty. In case of existence of a judgment, a person may be extradited to a foreign state if he/she has already been sentenced to at least four months of imprisonment.

Since TF is punishable for more than one year of deprivation of liberty according to the Criminal Code of Georgia, it is extraditable offence.

All time-limits applicable in extradition proceedings are tracked and monitored in the same way as in respect of MLA requests.

Time limits applicable in extradition proceedings are strictly regulated by ICCMA.

ICCMA provides for fast-track (simplified) and regular extradition procedures.

Simplified procedures can only be followed if a person sought consents to the use of it.

Within 8 days but not earlier than 6 days from arrest a person sought must be heard before a judge to determine his/her position regarding the use of simplified procedure. If s/he gives consent, then prosecutor has 15 days to lodge application for extradition order with a district court. The court has 24 hours to issue an order either granting or rejecting extradition.

Within 20 days from the moment the person sought expressed consent for being extradited through simplified procedure Minister of Justice issues final decision on extradition.

Physical surrender must take place within 10 working days from the moment the requesting country is notified about the final decision on extradition.

In overall simplified extradition procedures may finish within less than a month and can never last more than two months.

Regular procedures

Where the regular procedure is used the entire extradition proceedings must be completed within **9 months** if the person sought is detained.

The rest of the time-limits applicable in regular procedures are as follows:

Prosecutor must demonstrate before a district judge once in every three months that extradition proceedings (preparation of an application for extradition order) are not unreasonably protracted and seek the extension of detention.

District judge must schedule a hearing within 7 days from the moment a prosecutor lodges an application for extradition order.

Extradition order of the district court may be appealed in the Supreme Court within 7 days from its pronouncement. The Supreme Court has 5 days to hear the case from the moment of lodging the appeal.

Within 5 days from court's final decision regarding extradition the Ministry of Justice is notified about it.

If court finds extradition inadmissible, the Minister of Justice issues order on refusing extradition, while if court finds extradition admissible, the Minister of Justice issues order on granting the extradition or refusing it, which is final and cannot be appealed.

In the process of issuing an order on extradition, the Minister of Justice takes into account the court order on the admissibility of extradition, affect of extradition on sovereignty, security or other essential interests of Georgia as well fulfilment of international obligations of Georgia in the field of human rights. The Minister of Justice is also authorized to make negative decision on extradition considering humanitarian grounds or other circumstances.

The conditions stipulated in the legislation of Georgia for execution of extradition requests are in line

with relevant extradition treaties. No restrictive or unreasonable condition has been identified thus far. According to Article 2 §1 of ICCMA extradition is carried out on the basis of an international agreement. Article 2 §2 of ICCMA provides that in the absence of an international agreement, extradition is possible on the basis of *ad hoc* agreement. Application of reciprocity is not allowed by Article 2 §3 of ICCMA in latter occasion.

Dual criminality requirement

The legislation of Georgia establishes dual criminality requirement for extradition. However, similarly with mutual legal assistance, the requirement of dual criminality is deemed satisfied, irrespective of whether the Georgian legislation places the offence within the same category of offence or denominates the offence by the same terminology as the requesting state, provided that the conduct underlying the offence for which assistance is sought is a criminal offence under the Criminal Code of Georgia.

Safe havens and shelter to terrorists and terrorist organizations:

Georgia is not among the countries with high risk of terrorist attacks, however the global and region-wide processes have an impact on the country. It is noteworthy that the failure of the terrorist organization Daesh, declining positions and in some cases liquidation of influential Georgian citizens fighting in Syria and Iraq, effective and targeted prevention-oriented policy of the Government of Georgia and also special operations conducted by the law-enforcement agencies (*including detentions of supporters of terrorist organization - Daesh in Georgia and terrorist fighters returned from the conflict zones; special operations conducted against the international terrorist Akhmed Chatayev and his terrorist group, as well as their supporters*) have sharply reduced the number of terrorist organization's supporters and their influence in the country. And consequently, **according to the Global Terrorism Index 2018 the impact of terrorism in Georgia has been assessed as "very low"**.

In order to effectively tackle terrorism-related challenges, Georgia has substantially enhanced its counterterrorism legislation. Provision of safe haven to terrorists is explicitly criminalized under Article 331¹ of the Criminal Code of Georgia, as a form of provision of support to terrorism ("[...] premeditated provision of services to a terrorist or a terrorist organization, provision of shelter or safe haven to a terrorist and/or provision of resources or other material support to a terrorist or a terrorist organization"). Under this Article criminal liability is defined in a form of deprivation of liberty from 10 to 20 years or life imprisonment (depending of the gravity of the crime); the legal person is punished with liquidation or deprivation of the right to work and fine.

Moreover, in terms of tackling the phenomenon of the so-called **Foreign Terrorist Fighters**, Georgia is among the first UN Member States to explicitly criminalize the FTF travel in accordance with the UNSCR 2178 (2014). In 2015, Georgia introduced the criminal liability for **crossing or attempt of crossing the state border of Georgia with the purpose of perpetration, preparation of or participation in terrorist activities, as well as for the purpose of participation in terrorist training** (*Article 323² of Criminal Code of Georgia*); criminal liability is introduced in the form of deprivation of liberty from 6 to 9 years.

Particular attention is **given to strengthening state border security** in order to prevent the movements of FTFs. Information is shared and the list of designated terrorists by the respective UNSCRs is regularly provided to the border personnel. Moreover, the Government has taken important steps to **implement the API and PNR system** in Georgia. Cooperation with the special services of partner countries is enhanced. Georgia uses the **secured channels existing within the frames of regional organizations**, for the exchange of relevant information. **Police/security attaché channels are widely applied** for sharing the information as well. Georgia has designated the 24/7 contact points within the frame of Additional Protocol to the CoE Convention on the Prevention of Terrorism which is actively involved in the work of the network. Moreover, Georgia is a party to the **Council of Europe Counter-Terrorism Committee (CDCT)**, and regularly participates in its activities.

Consequently, based on all the above-mentioned, strengthening legislative framework of the country had resulted in effective law-enforcement measures carried out by the SSSG to address and prosecute persons connected with international terrorism.

During 2018, effective law-enforcement measure were taken by the SSSG following the counterterrorism operation conducted in November 2017⁹, in Tbilisi against international terrorist Ahmed Chatayev and his terrorist group. As a result of thorough investigation into the case, other suspects linked to Chatayev's terrorist group were also identified, who assisted Chatayev and his accomplices in illegally crossing the state border of Georgia and provided them with ammunition and housing. **Based on the evidences gained in the process of investigation in total eight persons connected to the mentioned group have been detained (2 members of the group and 6 supporters).** All of them were found guilty by the Tbilisi City Court and were sentenced to imprisonment ranging from 10 to 13 years. Relevant investigative activities are continued and support of the US and other international partners should be especially noted.

Prevention of radicalization and extremism that lead to terrorism remains one of the main priorities for Georgia. Various programs and projects are successfully implemented, for ensuring ethnic and religious minorities' full-fledged participation in all spheres of public life, including equal participation in civil and political life, creating equal social and economic conditions and availability of high quality education at all levels and preserving national and ethnic minorities' culture and identity.

Furthermore, it is worth mentioning that according to the **National Strategy of Georgia on Fight against Terrorism and its 2019-2021 Action Plan**, adopted by the GoG, in the course of fight against terrorism and extremism, **preventive measures are given a priority.** Taking into consideration the new trends, the special role of women and girls are emphasized in terms of preventing terrorism and extremism. Moreover, designing special approaches for children and the youth in terms of prevention of radicalization, de-radicalization and re-socialization is envisaged in the Strategy. The document is based upon the whole-of-society approach and various stakeholders including central and local authorities, public-private organizations as well as civil society will be engaged in implementation of the Strategy.

There have been no cases where the extradition of people wanted on terrorism charges in another State has not taken place, due to circumstances beyond the State's control.

Article 13§4 of the Constitution of Georgia prohibits transfer of a national of Georgia to a foreign state unless international treaty of Georgia provides otherwise. Article 21 of ICCMA also stipulates that the citizenship of Georgia is a ground for refusing extradition.

In the given case, at the request of the foreign state seeking extradition, the Prosecution Service of Georgia submits the transferred case files or their certified copies to the competent local authorities for the proposes of conducting investigation or prosecution with regard to the crimes indicated in the request (Article 42 of ICCMA). The investigation and prosecution in question continue in accordance with the legislation of Georgia and the evidences submitted by the requesting state have the equal legal force as the ones obtained in the territory of Georgia. After making the final decision concerning the transferred case files, the competent authorities of the requesting state are dully notified in this regard.

In case the evidences are insufficient for the prosecution or punishment of the person in question, the Prosecution Service of Georgia is authorized to obtain additional materials from the relevant foreign state on the basis of the MLA.

There hasn't been a case in Georgia when suspected terrorist was not extradited for receiving the refugee status.

2. Stationing of armed forces on foreign territory

2.1

Georgia shall have its Defence forces for the defence of the state independence, sovereignty and territorial integrity, as well as for the fulfilment of other tasks related to defence and security as provided for by the Constitution of Georgia and international obligations.

According to paragraph 3 of Article 72 "Upon recommendation by the Government, The President of

⁹ On 21-22nd of November, in Tbilisi, special counterterrorist operation led by the SSSG was conducted against international terrorist Akhmed Chataev and his terrorist group. After the criminal intelligence and investigative activities conducted by the SSSG the group was tracked down. As a result of the successful special operation, one member of the criminal group (Interpol wanted Shoiap Borzиеv) was detained and among the remained members of the criminal group, refusing to surrender and opening the intensive fire towards the law-enforcement officers by using the firearms and grenades, two of them (the citizens of Russia Ibragim Adashev and Aslanbeg Soltakhmadov) were liquidated, whereas - Akhmed Chataev blew himself up. Unfortunately, as a result of the special operation one SSSG employee was killed and four law-enforcers were wounded. During the operation, all concrete steps were planned to ensure public safety to the maximum possible extant.

Georgia shall take a decision on the use of Defence Forces in order to meet the country's International obligations, and shall immediately submit such decisions to the Parliament of Georgia for approval. The decision shall enter into force upon approval of the Parliament".

Georgia contributes to RS (Resolute Support) mission by 870 PAX as follows:

- One Infantry Battalion with U.S. contingent in Bagram (557 servicemen);
- One Infantry Company with U.S. contingent in Kabul (173 servicemen);
- One Infantry Company with German contingent in Mazar-e-Sharif (130 servicemen);
- 2 staff officers with Turkish contingent, Kabul;
- 1 staff officer in the RSM HQ as the military advisor;
- 7 staff officers as a part of the National Support Element (SNE) office.

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

- Georgian officer participates in European Union Training Mission in Mali (EUTM-Mali) since 5th of January 2016 till the end of Mission's 4th Mandate (May 2020);
- Georgian platoon-size unit (35 PAX) participates in the European Union Training Mission in Central African Republic (EUTM RCA) as a force protection team from 31st of January, 2017 on 6 months rotation rule till the end of the mission's 2nd mandate (September, 2020);

Participation of Georgia in Resolute Support Mission is based on the Agreement between NATO and Georgia signed through the exchange of letters dated as of December 15, 2014.

Agreement Between Georgia and the European Union Establishing a Framework for the Participation of Georgia in European Union Crisis Management Operations dated as of November 29, 2013 ensures engagement in EUTM CAR and EUTM Mali.

3. Implementation of other international commitments related to the Code of Conduct

3.1

Renewed legislative basis regulating Georgian export control, has been elaborated in the frame of EU and US Outreach Programs and is in full compliance with EU approach, EU regulations, standards and criteria. By these arrangements Georgia as UN and OSCE member state has fulfilled its international commitments which require states to implement an appropriate and effective system of strategic trade control and undertaken by:

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

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

- Georgian Law on "Control of Military and Dual-use Goods"
- Ordinance of the Government of Georgia #394 (13.06.2014) on approval of "Approval of Military and Dual Use Products Lists".
- Ordinance of the Government of Georgia #372 (09.06.2014) on "Determination of Control Measures of Military and Dual-Use Products".
- The Order of Minister of MOD of Georgia #65 on "Approval of the Statute of Standing Commission of the Military-technical Issues of the MOD of Georgia".

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

- Georgian Law on "Weapon";
- Georgian Law on "Licenses and Permits";

Export, import, transit, brokering service and technical assistance of Military products and related software and technology is carried out under Permit to be granted by Ministry of Defence of Georgia; the

precondition for issuance of these appropriate permits is Recommendation of Permanent Military-Technical Commission of Ministry of Defence of Georgia. Recommendations/decisions are granted by Commission on the interagency cooperation bases.

3.2

According to the paragraph 5 of Article 4 Constitution of Georgia: “The Georgian legislation shall comply with the universally recognized norms and principles of International Law. An International Treaty of Georgia shall take precedence over domestic normative acts unless it comes into conflict with Constitution or Constitutional Agreement of Georgia”.

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

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

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

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

Georgia annually prepares and circulates via diplomatic channels Global Exchange of Military Information (GEMI) until April 30th. Information is valid as of 1st January of the current year.

According to the “Open Sky” Treaty provisions, Georgia annually receives/conducts observation flights. These measures are implemented by the Arms Control and Verification Division of the General Staff of the Defense Forces of the Ministry of Defense of Georgia in conjunction with other relevant agencies.

Section II: Intra-State elements

1. National planning and decision-making process

1.1

According to the Article 7 of the Constitution of Georgia the following shall fall within the exclusive competence of supreme state authorities of Georgia:

- Legislation on human rights, Georgian citizenship, migration, entry into and exit from the country, and the temporary or permanent stay of aliens and stateless persons in Georgia;
- criminal, penitentiary, civil, intellectual property, administrative, labour and procedural legislation; legislation pertaining to land, minerals, and other natural resources; pharmaceutical legislation; legislation on obtaining the status of educational institution, and on accreditation, and academic degrees; and legislation on the National Academy of Sciences;
- foreign policy and international relations; foreign trade, customs and tariff regimes;
- state defence, military industry and arms trade; issues relating to war and truce; determining and introducing the legal regime of a state of emergency and martial law; the armed forces; courts and prosecution; state security; criminal police and investigation; the status, regime and protection of the state border; and a cordon sanitaire on the border;
- state finances and state loans; the printing and emission of money; and legislation on banking, credit, insurance, tax and trade of national significance;
- railways and motor roads of national significance; the integrated energy system and regime; communications; the status and protection of territorial waters, airspace, the continental shelf and the exclusive economic zone; aviation; the merchant fleet; ensigns; harbors of national significance; fishing in oceans and high seas; meteorology; environmental monitoring systems; standards and models; geodesy and cartography; determining the precise time; and state statistics.

The Parliament of Georgia (Chapter 3):

- Is the supreme representative body of the country that exercises legislative power, defines the main directions of the country's foreign and domestic policies, controls the activities of the Government within the scope established by the Constitution, and exercises other powers.
- shall hold a vote of confidence in the Government proposed by a candidate for the office of Prime-Minister nominated by the political party that secured the best results in the parliamentary elections.;
- Approves the decision on announcement of the state emergency or martial law which shall be adopted by a majority of the total numbers of it's members;
- shall ratify, denounce and annul international treaties by a majority of the total numbers of it's members;
- Shall annually adopt the Law on the State Budget by a majority of the total number of it's members;
- Adopts the laws concerning the military issues;
- Shall approve the number of the Defence Forces by a majority of the total number of it's members on the recommendation of the Government.

The President of Georgia (Chapter 4):

- Is the Head of State of Georgia and is guarantor of the country's unity and national independence;
- Is the Supreme Commander-in-Chief of the Defense Forces of Georgia;
- Is entitled to dissolve the Parliament in accordance with the Constitution;
- Declares martial law on the recommendation of the Prime Minister in the case of armed attacks, or the direct threat of an armed attack against Georgia and immediately submits such decision to Parliament for approval;
- On the recommendation of the Prime Minister concludes a truce in the case of appropriate conditions and immediately submits such decision to Parliament for approval
- On the recommendation of the Prime Minister Declares a state of emergency in the cases of mass disorders, violation of the territorial integrity of the country, military coups and armed uprisings, terrorist acts, natural or man-made disasters and epidemics, or in any other cases

when state bodies cannot exercise their constitutional powers in a normal fashion and immediately submits the decision to Parliament for approval;

- Appoints and dismisses the chief of the Defense Forces of Georgia on the recommendation of the Government;
- On the recommendation of the Prime Minister issues decrees having the force of organic law during a state of emergency or martial law;
- Gives high military ranks;
- On the recommendation of the Prime Minister makes a decision on the activation of the Defense Forces during a state of emergency and immediately presents to Parliament for approval;
- On the recommendation of the Prime Minister makes a decision on the entry, use, and dislocation of the military forces of another state in the territory of Georgia in special cases and in the cases provided for by law for the purposes of state defense. The decision shall immediately be submitted to Parliament for approval and shall enter into force by consent of Parliament;

The Prime Minister (Chapter 5):

- Is the head of the Government;
- Appoints/dismisses ministers;
- The Defence Forces acts by order of the Prime Minister during a state of emergency or martial law;
- Makes a decision on activation of the Defense Forces during martial law. Decision does not require approval by Parliament

The Government:

- Is the supreme body of the executive power that implements the domestic and foreign policies of the country.
 - Adopts normative acts on export and import control regulation and implementation;
 - Approves the Strategic Military Equipment and Service List submitted by the Standing Commission on Military-Technical Issues under the Ministry of Defence.
 - Directs and manages activities of the executive government bodies related to the export and import control.
 - Defines the authorities of the executive government bodies related to the export and import control.
 - Based on international agreements as well as national interests, sets the quantity limitations of the goods related to export (import) control.
 - Approves the export and import control dual-use goods submitted by the Ministry of Economy and sustain Development and agreed with the Standing Commission on Military-Technical Issues under the Ministry of Defence.

To refrain from repetition of functions among security forces and Defence forces in the state, laws of Georgia “On Defence 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 defence, generally, are based on the constitution of Georgia and laws of Georgia adopted under the Constitution of Georgia: “On defence 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. Defence planning is implemented on the basis of strategic and intra agency planning documents. The MOD is an active participant in the interagency working process that collaboratively produces key strategic guidance prescribed by the Law on Defence Planning. The Law on Defence Planning specifies the development and periodic review of national strategic documents as well as the preparation of internal MOD guidance and planning documents.

Further development of defence regulatory legislation is ongoing and is expected to be adopted in near future. It will define organization of the state defence, management of the Defence forces and exercise of democratic control as well as basis for involving other state agencies in provision of state defence.

Spheres of the national security policy are also regulated by the law of Georgia on the “Rule of National Security Policy Planning and Coordination”.

In December 2018, upon the inauguration of the 5th President significant changes came into force through new Constitution of Georgia. Namely, the Georgian Armed Forces was transformed into Defence Forces. Under the new Constitution and amendments to the Law of Georgia on Defence the position of the Commander of the Defence Forces was created. In accordance with the new edition of the Constitution of Georgia and within the framework of the Harmonization Package, MoD elaborated Defense Code, which will combine updated legislative as well as subordinate legislative acts in the field of defense. The document clearly defines functions of civilian office, defence forces and their joint functions, organizational matters of national defense planning and range of other issues. In accordance to the new Defence Code, defence planning will be implemented on the basis of strategic and interagency planning documents outlined below.

National Strategic Planning Documents:

- **Georgia's National Security Concept (NSC)** - outlines nation's fundamental values, interests, threats, risks, and challenges. The NSC also provides the major directions for national defence and security policy as well as its foreign, social, and economic policy priorities. National Security Concept highlights the importance of enhancing GDF defensive capabilities based on the current security environment and the need to protect Georgia from external aggression.
- **National Threat Assessment Document (NTA)** - determines military, foreign policy, domestic policy, transnational, social and economic, natural and technogenic threats and challenges to the national security of the country.
- **National Defence Strategy 2020-2030** - will be the country's key military-political document which will replace the National Military Strategy and incorporate the Strategic Defence Review document. The NDS will create a conceptual framework for institutionalizing the Total Defence, along with the National Defence Preparedness Plan (NDPP) as practical tool for its implementation. The NDS will define specific tasks and missions for all relevant state agencies involved in provision of state defence in accordance with their areas of responsibilities. Namely, these agencies will be tasked to produce own preparedness (support) plans at their agency level that will later be incorporated into the NDPP. This document, firstly, will reflect a national defence plan (a combination of military and non military actions) in case of a war; and secondly, it will formulate concrete actions and tasks that should be implemented to further develop state defence capacity by 2030. **It will be a basis for force planning. The NDS will define military goals, tasks and principles of action of the Georgia's Defence Forces (GDF) and will outline main development directions for Georgian MoD and GDF in a ten-year perspective (2020-2030).**
- **The Strategic Defence Review (SDR) 2017-2020, the Defence Transformation Implementation Plan (DTIP) 2017-2020 and the Minister's Directives (MDs) 2019** will remain a key guiding document in terms of strategic planning until being incorporated into the National Defence Strategy (2020-2030).

MoD Internal Policy and Planning Documents:

Several intra-agency documents are published or updated regularly to plan, coordinate and integrate defence management activities within the MoD.

- **SDR 2017-2020** - is a guideline document that identifies main directions for the development of the MoD and GDF through 2017-2020. It aims to incrementally develop GDF capabilities to create a more reliable, task oriented and capable defence Forces and to enhance GDF interoperability with NATO.
- **Minister's Directives 2019** – MoD revised and published the Minister's Directive 2019, which provides short-term planning guidance for the Ministry for the year 2019. The document aims to accomplish identified priorities for the current year in support of overall transformation process.

- **White paper 2017-2020** - The White Paper covers a 4 year (2017-2020) planning period and represents an integrated approach for the planning defence activities in accordance with the set priorities. It is aimed at developing balanced, mobile, adaptable and sustainable Defence Forces.
- **Major systems acquisition strategy 2019-2025** – In order to institutionalize longer-term budget planning system within the MoD, the Major Systems Acquisition Strategy 2019-2025 was elaborated and approved by the Minister’s order in April 2018. The Strategy defines defence capability directions in accordance with the SDR 2017-2020 priorities and sets out a long-term major systems acquisition plan that determines main directions for capital investments aimed at defence modernization throughout 2019-2025. The Strategy will be followed by a Major System Acquisition Long-Term Plan that will be developed in 2019 in line the NDS.
- **Defence Resource Management System** – Ministry of Defence of Georgia institutionalized Defence Resources Management System and participates in institutionalization of Financial Management and Control system in order to improve defence forces capabilities and to ensure that MOD resource expenditure is adequately controlled and transparent. Main activities, which take place each year, are listed below.
 - ✓ **Defence Programs Guidance** – The document represents mid-term budgetary planning document which sets program structure for 2019-2022 years. DPG links requirements to the strategy and resource priorities to operational tasks and capabilities within 1+3 year period. DPG is focused on improvement of critical defence capabilities in a logical, efficient and affordable manner.
 - ✓ **Defence program management process** - to improve planning, financial management and control system MoD annually reviews/updates the order which defines functions and responsibilities of program managers, program coordinators and budget holders for each program. This order aims improvement of the planning and execution process within MoD.
 - ✓ **Defence Programs** - Program Coordinators develop Defence Programs based on instructions and recommendations described in DPG document. Defence Programs specify force development actions to take place within budget year and the following three fiscal years.
 - ✓ **Program prioritization process** – After program elaboration, activities within programs and subprograms are discussed, analyzed and prioritized by Management Team and Decision Making Board.
 - ✓ **Program Based Budget Proposal** – Defence programs with financial information is submitted to the Ministry of Finance for consultations and respective final approval.

Guided by the NATO standards, Georgia as a NATO aspirant nation provides 2 per cent of GDP for Defence expenditures 20 per cent of which is spent on defence procurement.

Decision-Making Structure – In order to effectively increase resource allocation and improve decision-making process, a three tiered decision-making mechanism has been established to enhance the effectiveness of defence planning, execution, coordination, monitoring and evaluation processes in the MoD. This process consists of Decision Making Board chaired by the Minister, a Management Team chaired by first Deputy Minister of Defence and six Standing Working Groups. Internal thematic working groups composed of the MoD and the General Staff mid-and lower-level representatives have been established to develop and review reform initiatives within their respective fields. There are 6 thematic working groups:

- Material resource management working group
- Human resource management working group
- Education and Training Development Working Group
- NATO Integration and International Cooperation Working Group
- Force Planning Working Group
- Cyber defence Working Group

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

1.2

According to the paragraph 3 of the Article 70 of the Chapter 8: “For the defence of state independence, sovereignty and territorial integrity, as well as for the fulfilment of other tasks related to defence and security as provided for by the constitution and international obligations, Georgia shall have Defence Forces”.

The Law of Georgia “On participation of the Defence 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 Defence Forces and civil personnel of Georgia in operations of maintenance and restoration of International Peace and in other kinds of Peacekeeping Activities.

Currently, Georgia contributes to NATO’s Resolute Support Mission with 870 PAX, making Georgia the largest per capita contributor to the mission. Moreover, participates in EUTM RCA and EUTM Mali (see paragraph 2.1).

The trilateral defence cooperation between Georgia, Azerbaijan and Turkey (launched in 2012) is aimed at strengthening regional security as well as establishing close ties between the armed/defence forces. under this cooperation format different level consultations as well as joint exercises such as the Caucasus Eagle and Eternity are held on a regular basis.

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

2. Existing structures and processes

2.1

The Constitutionally established procedures for ensuring democratic political control of military:

Article 49, paragraph 2 of the Constitution: - “The President of Georgia is the Supreme Commander-in-chief of the Defence forces of Georgia”.

Article 52, paragraph 1, D of the Constitution “The President of Georgia shall appoint and dismiss the chief of Defense Forces of Georgia upon nomination by the Government”;

In accordance with Article 7, „State defence, military industry and arms trade; issues relating to war and truce; determining and introducing the legal regime of a state of emergency and martial law; the Defence forces; state security shall fall within the exclusive competence of the supreme state authorities of Georgia”.

Article 70, paragraph 4 of the Constitution „The types and composition of the Defence Forces shall be Defined by law. The number of the Defence Forces shall be approved by a majority of the total number of the members of Parliament upon recommendation by the government”.

According to the Article 73 of the constitution “During martial law, a consultative body – The National Defence Council – shall be created and shall be chaired by the President of Georgia. The National Defence Council shall be composed of the President of Georgia, the Prime Minister, the Chairperson of Parliament, the Minister of defence and Chief of Defence Forces. By the decision of the President of Georgia, individual members of Parliament and of the Government may be invited to become members of the Council. The National Defence Council shall act until the martial law has been revoked”.

The Law on „National Security Council” has already been adopted and is currently underway in parliamentary discussions. According to the above mentioned Law, National Security Council is the Prime Minister’s Advisory body. National Security Council’s main competence is assessment of threats, coordination of national level security policy planning documents, analysis and submitting recommendations to be made political decisions by Prime Minister of Georgia.

Article 7 of the Law on “Defence of Georgia” defines that the Ministry of Defence of Georgia is an institution of the executive power of Georgia, where the Military Servicemen, civilians and persons with Special rank are employed. The Ministry is headed and managed by the Minister of Defence of Georgia.

The Minister of Defence of Georgia conducts the planning and management of the state defence policy through the civil office of the Ministry, also the Minister is carrying out democratic control of the Defence Forces.

Article 4, paragraph I of the Law on “Defence of Georgia” defines that “The Parliament of Georgia shall:

- approve the National Security Concept of Georgia and define the state policy of defence;
- adopt laws in the field of defence;
- approve the text of the military oath;
- review and approve the defence budget together with the State Budget;
- approve the number of military forces upon recommendation by the Government;
- ratify, denounce and annul international military agreements and treaties;
- control development of the Defence forces of Georgia and compliance with the legislation of Georgia in the field of defence.

Paragraph II of the abovementioned article defines that the forms of parliamentary control of the Defence and Security Committee of the Parliament of Georgia shall be determined by the Georgia legislation”.

Furthermore, article 43 of the constitution refers to the power of parliamentary oversight, namely: “The Member of the Parliament shall be entitled to appeal with question to the Government, another body accountable to Parliament, a member of the Government, state bodies of the territorial units of all levels, and state institutions. Providing a timely and full response to the question posed by the MP is mandatory”.

“A parliamentary faction - a group of at least seven members of Parliament - shall have the right to pose question through interpellation to the Government, another body accountable to Parliament, or members of the Government obliged to answer questions at the meeting of Parliament. The answer may

become the subject of discussion by Parliament.”

According to the article 44, paragraph 6 of the constitution “A member of the Government, the official accountable to the Parliament, the head of the accountable body before the Parliament is authorized and shall, at the request, attend the Parliament, its Committees and the Commission sittings, answer the questions at the meetings and present report on the activities carried out. Parliament, Committee and the Commission should listen the official upon request.

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

2.2

The Constitution and respective laws provide the Georgian parliament with a wide range of mechanisms for effective control over the executive institutions. That is to say, the parliament can control government policy by exercising its right to:

- Adopt defence-related laws;
- Determine the country’s domestic and foreign policy priorities;
- Determine the state defence policy;
- Ratify, denounce or annul international treaties and agreements and military contracts;
- Approve the structure of government and governmental programs and action plans;
- Require progress reports on the implementation of governmental programs and organize respective hearings;
- Debate and approve the state budget, including the defence expenditure;
- Approve military oaths - approve the strength of the defense forces;
- Approve presidential decrees on the deployment, stay and withdrawal of foreign troops into/from the Georgian territory;
- Approve presidential state of emergency and martial law decrees;
- Approve presidential decisions on the use of the Defense forces during the state of emergency. A decision on the activation of the Defence Forces during martial law shall be made by the Prime Minister and shall not require approval by Parliament.

2.3

According to Article 70 of the Constitution “Georgia shall have the Defense Forces to protect state independence, sovereignty and territorial integrity of the country, and as well as for the fulfillment of other tasks and international obligations related to defense and security in cases provided by the Constitution”.

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

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

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

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

The President of Georgia is the supreme commander-in-chief of the Defence forces and shall be elected by special electoral collegium (in 2024).

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

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

According to above-mentioned Law, depending on their functions, the structural units of the Ministry of

Defence of Georgia are integrated into the Ministry's civil Office or Georgian Defence Forces. The Minister's authority, the competence of the Ministry, as well as structural units of the Ministry and their main competence is determined by the Ministry's code approved by the Government of Georgia.

The Minister of Defence of Georgia conducts the planning and management of the state defence policy through the civil office of the Ministry.

The Minister is carrying out democratic control of the Defence Forces. According to the law, one of the most important mechanisms of democratic control over the defence sector is that the Minister and Deputies are civilians.

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

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

The procedures of control over security forces, intelligence services and the police are implied in relevant legislation of Georgia.

The Law of Georgia **on State Security Service of Georgia** stipulates **clear legal mechanisms for ensuring oversight mechanisms and democratic standards**, including the Parliamentary, Governmental, Court oversight, Prosecutorial, State Audit Service and other democratic control systems over the activities of the Service.

One of the main accountability mechanisms is the **Head's obligation to appear before the Parliament with the annual report**. The Parliament either positively assesses the activities of the Service in its resolution, or refers in its act for eliminating deficiencies and/or provides recommendations and suggestions for further enhancing the Service activities. The Defence and Security Committee of the Parliament oversees the implementation of this resolution. So far the Head of SSSG presented four annual reports of 2015, 2016, 2017 and 2018 on the Service activities, which were all positively assessed and officially published by the Parliament and the SSSG.

Special attention is devoted to ensuring the relevant level of transparency. According to the Regulations of the Parliament, the **Parliamentary Group of Trust** has been determined as the institutional mechanism to exercise parliamentary control over the institutions of the defence and security sector, including over the State Security Service of Georgia. It should be emphasized that the Group of Trust is created under the Defence and Security Committee of the Parliament, and is staffed with the members of the Parliamentary majority, opposition, as well as the Member of Parliament belonging to neither of them. The Group of Trust exercises control over the relevant classified and special programmes in the defence and security sector.

In addition, **the Head of the Service is also authorized and upon request - obliged to appear on a respective hearing at the legislative body** (*including hearing of the Parliament, its committees, commissions*), give answers to the questions asked during the hearing and present information on the activities conducted by the Service. In case there is a request to present the report on the activities conducted by the Service, the Head should submit the report within 2 weeks-period upon the request.

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

Further on, the State Audit Service is empowered to oversee the financial activities of the SSSG.

Furthermore, the Georgian legislation grants the **Public Defender** of Georgia and the **Data Protection**

Inspector¹⁰ the right to have access to classified information, thus ensuring effective oversight powers of these institutions over the classified activities of the State Security Service of Georgia.

Also, in terms of conducting democratic oversight over the covert investigative activities, the new legislative package was adopted in April 2017, establishing the LEPL - Operative Technical Agency of Georgia. The Agency enjoys high degree of independence, has no investigative, intelligence or counterintelligence functions and therefore is not professionally interested in obtaining the information. The Agency collects information (communication contents and data) only upon the request of the law-enforcement and security services based on the respective judicial authorization. It has the exclusive authority to implement communications surveillance. The Agency's activities are controlled by a number of oversight mechanisms, including the Parliament (especially, the Group of Trust having the authority to inspect the activities of the LEPL - Operative Technical Agency of Georgia and thus conduct oversight over its work), Courts, Prosecutor's Office, SSSG, the State Audit Office and Data Protection Inspector (the latter having the authority to conduct oversight on the process of covert investigative activities).

3. Procedures related to different forces personnel

3.1

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

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

3.2

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

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

Besides, the Law "On Non-Military, Alternative Labor Service" considers the cases of call-up deferment.

According to the Article 5 of the Law of Georgia "On Non-Military, Alternative Labor Service":

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

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

¹⁰ As a result of legislative changes, throughout 2019 State Inspector will *inter alia* fully assume the responsibility of Data Protection Inspector in terms of supervision over the implementation of legislation on the protection of personal data.

- Establishments of health protection.

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

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

According to the article 5, paragraph 4 on the “non-military alternative labor service” citizen who passes non-military alternative labor service, could be employed in liquidation works of the natural disasters consequences, other seasonal harvest works or other non-military works based on the decision of the Government or/and Prime Minister.

3.3

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

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

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

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

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

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

4.1

The National IHL Commission in Georgia was created upon the Governmental Decree No. 408 on October 28, 2011¹¹. The National Inter-agency Coordination Commission is a permanent governmental body that coordinates the work of different governmental agencies in this field. Its aim is to effectively implement and protect International Humanitarian Law. The Commission comprises of representatives from different governmental bodies, the Parliament, the Judiciary, academia, ICRC to Georgia, National Red Cross Association and functions under the auspices of the Ministry of Justice.

According to the Governmental Decree No. 408, the main functions of the Commission are:

- a) to prepare and present advisory opinions to the Government on IHL issues;
- b) to present proposals to the Government of Georgia on the issue of acceding to IHL treaties;
- c) 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;
- d) to promote implementation of IHL programs and various educational activities in cooperation with the International Committee of the Red Cross (hereinafter ICRC);
- e) 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.

One of the main areas of the work of the IHL Commission is the promotion of IHL through different types of outreach and educational activities in cooperation with the International Committee of the Red Cross. For example, each year the Ministry of Justice of Georgia, in close cooperation with LEPL Training Center of Justice and International Committee of the Red Cross organizes national IHL competitions for students. Based on the statistics of 4 years, on average 70 students participated in the competition and the number increases every year. It needs to be noted that students receive additional preparation before the competition takes place. Lectures are delivered in different topics of IHL in order to better prepare students for the competition.

Dissemination of IHL through annual national competition is an activity that is included in the IHL National Action plan which is adopted for 2 year time period by the IHL Inter Agency Commission.

In addition, the Draft National Action Plan for 2019-2020 envisages organization of a summer school on IHL which will provide students and all interested persons with an opportunity to gain knowledge in the specific area of IHL. The Interagency IHL Commission in close cooperation with the ICRC supports the translation and publication of a scholarly literature in the field of International Humanitarian Law.

Lawyers, employed at the military divisions, permanently give instructions to military persons in order to inform about normative acts.

Field Manuals and guiding documents consider the aspects of IHL in it.

According to the memorandum of understanding signed between the MOD and International Committee of Red Cross in May 2014. A “Working group” consisting of ICRC and GDF representatives elaborates annual action plan which includes IHL courses and seminars for the officers of GDF.

¹¹ Document number 408, 28/10/2011 , Parliament of Georgia, available in Georgian at the official page of the Legislative Herald of Georgia at <https://matsne.gov.ge/ka/document/view/1501363> Please see subsequent amendments to the resolution of the government available in Georgian here <https://matsne.gov.ge/ka/document/view/2340566> and here <https://matsne.gov.ge/ka/document/view/2013667>

Most of educational and training programs within the MOD system (including National Defence Academy) include aspects of International Humanitarian Law.

According to the Article 1, Paragraph 3 of the Georgian Law from July 22, 1999 “On Participation of Georgian Defence Forces in the peacekeeping operations” for implementation of the aims of the 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).

Implementing Gender Perspectives in the Georgian Defence Forces

The Ministry of Defence (MoD) of Georgia takes sustained efforts to integrate gender perspectives in the institutional development and operational capacity building of the Georgian Defence Forces (GDF). The MoD actions are focused on:

Implementation UNSC Resolutions on Women, Peace, and Security;

Strengthening Gender equality and Gender mainstreaming;

Integrating gender perspectives in human resources and in the education and Trainings.

Strengthening Gender Equality and Gender Mainstreaming

The Ministry of Defence of Georgia approved Gender Equality Strategy in 2014. The strategy strives to: establish the conditions guaranteeing equal rights, freedoms and opportunities of men and women; prevent and eradicate all forms of discrimination and counter any practices of gender violence; and to eliminate, in every way possible, any misconduct of sexual harassment, physical and psychological mistreatment, or workplace violence.

Accordingly, to implement these objectives Gender Equality Monitoring Team and Gender Advisors roles are established and functioning.

The Monitoring Team, established in 2014, aims at monitoring of Gender Equality Strategy implementation and studying gender related situations in GDF. The Team reports to the Deputy Minister, intensively cooperates with Gender Advisors, and coordinates their activities.

In 2018 the amendments were made to the "Military Disciplinary Charter of Military Servicemen of the Ministry of Defense of Georgia," and two articles on sexual harassment were added. According to the amendments, sexual type act or sexual based discrimination are considered as disciplinary violations. Additionally, the position of the head of the Gender Equality Monitoring group was added to the list of officials authorized to drawing a disciplinary record.

In the process of institutionalization of gender advisors in the system of MoD, the position of Gender advisor was added into the list of military-occupational specialties, and appropriate job-related functions were assigned to the brigade personnel officers, who will be trained for further qualification.

In June 2018 for raising awareness on gender equality, The Defense Minister's order on compulsory e-learning course about gender-based discrimination on a workplace was issued. Hence, current or future employees of MoD (civilians or militaries) have to do this e-course.

Implementation UNSC Resolutions on Women, Peace, and Security

The MoD's commitments cover supporting the participation of women in defence decision making and building capacity of military and civilian personnel to prevent and react on gender based violence in conflict, post conflict and peace operations. Those commitments are reflected in the MoD's human resources policies and practices which strengthens gender equality and gender mainstreaming in the MoD.

Georgian MoD together with DCAF and with partnership of UK and Spanish MoDs is implementing the Women, Peace and Security Organizational Assessment project (2018-2019), which is funded and supported by NATO SPS program. The project is to build MoD capacity to design, develop and execute gender related organizational climate studies and elaborate recommendations. Overall, this project seeks to improve gender balance and reduce barriers to women within the system of MoD, contributing to Georgia's strategic objectives to implement UNSCR 1325 on Women, Peace and Security and Related Resolutions.

Integrating Gender Perspectives in Human Resources and in the Education and Trainings

Gender equality is an essential principle of military and civilian personnel management. The MoD supports women's representation and participation in decision making, institutional reforms, and international peace building.

Training on gender perspectives and UNSCR1325 and following Resolutions became part of pre-deployment training for peacekeepers and since 2014 military service men and women are being trained annually.

Gender in Security Sector as a permanent module is taught in all courses in the Defence Institution Building School (DIBS), In National Defence Academy and in the NCO School. Gender trainings in the MoD institutions are held by MoD and GDF employees who are certified gender trainers by Nordic Center of Gender in Military (NCGM).

4.2

The General Staff of the Defence Forces on regular base co-operates with the International Committee of Red Cross (ICRC). In the first quarter of every year Action Plan is signed with ICRC. According to the Action Plan relevant trainings and seminars are conducted on each level of the Defence Forces.

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

All military order includes ROE Annex.

4.3

According to the Constitution of Georgia and the Law of Georgia "On Defence of Georgia", "Georgia shall maintain the Defense Forces to protect independence, sovereignty and territorial integrity of the country, and fulfill other tasks and international obligations related to defense and security in cases provided by the Constitution".

Besides, Prime Minister makes a decision on activation of the Defense Forces during martial law. Decision does not require approval by Parliament. In addition, the Defence Forces act by order of the Prime Minister during a state of emergency or martial law.

The President, on the recommendation of the Prime Minister makes a decision on the activation of the Defense Forces during a state of emergency and immediately presents to Parliament for approval.

4.4

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

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

According to article 23 of the Constitution of Georgia "A person who is enrolled in the

personnel of the military forces, the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association”.

- 4.5** Conceptual documents should be in compliance with the Georgian legislation and International law. Relevant structural units of the MOD are taking part in the drafting process of each doctrine and political document in order to ensure these documents to be in compliance with international law. The Legal Department of the MoD, International Law Division of the International Relations and Euro-Atlantic Integration Department of the MoD, Legal Service of the General Staff of the Georgian Defence Forces and the lawyers at all unit levels down to and including battalions of the Georgian Defence Forces ensure compliance with the international law.

Section III: Public access and contact information

1. Public access

The right to access to public information is guaranteed by Article 18 of the “Constitution of Georgia”, as well as Article 10 of the “General Administrative Code of Georgia”, which states that “everyone may gain access to public information kept by an administrative agency, and obtain a copy thereof, unless such documents contain state, professional, commercial secrets or personal data”.

The law on “Personal Data Protection” specifies the definition of personal data and establishes data protection obligations. The law on “State Secrecy” regulates the rules for classifying and declassifying of information and mechanisms of protection. According to the existing legislation, any state agency, including MoD, is required to issue public information, including the public information requested electronically, immediately or no later than 10 days, except information containing the state, personal or commercial secrets. If MoD is unable to answer the questions due to the above mentioned reasons, it should inform citizens in a written form within 3 days. In order to increase transparency and to ensure that the existing regulations were implemented efficiently, at the end of 2016, the Public Information Division was formed within the Administration of MoD, which is the entity responsible for issuing public information and personal data protection. Moreover for the purpose of the implementation of unified practice, the Order of Minister of Defense No. 335 of 20th April 2017, the Division elaborates relevant recommendations and proposals to the Ministry and it’s LEPLS. With the aim to be more proactive in releasing relevant public information about its decisions and activities, Georgian Government introduced a new Government Decree on Electronic Request and Proactive Publication of Public Information. This Decree, which is based on the recommendations from a group of civil society organizations, obliges all agencies to release information on their activities electronically, free of charge and in easy-to-use, open forms. The Order of Minister of Defense No. 27 of 5th April 2017 renewed the rule of proactive publication of public information and the standard of demanding public information by electronic means, based on these regulations, MoD official public information web-site – public.mod.gov.ge was renewed. Public Information page offers its visitors a space, where public information - general info, employment, procurement, financing (includes information about the approved and adjusted budget of the Ministry, budget execution, state procurement, also the list of vehicles listed on the balance sheet of MoD, information about quarterly amount of salaries, and bonuses, business trip expenses, fuel expenses, cellular expenses, advertising expenses etc.), legal acts and other information is published. Proactive disclosure of public information greatly simplifies the process of accessing information for the general public. In addition, citizens can request public information electronically through the official web-site of MoD. Furthermore, proactive publication of the information on issues of public interest is a continuous process.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

- Ministry, section, as well as postal address, e-mail, and phone of contact person in charge;
- Additional information regarding the point of contact at the national mission to the OSCE;
- Additional information on how the national reply to the Questionnaire has been prepared.

ATTACHMENT – LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Please indicate if your State is party to the following universal and regional legal instruments relevant to preventing and combating terrorism and related co-operation in criminal matters. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g., undergoing inter-ministerial co-ordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.)

	Name of the treaty	Party by: ratification P(R) , accession P(a) , succession P(s) , acceptance P(A) , approval P(AA) , or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments			
1.	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	P(a)	16/06/1994
2.	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	P(a)	20/04/1994
3.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	P(a)	20/04/1994
4.	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)	P(a)	18/02/2004
5.	International Convention against the Taking of Hostages (1979)	P(a)	18/02/2004
6.	Convention on the Physical Protection of Nuclear Material (1979)	P(a)	07/09/2006

7.	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)	P(a)	15/02/1999
8.	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	P(a)	11/08/2006
9.	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	P(a)	11/08/2006
10.	Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)	P(a)	25/04/2000
11.	International Convention for the Suppression of Terrorist Bombings (1997)	P(a)	18/02/2004
12.	International Convention for the Suppression of the Financing of Terrorism (1999)	P(R)	27/09/2002
13.	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	P(a)	23/04/2010
14.	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)	P(A)	05/04/2012
15.	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)	Not Party	
16.	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)	Not Party	
17.	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)	Not Party	
18.	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	Not Party	
19.	The United Nations Convention Against Transnational Organized Crime (2000)	P(R)	05/09/2006
20.	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	P(R)	05/09/2006
21.	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	P(R)	05/09/2006

The Council of Europe legal instruments			
22.	European Convention on the Suppression of Terrorism (1977) CETS No: 090	P(R)	14/12/2000
23.	Protocol Amending the European Convention on the Suppression of Terrorism	P(R)	15/05/2003
24.	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	P(R)	01/05/2014

23.	Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190	P(R)	08/12/2004
24.	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	This convention is signed by Georgia in 14/12/2005	14/12/2005
25.	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198	P(R)	13/05/2004
26.	European Convention on Extradition (1957) CETS No: 024	P(R)	15/06/2001
27.	Additional Protocol to the European Convention on Extradition (1975) CETS No: 086	Georgia signed the Additional Protocol in 14/04/2014	14/04/2014
28.	Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098	P(R)	15/06/2001
29.	European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	P(R)	13/10/1999
30.	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099	P(R)	22/05/2003
31.	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182	P(R)	10/01/2014
32.	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	P(R)	21/10/1997
33.	European Convention on the Transfer of Sentenced Persons	P(R)	21/10/1997
34.	Additional Protocol to the European Convention on the Transfer of Sentenced Persons	The Protocol is signed by Georgia in 17/09/1999	17/09/1999
35.	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	P(R)	13/05/2004
36.	Convention on Cybercrime (2001) CETS No: 185	P(R)	06/06/2012
Please list below any other regional, sub-regional or bilateral agreements or arrangements relevant to preventing and combating terrorism and related co-operation in criminal matters, to which your country is a party.			
37.	United Nations Convention against Corruption	P(a)	04/11/2008

04/11/2008

38.	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1998)	P(a)	15/02/1999
39.	Protocol against the Smuggling of Migrants by LAND, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime	P(R)	05/09/2006

