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NOTE VERBALE

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 2019.

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, 8 October 2020

To: OSCE Missions and Delegations
Conflict Prevention Centre
Vienna



**QUESTIONNAIRE ON THE CODE OF CONDUCT ON
POLITICO-MILITARY ASPECTS OF SECURITY**

Section I. Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1. To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

a) Universal Conventions

Georgia is a party to the following **fourteen (14)** UN anti-terrorism conventions:

1. **Convention on Offences and Certain Other Acts Committed on Board Aircraft**, signed at Tokyo on 14 September 1963 (Tokyo Convention) - *in force for Georgia since September 14, 1994*;
2. **Convention for the Suppression of Unlawful Seizure of Aircraft**, signed at The Hague on 16 December 1970 (The Hague Convention) - *in force for Georgia since April 20, 1994*;
3. **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, concluded at Montreal on 23 September 1971 (Montreal Convention) - *in force for Georgia since April 20, 1994*;
4. **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**, adopted in New York on 14 December 1973 - *in force for Georgia since February 18, 2004*;
5. **International Convention against the Taking of Hostages**, adopted in New York on 17 December 1979 - *in force for Georgia since February 18, 2004*;
6. **Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 3 March 1980 - *in force for Georgia since October 7, 2006*;
7. **Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, signed at Montreal on 24 February 1988 - *in force for Georgia since March 17, 1999*;
8. **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006*;
9. **Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006*;
10. **Convention on the Marking of Plastic Explosives for the Purpose of Detection**, done at Montreal on 1 March 1991 - *in force for Georgia since June 24, 2000*;
11. **International Convention for the Suppression of Terrorist Bombings**, adopted in New York on 15 December 1997 - *in force for Georgia since February 18, 2004*;
12. **International Convention for the Suppression of the Financing of Terrorism**, adopted in New York on 9 December 1999 - *in force for Georgia since October 27, 2002*;
13. **International Convention for the Suppression of Acts of Nuclear Terrorism**, adopted in New York on 13 April 2005 - *in force for Georgia since April 23, 2010*;

14. **Amendment to the Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 8 July 2005 – *in force for Georgia since May 8, 2016.*

b) Regional Agreements

Georgia is a party to the following CoE anti-terrorism conventions:

1. **European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 27 January 1977 – *in force for Georgia since March 15, 2001;*
2. **Protocol Amending the European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 15 May 2003 – *in force for Georgia since December 8, 2004;*
3. **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism**, concluded at Warsaw on 16 May 2005 – *in force for Georgia since May 1, 2014;*
4. **Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters**, concluded at Strasbourg on 8 November 2001 – *in force for Georgia since May 1, 2014;*
5. On 14 December 2005 Georgia signed the **Council of Europe Convention on the Prevention of Terrorism**, concluded at Warsaw on 16 May 2005.

c) Sub-regional Multilateral Agreements

- **The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters** (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Azerbaijan and Georgia) – 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). In this regard,

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, share operational and non-operational information, exchange experience and best practices and 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.

d) 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. **Czech Republic**
7. **Egypt**
8. **Estonia**
9. **France**
10. **Germany**
11. **Greece**
12. **Hungary**
13. **Israel**
14. **Italy**
15. **Kazakhstan**
16. **Latvia**
17. **Lithuania**
18. **Malta**
19. **Moldova**
20. **Poland**
21. **Romania**

22. Slovak Republic
23. Spain
24. Sweden
25. Turkey
26. Ukraine
27. United Kingdom (MoU)
28. USA
29. Uzbekistan

- **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**, which form strong legal basis for sharing the information *inter alia* on the issues related to crimes, including terrorism.
- Also, **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. Furthermore, in order to implement this Agreement and lay down the standards for the reciprocal protection of classified information under this Agreement, the competent security authorities of the Parties on 27 May 2020 concluded **Implementing Arrangement pursuant to Article 12 of the Agreement between the European Union and Georgia on Security Procedures for Exchanging and Protecting Classified Information.**

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

a) Laws and by-laws

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

In 2007, the Parliament of Georgia passed the **Law of Georgia on Combating Terrorism** 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** has been amended several times due to the modern challenges, and 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:

- New Law of Georgia on **Facilitating the Suppression of Money Laundering and Terrorism Financing** (*creates a legal mechanism for prevention, detection and suppression of money laundering and terrorism financing, as well as financing of proliferation of weapons of mass destruction*), adopted on 30 October 2019;
- 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

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.

should be noted that **Georgia is one of the first countries among the UN member states, which in 2015 criminalized the FTF travel, 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 № 662 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 air carriers conducting international flights 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 its action plan.** In September, 2018, the Permanent Interagency Commission² composed of high level representatives of all relevant agencies responsible for prevention and fight against terrorism was created under the Government Resolution № 469. 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 Government of Georgia (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

² Permanent Interagency Commission is chaired by the Head of the State Security Service of Georgia and composed of high level representatives of all relevant agencies responsible for prevention and fight against terrorism: Administration of the Government; Ministry of Defence; Ministry of Justice; Prosecutor's Office of Georgia; Ministry of Foreign Affairs; Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs; Ministry of Education, Science, Culture and Sport; Office of the State Minister of Georgia for Reconciliation and Civic Equality; Ministry of Internal Affairs; Ministry of Economy and Sustainable Development; Ministry of Finance; Ministry of Environment Protection and Agriculture; Ministry of Regional Development and Infrastructure; FMS; Georgian Intelligence Service; Special State Protection Service; LEPL - State Agency for Religious Issues; National Bank of Georgia.

information, prevention, protection, preparedness, prosecution, development of legislative framework and international cooperation. The document is based upon the **whole-of-society approach** and defines engagement of **different stakeholders including** central and local authorities, public-private organisations as well as civil society in its implementation.

Furthermore, in parallel with the elaboration of the national counter-terrorism Strategy and its AP, a **development of the Money Laundering and Terrorism Financing Risk Assessment (NRA) document** had been carried out, with the involvement of all the relevant Georgia agencies. As a result, **the Government of Georgia adopted its first NRA document and its action plan on 30 October 2019, by GoG Decree № 2257.** According to the Risk Assessment document, **there are effective legal and institutional mechanisms in place to combat terrorism in Georgia.** Considering a number of circumstances, that: the threat of foreign terrorists using the territory of Georgia for transit is effectively controlled; appropriate counterterrorism measures are applied to Georgian citizens who are members of terrorist organizations. In addition, trafficking of nuclear and radioactive materials is successfully suppressed. The procedure for freezing property of listed persons was substantially expedited, and the mechanism for applying financial sanctions on the basis of UNSCR 1373 (2001) has improved. Non-profit legal persons do not operate in areas of conflict zone where terrorist organizations carry out their activities. No organizations supporting terrorist ideology or cases of collecting donations for terrorism purposes were identified in Georgia – given all the mentioned circumstances, **the Report assesses the risk of financing of terrorism in Georgia as low.**

b) Criminalization

Criminal Code of Georgia criminalizes the following terrorism-related 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)³
- 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)
- 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)

³This Article *inter alia* 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 the FTF phenomenon.

- 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)
- Providing Training and Instruction for Terrorist Activities (Art. 330²)⁴
- Theft for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330³)
- Extortion for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330⁴)
- Making of Forged Official Documents for the Commission of One of the Offenses Defined in this Chapter (Art. 330⁵)
- False Notification on Terrorism (Art. 331)
- Financing of Terrorism, Provision of Other Material Support and Resources to Terrorist Activities (Art. 331¹)
- Failure to Take Measures to Prevent Acts of Terrorism (Art. 331²).

Also, the Criminal Code of Georgia criminalizes the following acts:

- 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)
- 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).

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

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

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 Defence, Georgian Intelligence Service, Special State Protection Service, Ministry of Internal Affairs, as well as other public agencies and organizations playing 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 (SSSG)** 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 involved in the fight against terrorism **through its structural entity – the 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 arms, ammunition, explosive and hazardous materials that are stored in military bases or specially designated facilities; 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.

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 *inter alia* 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;
- After the information is submitted to the Counterterrorism Center, it determines the authorized competent subject (subjects) which will carry out counterterrorism activities related to the received information.

In case of emergency situations resulted from terrorist activities, according to the GoG resolution № 662 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.

The **Permanent Interagency Commission** (created under the GoG Resolution № 469) **closely monitors the process of effective implementation** of the Strategy and its Action Plan. In this regard, **on 27 December 2019** under the leadership of the Head of SSSG, **third meeting of the Permanent Interagency Commission was held**. The meeting was attended by all the agencies involved in the work of the Commission and being responsible for the National Strategy and its AP implementation. Reporting of these responsible agencies on the objectives set by the Strategy and respective activities determined by the AP for the **first year of implementation process, was reviewed** at the meeting. The first year of implementation of the Strategy and its Action Plan was **positively evaluated by the members of the Commission**. Also, future activities were discussed at the meeting in order for the responsible agencies to further enhance the effective implementation of the objectives set by the Strategy and its AP.

The SSSG as the chair agency of the Permanent Interagency Commission, has created **four inter-agency thematic working groups** according to the main objectives of the document, where high-level experts of relevant agencies are engaged.

The concrete goals and involvement of all relevant stakeholders in combating terrorism is outlined in detail in the “National Strategy on Combating Terrorism” adopted by the governmental decree №52 (January 23, 2019).

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

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

Financing of terrorism

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 supply of funds or other property, knowing that they will or may be used in full or in part by terrorists or terrorist organizations and/or for carrying out terrorist activities, and/or for the purpose of committing one of the crimes envisaged by Articles 144, 227, 227¹, 227², 227³, 229, 230, 231, 231¹ and 231² of the Criminal Code of Georgia, irrespective of whether or not any crime envisaged under these Articles has been committed, and/or knowingly providing support to terrorists or terrorist organizations, providing safe haven or shelter to terrorists and/or providing resources or other material support to terrorists or terrorist organizations.

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). On 30 October 2019 Georgia adopted new Law of Georgia on **Facilitating the Suppression of Money Laundering and Terrorism Financing** (AML/CFT Law), which creates a legal mechanism for prevention, detection and suppression of money laundering and terrorism financing, as well as financing of proliferation of weapons of mass destruction. The AML-CFT Law includes a separate chapter on implementation the targeted financial sanctions. According to the new law, the Interagency Commission on the Implementation of the UNSCRs (Governmental Commission) becomes the main contact point for the UN sanctions committees and other UN structures when undertaking measures for the purpose of prevention, detection and suppression of the financing of terrorism. The Governmental Commission is

chaired by the Justice Minister and brings on board all relevant State Institutions/Agencies under its mandate and guarantees the high-level representation in order to ensure the effective implementation of targeted financial sanctions.

The competences of the Governmental Commission still covers three major directions (as it was before under the previous law on “Facilitating the Prevention of Illicit Income Legalization”): assets freezing; travel bans and arms embargoes to individuals and legal entities suspected in terrorism and designated in line with UN Security Council Resolutions. However, compared to the previous legislative framework, the AML-CFT Law provides detailed procedures and effective legal basis for the implementation of the relevant UNSCR and for an examination of a request from a competent national and foreign authority on the application of measures referred to in the UNSCR 1373 (2001).

It should be underlined, that in contrast with the previous legislation, the AML-CFT Law determines the notion of assets and provides that it shall include all tangible or intangible assets and proceeds generated therein, that are owned or controlled, directly or indirectly, wholly or jointly by a person included in the UN list of sanctioned persons or a person designated upon the grounded request from the relevant national or foreign authority, or by any person acting on their behalf. Accordingly, the AML-CFT Law ensures that no funds or other financial assets or economic resources are available, directly or indirectly, to listed parties.

In accordance with the AML-CFT Law, the Governmental Commission has a very detailed and comprehensive unfreezing procedure. What is more, the procedure of partial unfreezing has been enacted and the Governmental Commission has been empowered to apply, upon a grounded request of an interested party and as provided by the UNSCR, to the court for partially lifting the freezing order on assets, which are necessary for basic, extraordinary or unforeseen expenses. In connection to the legislative changes, the draft amendments have been prepared to the Government Decree, which is the legal basis, of the Governmental Commission established on December 21, 2011 and determines the matters related to its management, structure, powers, composition and rules of procedure.

The Public International Law Department of the Justice Ministry of Georgia serves as a Secretariat of the Governmental Commission (Secretariat), which provides the technical and substance-wise assistance to it. Secretariat monitors the changes (listing, de-listing) in the relevant UN sanction list, intensively, on daily basis. In case of listing/delisting the motion for the freezing order is prepared on the same day and sent to the Tbilisi City Court in accordance to the Administrative Procedure Code of Georgia (chapter VII8).

Due to the legislative changes dated as of 30 October, 2019 the 15 days period for consideration of the Governmental Commission’s motion has been reduced to 3 days. However, the 3 days is a maximum timeframe and the practice demonstrates that the Administrative Chamber of Tbilisi City Court reviews the Commission’s motion without delay, without oral hearing and issues an order to freeze all financial and other economic assets of the designated person on the very same day. The Court order then is immediately sent to the National Bureau of Enforcement (NBE) - an agency responsible for execution of

the Court decision on freezing of assets of designated persons. The NBE lists all persons mentioned in the Court Order in the Debtor's Registry and additionally notifies all supervisory bodies defined by the new law regarding the changes in the UN lists. It should be underlined, that the Debtor's Registry is a publically available systematized electronic database containing list of natural and legal/organizational entities. The main advantage of this system is that placing in the Debtor's Registry automatically means the freezing of all movable/immovable property of the designated person and the bank accounts in the name of that person in any banking institution operating in Georgia. As soon as the lists of persons mentioned in the Court Order is incorporated into the Debtor's Registry, all natural and legal persons are required to comply with the freezing order.

Further, Georgian authorities are taking into consideration the notion of "without delay" underlined in the FATF recommendations and are putting in place the new and faster approach to strengthen the existing mechanism for the implementation of the UNSCRs. In particular, terrorism related UNSCRs will be direct enforceable. The relevant legal amendments to the AML and Administrative Procedure Code of Georgia will be submitted to the Parliament of Georgia. Pursuant to the new regulation, the court engagement will be abolished and the transmission of the UN designations will become automatically, without the court order.

It should be underscored, that the AML-CFT Law (Art. 10(7) and Art. 41(5)) requires that financial institutions and designated non-financial businesses and professions (DNFBPs) not to establish or continue a business relationship or conclude/carry out an occasional transaction, if there are reasonable grounds to suspect that a customer or any other party in a transaction is included in the UN sanctions list. These measures must be taken without waiting for the court freezing order. Therefore, the Financial Institutions and DNFBPs are making the direct screening of the respective UN sanctions lists until the court order is adopted and are considering the changes. Precisely, the Financial Institutions and DNFBPs are reporting about the matches between the personal information of the persons included in particular sanctions list and the personal information of their client to the respective supervisory authorities. To this date, these matches were only "false positive".

What is more, the AML-CFT Law underlines that the Task Force shall again operate under the Interagency Commission. However, unlike previous legislation, the Task Force (Ministry of Justice, State Security Service, Ministry of Internal Affairs, Ministry of Finance (customs department), Ministry of Foreign Affairs, Ministry of Economic (LEPL – Maritime Transport Agency) is mandated to collect, process and disseminate information required for the performance of its duties by the Governmental Commission, in line with the implementation of embargo and travel ban sanctions - issued by the relevant UN Security Council Sanctions Committees. More specifically, in conjunction with entitlement to apply to the relevant state authorities with the request for refusing visa or entry into the Georgian territory to specific individuals or citizens of specific nationalities, the Task Force is mandated to collect, process and disseminate information related to the implementation of the obligations undertaken under UNSCR 1373 (2001). In addition, for enforcing sanctions imposed by the United Nations Security Council resolutions,

the Task Force is empowered to appeal to relevant State Agencies for imposing restrictions on import, export, re-export, transit of products subject to export and import control.

The operative procedures of the Task Force (how to receive/collect information, checking the materials/information, assessment of the case, conveying the meeting of the Task Force, discussion, making the recommendation to the Commission) is set in the internal document, which was prepared within the framework of the Commission.

There have been no case of national designation during 2019, however, it should be underlined, that the members of the Task Force met 4 times in 2019 to discuss the cases and procedure for the national designation, including the ways of exchanging the intelligence and operative information.

The AML/CFT Law establishes the **Financial Monitoring Service of Georgia (FMS)** as an independent agency under the Prime Minister of Georgia, its operational independence and financial guarantees is secured under AML/CFT law. The FMS serves as the national center for the receipt and analysis of suspicious transaction reports and other information (documents) from obliged entities. And if there are reasonable grounds to suspect money laundering, terrorism financing or other criminal activity, FMS disseminates the results of analysis to law enforcement agencies. The Law requires obliged 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 obliged entities and public agencies. FMS also has the power to suspend the transaction if there are reasonable grounds to suspect money laundering, terrorism financing or other criminal activity, regardless of the amount of funds involved in a transaction.

In case of possible terrorism financing, the FMS disseminated the results of its analysis to the SSSG and the Prosecutor's Office of Georgia. Generally, according to legislation of Georgia, the **State Security Service of Georgia** investigates crimes of **terrorism, including financing of terrorism**. Procedural oversight over investigation of the crimes envisaged by the Terrorism Chapter of the Criminal Code, and criminal prosecution are conducted by the Office of Prosecutor General of Georgia (GPO).

The SSSG pays particular importance to the investigation of terrorism cases, including financing of terrorism. In the course of investigation of the case on international terrorist - Akhmed Chatayev, his terrorist group and connected individuals, in 2017 and 2018, among the persons detained (overall eight persons were detained), **6 individuals were charged with the financing of terrorism, provision of other material support or resources to terrorist activities (Article 331¹ of the Criminal Code of Georgia)** and were sentenced to the deprivation of liberty ranging from 10 to 13 years. **Georgia has successfully taken forward the Chatayev case, which is a noteworthy example of the Georgia's efforts to ensure the effectiveness of investigations and prosecutions, and obtaining convictions on TF.**

Moreover, in 2019 the **Government of Georgia approved the National Money Laundering and Terrorism Financing Risk Assessment Report (NRA) and related Action Plan** (as mentioned above). NRA of Georgia is prepared according to FATF standards and envisaging other countries experiences. Chapter IV of the NRA

analyzes and assesses TF risks in Georgia **and concludes that the terrorism financing risk in the country is low.**

- **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 № 335 of May 6, 2014. IBM AP contains more detailed action plans, including concrete objectives and actions.

There is an ongoing work on elaboration and revision on National Strategy on Integrated Border Management and its respective action plan. Currently, the Draft Strategy is under the consideration and is planned to be endorsed in 2020.

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”, “Action Plan for the Implementation of the Concept of the Unified System of Risk and Threat Analysis at the State Border of Georgia”, and finally the “Unified Concept of Operations of Analysis (ConOps) and the Catalogue of Analytical Products”. 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) were approved in 2017, as well as for Regional Divisions (operational level) were elaborated and approved in 2019.

b) International Cooperation

Georgia actively cooperates with its neighboring and partner countries' border services as well as various international and donor organizations. Active international relations have 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 have 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 and Ukraine. The Cooperation Plans are envisaged to be concluded with Moldova and Lithuania in 2020. Within the Polish Aid program the Georgian Border Police (GBP) has received trainings and relevant equipment with the purpose to enhance its operational capabilities. Under the Project Implementation Agreements signed with the Romanian International Development Cooperation Agency and the General Inspectorate of Romanian Border Police under support offered in implementation Substantial NATO-Georgia Package, 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.

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 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.

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, Georgia-Turkey and Georgia-Azerbaijani 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, 4 new LBSs will be opened in 2020. At the same time, with support of donor organizations, 7 LBSs will be equipped 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 are 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 (CG) capabilities. Furthermore, it is noteworthy that GCG Command Centre is able to see a common integrated maritime, land and air picture. 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 tactical law-enforcement boarding teams is the vivid example of the fruitful cooperation, which has started in 2017 by declaring two CG boarding teams into the NATO Pool of Forces (PoF) with the aim to contribute to the NATO-led maritime security operation SEA GUARDIAN (OSG). Certification and evaluation process is ongoing and it is envisaged to finalize certification process by the end of 2021.

In terms of training and acquiring appropriate equipment in support of the non-proliferation policy at sea, GBP CG personnel are provided with the training opportunities at NATO Center of Excellence such as countering the proliferation of WMD in Maritime Domain (WMD in MIO) and countering the Improvised Explosive Device (C-IED) Considerations in Maritime Force Protection. In line with the assistance programs offered by Defense Threat Reduction Agency (DTRA) and pilot program of the US Department of Energy, GBP CG has acquired CRN (Chemical, Radiological, Nuclear) detection and identification gear enabling the boarding teams to check boarded vessels for the radioactive materials and/or take the initial measures for self-protection and in securing the contaminated area on board a vessel.

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. 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, and police officers have received specialized training 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.

The Joint Maritime Operations Center (JMOC) is fully equipped with Joint Command, Control, Communications, and Maritime Surveillance Technologies. A new statute of JMOC was approved by the Governmental Decree № 503 dated 26th of October 2018, providing direction and guidance regarding Joint Maritime Operations Center, information exchange rules, the Interagency Council, and JMOC accountability.

JMOC ensures data integration and assessment of full maritime domain awareness picture. All relevant maritime agencies are participating in the JMOC operations such as: Border Police, Coast Guard Department, Patrol Police Department of Ministry of Internal Affairs of Georgia; Ministry of Defense; State Security Service of Georgia; Georgian Intelligence Service; Ministry of Foreign Affairs; Revenue Service of Ministry of Finance; LEPLs Maritime Transport Agency, Civil Aviation Agency, State Hydrographic Service of Ministry of Economy and Sustainable Development; LEPL Agency of Nuclear and Radiation Safety of Ministry of Environment Protection and Agriculture; LTD „Sakareonavigacia“. 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

- **Any specific changes in national legislation or policy, development of a strategy for national identity management;**

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

- **Implementation of relevant international (e.g., ICAO/EU) standards in this field;**

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.

– **Participation in the ICAO Public Key Directory (PKD);**

Georgia is the ICAO PKD member state and currently the relevant technical work is leading to its to full-fledged integration. With assistance of Donor organization IOM there is ongoing process of purchase ICAO PKD Uploader.

– **Use of new biometric (face, fingerprint, iris, etc.) technology;**

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.

– **Reporting of lost and stolen travel documents to Interpol’s Database on Lost and Stolen Travel Documents (SLTD);**

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.

– **Awareness raising and dissemination of information to national authorities on detecting forged travel documents;**

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 2021.

– **International co-operation/technical assistance activities.**

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 continues to pay special attention to the nuclear security issues since this field constitutes a cornerstone of the 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 the national level and demonstrating commitment towards international legal instruments. At the same time, Government of Georgia actively continues the capacity building process of its law enforcement and security agencies designated for combating nuclear security violations.

a) Legislative Developments

The governmental Interagency Coordinating Council of Georgia on Combating CBRN Threats is effectively functioning since February 2014. Georgia has a national Chemical, Biological, Radiological and Nuclear (CBRN) **Threat Reduction Strategy** elaborated by the Council as well as its corresponding **National Action Plan (NAP)**. The first such plan covering the period of 2015-2019 has been successfully implemented and the Council is now working on a new Action Plan for the coming years. It should be noted that the CBRN Strategy and Action Plan ensured to incorporate separate institutional efforts into one coherent approach, thus strengthening overall national capacities of the country to prevent, detect, be prepared for and respond to CBRN threats.

It is also worth mentioning that back in 2015, Georgia was the first country among 69 partner states of the European Union's CBRN Risk Mitigation Centers of Excellence initiative, which developed and adopted the NAP. Since then Georgia's experience and recommendations were shared by different countries while elaborating similar national plans.

Georgia has the Law on **Nuclear and Radioactive Security** that establishes obligatory requirements for public and private entities whose functions involve handling of radioactive and nuclear materials (RN) and sources for peaceful purposes. The Law 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 RN materials to the special licensing procedures.

Furthermore, in order to ensure preparedness for responding to nuclear and radiation accidents, and implement the measures necessary for disaster mitigation, the **Technical Regulation and Action Plan on Preparedness and Response for a Nuclear or Radiological Emergency** was approved by GoG Resolution № 640 of 24 December 2019.

Criminal liability for using or attempting to **use RN 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). **Article 324 - Technological Terrorism** (CBRN related terrorism) of the **Criminal Code of Georgia** criminalizes illegal 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 such weapons or their components, 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, 232, 235 and 406** of the **Criminal Code of Georgia** establish criminal liability for illegal handling, seizure, demand, manufacturing or threatening by possession/use of nuclear substances, as well as WMD-related illegal activities including the illegal export of WMD technology, scientific-technical information or service.

b) Institutional Developments

Significant institutional changes have been carried out since 1st of August 2015, after establishment of the State Security Service of Georgia (SSSG). SSSG became the lead agency in the process of detecting, suppressing and preventing radioactive and nuclear (RN) security violations. SSSG as a chair of the **CBRN Interagency Coordinating Council** also became a lead agency for coordinating national efforts related to the CBRN security issues. Currently, the Counterterrorism Centre of the State Security Service is mandated to fight against terrorism crimes, whereas SSSG's relevant departments are entitled to combat illegal turnover of the Weapons of Mass Destruction and its components and at the same time, to search and seize RN substances from the crime scene.

In 2016 **LEPL - Agency of Nuclear and Radiation Safety (ANRS)** was established. ANRS is authorized for regulatory control of nuclear and radiation safety and also coordinates state efforts for radioactive waste management. The Agency elaborated Radioactive Waste Management Strategy for 15 years, which was adopted in December 2016 and is being implemented successfully.

Furthermore, since **July 2013 Georgia is hosting the South-East and Eastern Europe Regional Secretariat of CBRN Risk Mitigation Centres of Excellence** that is an initiative of the European Union. *The Regional Secretariat located in Tbilisi (at the premises of SSSG since December 31, 2019) unites 10 countries from the region (Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Macedonia, Montenegro, Georgia, Moldova, Serbia and Ukraine) and is supporting regional cooperation, exchange of experience between the countries and capacity building of agencies responsible for reduction of CBRN risks and threats.*

Georgia stays as a dedicated a member of the ***G7 Global Partnership against the Spread of Weapons and Materials of Mass Destruction*** and also actively participates in the working groups and events of the **Global Initiative to Combat Nuclear Terrorism (GICNT)**, contributing to the initiative's mission.

Georgia is a party of various international and the UN conventions aiming to reduce RN related threats. The country efficiently cooperates with the IAEA, reports to the IAEA ITDB (Illicit Trafficking Data Base) office and continues to implement a national Integrated Nuclear Security Support Plan (INSSP). INSSP works as a roadmap to achieve the best level of the state nuclear security. In June 2019 the INSSP evaluation team visited Georgia to assess its implementation and the progress made by the country.

The SSSG actively supports the Ministry of Internal Affairs of Georgia (MIA) in border security of the country and provides the radiation controls systems existed at the state border with high quality technical and IT support, as well as training of personnel. **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 to 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. 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, draft SOPs on detection of nuclear and radioactive materials for the MIA Border Police of Georgia have been elaborated.

Georgia continues to successfully fight against illicit trafficking of nuclear and radioactive materials and substances. As a result of the measures implemented by the SSSG a number of cases were detected and prevented over the years. 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. In addition, in July 2019 71,63kg packages containing Thorium-232 was seized.

Further on, to reinforce the fight against the smuggling of CBRN materials and substances from the occupied territories of Georgia (where the Central Government of Georgia has limited control), in 2017 a special division working on the detection of CBRN threats was formed within the Special Tasks Department of the Ministry of Internal Affairs of Georgia. The division is also actively engaged in monitoring of mass public events for security reasons.

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. Police Officers as well as Customs Officials are regularly 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 RN 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 RN threats

participated in many international seminars, workshops and trainings organized by various partner countries (USA, UK, Germany, Sweden, Norway, Lithuania, Hungary, Czech Republic and others.) and international organizations (IAEA, NATO, EU, UN and others.).

Use of 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.

Georgia acknowledges that in the course of new and emerging tactics of terrorists and terrorist organizations, internet especially social media has become 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. Therefore, **the National Strategy of Georgia on Fight against Terrorism** among other directions also envisages and pays due attention to the protection of the internet against the dissemination of terrorist and extremist ideas and violent messaging.

Furthermore, **in 2019 Georgia announced support to the Christchurch Call** which is a France and New Zealand-led initiative and the commitment by Governments and tech companies to eliminate terrorist and violent extremist content online.⁵ Georgia continues an active work to combat using the internet for terrorist purposes and to protect the cyberspace against terrorist threats.

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.

⁵ Available at: <https://www.christchurchcall.com/supporters.html>.

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 Minister of Justice of Georgia takes the final decision on transfer of sentenced persons. 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.

Safe havens and shelter to terrorists and terrorist organizations

Georgia confronts any manifestation of terrorism and will never allow terrorists to be active in its territory. In this regard **counter terrorism measures are carried out in a complex format, *inter alia***, adopting the National Strategy on Fight against Terrorism as well as the Report on Money Laundering and Terrorism Financing Risk Assessment of Georgia (NRA) and enhancing national legislation in line with international standards. Provision of safe haven and shelter to terrorists or terrorist organizations is explicitly criminalized under Terrorism Financing (Article 331¹ of the Criminal Code of Georgia). Also, Georgia is one of the first countries among the UN member states, which in 2015 criminalized FTF travel in accordance with the UNSCR 2178 (2014). Further on, within the framework of cooperation with international partners information is constantly shared, as well as the list of designated terrorists by the respective UNSCRs is regularly provided to the border personal. Also relevant databases of Interpol are integrated into the national border databases. Moreover, with effective cooperation and information sharing with international partners and efficient national coordination, movements at the state customs and border-crossing points are strictly controlled, as well as **constant monitoring of crossings at the state border is carried out in order to avoid the threat of entering of terrorism-affiliated individuals into the territory of Georgia**. Routes and channels that might be used in order to illegally enter the territory of the country is subject to observation. Therefore, **the Georgian territory as a transit route is currently unfavorable and not attractive for foreign terrorist fighters**. And during the recent years, **facts of attempts of transit movement through the territory of Georgia by terrorism-affiliated individuals have been considerably reduced**.

Prevention and suppression of any kind of terrorist activities remain priority for the GoG. As a lead agency in the unified system of the country's fight against extremism and terrorism, **the State Security Service of Georgia attaches huge importance to strengthening its capabilities of readiness and response**. The Service constantly works on enhancing material-technical base of its structural entities responsible for fight against terrorism, and to further advance professional capacity of its personnel. The most recent **U.S. Department of State in its Country Reports on Terrorism** positively assesses Georgia's efforts, further highlighting that:

“Georgia is generally capable of detecting, deterring, and responding to terrorism incidents. The SSSG has the lead in handling terrorism-related incidents and investigations, and is generally well equipped and well trained. The SSSG’s Counterterrorism Unit continues to receive regular training and equipment.”⁶

Georgian law-enforcement agencies are resolute and take appropriate measures as envisaged by the law **against individuals known to be linked with international terrorism, detected in the country**. In this regard, on 21-22 November 2017, in Tbilisi, counterterrorism operation led by the SSSG was conducted against international terrorist - Akhmed Chatayev and his terrorist group. During the operation, the members of group offered resistance to the law-enforcement officers, one Interpol wanted FTF was detained and two were eliminated, while Akhmed Chatayev blew himself up. While confronting Akhmed Chatayev and his terrorist group, an officer of the SSSG - Ivane Golashvili died and 4 law-enforcement officers were injured. Casualties among the civilians were prevented. Later, as a result of thorough investigation into the case, **in total eight individuals were detained and charged with terrorism-related crimes (including 6 individuals charged with FT)**. All of them were found guilty by the court and were sentenced to the deprivation of liberty ranging from 10 to 13 years. In the process of investigation, the support of international partners should be especially emphasized.

Furthermore, **respective measures are carried out in order to address Georgian citizens fighting in the ranks of terrorist organizations**. *In this regard, the most recently in November 2019, in coordination with the State Security Service of Georgia, the State Security Service of Ukraine detained in Kyiv (Ukraine) a citizen of Georgia, Tsezar Tokhosashvili wanted by Georgia under a red notice of INTERPOL on a charge of participation in a terrorist organization. As a result of investigation carried out by the Counterterrorism Center of the SSSG, it was established that in 2014, Tsezar Tokhosashvili left for the Syrian Arab Republic and in 2015, became a member of the terrorist organization “Daesh” and joined the combat activities. He had close relations with the leaders of the “Islamic State”: Tarkhan Batirashvili, Islam Atabiev and Akhmed Chatayev. On November 6, 2019, Tbilisi City Court sentenced Tsezar Tokhosashvili in absentia to imprisonment as a measure of restraint. Currently, T.Tokhosashvili has been extradited from Ukraine to Tbilisi, and his case is pending hearing on the merits before the Court.*

Overall, considering developed and stricter legislative framework, constant and effective monitoring of the movement over the state border and strengthened border control, enhanced international cooperation and national coordination and further on, as a result of efforts taken by the State Security Service and other relevant state authorities, **over the recent years not a single fact of travel to Syria and Iraq by the citizens of Georgia has been observed**.

In addition, prevention of radicalization and of violent extremism that lead to terrorism remains one of the main priorities for Georgia. In parallel with enhanced legal framework and the counterterrorism law-enforcement measures, Georgia devotes special attention to the protection of identity and civic integration of residents who live in the entire territory of Georgia. **Various GoG-implemented programs and projects on**

⁶ Available at:

prevention of radicalization and violent extremism that lead to terrorism are carried out, which ensure the vulnerable persons' full-fledged participation in all spheres of public life. Furthermore, according to the GoG-adopted **National Strategy of Georgia on Fight against Terrorism and its 2019-2021 Action Plan**, in the course of fight against terrorism and extremism, **preventive measures are given a priority**, along with identifying the special role of women and girls, as well as the designing special approaches for children and the youth in terms of prevention of radicalization, de-radicalization and re-socialization are 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.

Furthermore, according to **EEAS's 2020 Association Implementation Report on Georgia**: "In the fight against terrorism, **Georgia continued to support the global coalition to defeat ISIS**. In January, it **adopted its national counterterrorism strategy for 2019-2021**. **Countering violent extremism** is a pillar of the strategy and **one of the top priorities identified**."⁷

Further on, Georgia is actively involved in international effort and will continue to pursue the fight against terrorism and all its manifestations, alongside the international community. Georgia has become **an active member of the Global Coalition against Daesh** from the very beginning and through its participation in multinational operations has been significantly contributing to the maintenance of global peace and security. **Georgia remains committed to enhancement of cooperation with the UN, NATO, EU, OSCE, CoE** and other regional international organizations. 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. Georgia actively uses the **secured channels existing within the frames of regional organizations**, as well as **police/security attaché channels are widely applied** for sharing the information. Thus enhancing the cooperation with international partners in strengthening joint efforts to fight terrorism.

Overall, due to the above-mentioned complex preventive and counterterrorism measures, Georgia does not belong to the number of states with the high risk of terrorist attacks. According to the **Global Terrorism Index 2019** (by Institution for Economics and Peace), measuring the impact of terrorism, **Georgia ranks position - 90 out of 138, improving its rating by 1 position in comparison to the GTI 2018 data⁸; and improving its position by 13 position in comparison to the GTI 2017 data⁹.** Moreover, according to the **GTI 2019, the impact of terrorism in Georgia is assessed as "very low"**.

Also, according to the **Global Competitiveness Report 2019** (by World Economic Forum), **the score on Terrorism incidence (0-very high, and 100 – no incidents) has remained high - 99.7¹⁰; the same as in 2018,**

⁷ Available at: https://eeas.europa.eu/sites/eeas/files/1_en_document_travail_service_conjoint_part1_v4.pdf

⁸ Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018.pdf>.

⁹ Available at: <http://visionofhumanity.org/app/uploads/2017/11/Global-Terrorism-Index-2017.pdf>.

¹⁰ Available at: http://www3.weforum.org/docs/WEF_TheGlobalCompetitivenessReport2019.pdf.

and improved in comparison to 2017¹¹. The high score amounts to no incidents and thus, to the continuation of positive tendency in Georgia in this regard.

2. Stationing of Defence forces on foreign territory

2.1 Information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Georgia 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 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);
- 1 staff officers with Turkish contingent, Kabul;
- 2 staff officers in the RSM HQ as a Deputy DCOS Security Assistance, Deputy Commanding General for TAA (DDCOS), and GEO Sergeant (Assistant to DDCOS).
- 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 6th of January 2016.
- 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.

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.

A Framework Agreement between Georgia and the European Union Establishing structure for the Participation of Georgia in European Union Crisis Management Operations dated as of November 29, 2013 ensures engagement in EUTM RCA and EUTM Mali.

¹¹ Available at:

<http://www3.weforum.org/docs/GCR2018/05FullReport/TheGlobalCompetitivenessReport2018.pdf>.

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

3.1 information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

3.2 information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

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/defence 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/defence 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 Skies” 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.

Export Control Implementation in Georgia

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. Commission grants recommendations/decisions on the interagency cooperation bases.

The main principles of implementation of Georgian export control and policy are protection of Georgian national security through establishment of national control on strategic goods and support of the reinforcement of the regional and international stability and security through conducting effective licensing and law enforcement system in terms of export control on military and dual use products.

As a licensing authority the ministry of Defense of Georgia fully recognizes its commitment to make responsible decisions on transfers of strategic goods from, through and into its territory, in compliance with international obligations undertaken by Georgia in order not to contribute to or undermine peace and security through its irresponsible decisions and also even not to facilitate by those transfers a serious violation of international humanitarian or human rights law, or acts constituting offences under international agreements relating to terrorism or transnational organized crime, obliging exporting states in their risk assessments to take into consideration the potential of any of those negative consequences as well as the arms to be exported being used to commit or facilitate serious acts of gender-based violence or violence against women and children.

In processing of applications, careful analyses are carried out in a spectrum of criteria, stipulated by the Governmental Ordinance #372, are in line with **EU Common Position 2008/944 / CFSP**, and determines the rules for control of strategic items.

Under these main Criteria, priority is to be given to the National and security interests of Georgia and international commitments of country in respect with UNSC resolutions on sanctions / embargoes and International treaties and agreements in terms of non-proliferation.

That means that application shall be denied if transaction contradicts with national security interests, UN Security council resolutions on sanctions and embargo and international obligations undertaken by Georgia with regard to the relevant international security and nonproliferation regimes Georgia is a party.

Criteria are applied to the assessment of a nature of transfer, weather it might cause a negative impact on the internal situation of recipient country in terms of armed conflicts, or on the regional or global peace and stability, the status of country of final destination with respect to the infringement of the international humanitarian norms and humanitarian law, its attitude to terrorism, and respect for international law.

Special attention is to be given to the evaluation of the risk of diversion of arms to the illicit market or end them up to the undesirable end uses and end users for their misuse against fundamental values and humanity.

Section II: Intra-State Elements

1. National planning and decision-making process

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

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 defence 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 its members;
- shall ratify, denounce and annul international treaties by a majority of the total numbers of its members;
- Shall annually adopt the Law on the State Budget by a majority of the total number of its members;
- Adopts the laws concerning the military issues;

- Shall approve the number of the Defence Forces by a majority of the total number of its 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 dismiss 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 highest 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 state 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”, “on 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.

The law of Georgia on the “Rule of National Security Policy Planning and Coordination” also regulates spheres of the national security policy.

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 Georgian 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 draft of 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 draft of Defence Code,

defence planning will be implemented on the basis of strategic and interagency planning documents outlined below.

According to the first paragraph of the Article 15 of the Law of Georgia on „the Rules of Planning and Coordination of the National Security Policy“, the National Strategic Documents are:

- **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 the threats and significant challenges to the national security posed by the military, foreign policy, domestic, transnational, socio-economic, natural and human factors. The document shall be approved by the Government of Georgia.
- Strategy documents in security sphere including **National Defence Strategy 2020-2030** – will be the country’s key military-political document which will incorporate in it National Military Strategy and 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 outline tasks and missions for all relevant state agencies involved in provision of state defence in accordance with their areas of responsibilities. The (support) plans to be elaborated by these agencies will be integrated into the National Defence Preparedness Plan (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 deterrence and defence capacity by the end of 2030.
- **The Strategic Defence Review (SDR) 2017-2020**, together with its **Defence Transformation Implementation Plan (DTIP) 2017-2020**) will remain a key guiding document in terms of strategic planning until being incorporated into the National Defence Strategy.

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 GAF 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 Vision Document**– MoD revises and publishes the Minister’s Vision Document, which provides short-term planning guidance for the Ministry for the next year. The document aims to accomplish identified priorities for the current year in support of overall transformation process. Accordingly, Minister’s Directive 2020 was published in 2020. In 2019, Minister’s Vision for 2020 was elaborated. The detailed information on ongoing activities and priorities can be found on the official MoD webpage where Minister’s Vision document is uploaded for wider public awareness.

- **White paper 2017**– 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.
- **Defence Resource Management System** – In order to improve resource management process and ensure rational allocation of the scarce resources following activities were implemented in 2019:
- **Defence Programs Guidance** – The document represents mid-term budgetary planning document which sets program structure for 2020-2023 years. DPG links requirements to the priorities reflected in the strategic documents and ensures improvement of critical defence capabilities in a consistent, efficient and affordable manner.
- **Defence program management process** - to improve planning, financial management and control system MoD annually reviews/updates the order/instructions which defines functions and responsibilities of the structural units involved in resource management process as well as 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 developed 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.
- **Infrastructure Management System** -To establish effective infrastructure model, MoD conducted assessment of the current infrastructure planning, management and implementation system in order to identify existing shortfalls and based on the analysis of the international experience develop respective recommendations for future improvements.
- **Defence Resource Managements Handbook** – represents procedural document which describes the principles of defense resource planning and management, the key stages of budgeting, as well as the main and supporting structural units responsible for budgeting and execution and their functions and responsibilities in accordance with the programs outlined in the Defense Program Guidance (DPG). The document is in compliance with the terms and requirements set by the Ministry of Finance of Georgia identified in “Basic Data and Directions Document”.

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

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 and Professional Development working group
- Training and Education Working Group
- International Cooperation Working Group
- Force Planning Working Group
- Information Technologies and Cyber Security 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. How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

According to the 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 Skies treaty, CCW and the Memorandum of Understanding between the Ministry of Defence of Georgia and the European Union Monitoring Mission of January 26, 2009 and its amendment of July 02, 2010).

2. Existing Structures and Processes

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

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 Policy Planning and Coordination” has been amended (02/04/2019. №4397) and added III¹ chapter on “National Security Council”. 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 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

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

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. The 2019 SSSG annual report is already provided to the Parliament and is pending its hearings.

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 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 **State Inspector** 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 State Inspector (the latter having the authority to conduct oversight on the process of covert investigative activities).

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.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

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

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

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

- Rescue, ecological, fire-prevention or other special non-military labor formations;
- Engineering, repair organizations and facilities of civil purpose;

- Organizations and facilities making agricultural production;
- Establishments of communal/utility services;
- Establishments of health protection.

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

According to Article 5, paragraph 3 of the law on “non-military alternative labor service” A citizen may undergo non-military, alternative labor service in the relevant civilian position in the construction, agricultural and other subdivisions of the Georgian Defense Forces. 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 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

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

Besides, protection of the Rights of military personnel (including conscripts) is regulated by the Constitution of Georgia, as well as by the Georgian Laws on “The 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 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

The National IHL Commission in Georgia was created upon the Governmental Decree No. 408 on October 28, 2011¹². 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 5 years, up to 100 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.

It needs to be noted that on the 33rd International Conference of the Red Cross and Red Crescent the National IHL Commission of Georgia and the Red Cross Society of Georgia have jointly pledged to continue close cooperation to promote respect for and implementation of IHL, by promoting dissemination and awareness raising in the field of IHL.

¹²Document 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>

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.

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.

In order to ensure effective implementation of the Gender Equality Strategy the MoD continues to monitor and support training of Gender Advisors. Training includes workshops on gender equality, gender in military operations, gender adviser functions, best practices and handling of complaints. The MoD Gender Equality Monitoring Team continues to monitor Gender Equality Strategy implementation and assess the overall environment within the defence institution concerning gender-related issues. Additionally the process of developing a new Gender Equality strategy is underway, that will take into account the recommendations based on the Organizational Climate Survey results.

Sex-Disaggregated Data Collection and Analysis System

Gender equality issues are part of new HR data software system, which was established at the Ministry of Defence in 2018. The new system gives the opportunity to segregate data on gender bases. In addition, Elaboration of The Guidelines for the Sex-Disaggregated Data Collection and Analysis System is in progress and with the support of UN Women of Georgia, in 2019, the Workshop on the “establishment/improvement of the data collection and analysis systems” was held for the employees involved in data entry and processing.

On January, 2020 UN Women Georgia organized trainings for national partners to improve sexual harassment mechanisms in the workplace, as well as to investigate sexual harassment cases using an approach focused on the victims/survivors. Representatives from the following MoD departments: HR department, General Inspection, and Military police were attending the training. MoD is working on to set up internal sexual harassment investigation protocol and to develop the capacities of employees to conduct victim/survivor-centered investigations.

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.

Within the framework of the project, the Organizational Climate Survey at the Ministry of Defence of Georgia has been conducted in 2019. Currently the obtained results are analyzed and recommendations are developed, Accordingly, Ministry of Defence of Georgia will use the findings of the Organizational Climate Survey to create, develop and improve strategies, policies and procedures to prevent and respond to discrimination, harassment, bullying and abuse, and to establish relevant mechanisms to respond to the needs of its employees.

The baseline data on levels of satisfaction of servicemen and servicewomen; barriers for the active and meaningful participation of women in Georgia's Defence forces and military operations; and prevalence of discrimination, harassment, bullying and abuse will be a point of reference for monitoring and evaluating the impact of new training, policy etc.

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 UNSC1325 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).

Gender and domestic violence issues are also subject of PTSD (Post Traumatic Stress Disorder) sessions held by MOD Psychologists post deployment. Therefore, the psychologists have also participated basic domestic violence prevention training in July 2017.

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

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

According to the Constitution of Georgia and the Law of Georgia “On Defence of Georgia”, “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 What has been done to provide for the individual service member’s exercise of his or her civil rights and how does your State ensure that the country’s armed forces are politically neutral?

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

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

According to article 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 How does your State ensure that its defence policy and doctrine are consistent with international law?

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

1.3. How does your State ensure public access to information related to your State's armed forces?

The right to access to public information is guaranteed by the Constitution of Georgia according to which: "Everyone has the right to be familiarized with information about him/her, or other information, or an official document that exists in public institutions in accordance with the procedures established by law, unless this information or document contains commercial or professional secrets, or is acknowledged as a state secret by law or in accordance with the procedures established by law as necessary in a democratic society to ensure national security or public safety or to protect the interests of legal proceedings (Article 18)."

General Administrative Code of Georgia also states that: "Everyone may have access to public information available at the administrative body, as well as receive copies unless the information contains state, professional, or commercial secrets or personal data. (Article 10)."

The General Administrative Code of Georgia provides that any state agency is required to issue public information (including information requested electronically) instantly or no later than 10 days (Article 40). The exception to the general rule is envisaged in the same Code according to which: "Public information shall be open, except for cases provided for by law and information considered to be the state, commercial or professional secrets, or the personal data (Article 28)." In such cases the state agency should inform citizens in a written form within 3 days (Article 41, General Administrative Code).

The issues of classified information are regulated by the Law on State Secrets and the Decree of the Government of Georgia №507 on approving the Normative Acts Concerning the Enforcement of the Law of Georgia on State Secrets. Annex 2 of the Decree regulates the list of information that is considered as a state secret and Chapter 2 includes Defence related provisions.

The Law on Personal Data Protection provides the definition of personal data; in particular, article 2 states that: "Personal data is any information connected to an identified or identifiable natural person. A person shall be identifiable when he/she may be identified directly or indirectly, in particular by an identification number or by any physical, physiological, psychological, economic, cultural or social features specific to this person;"

In accordance with Article 49, General Administrative Code public institutions are obliged to prepare annual reports on access to public information by December 10 each year, and submit it to the Parliament, the President and the Prime Minister of Georgia, and publish in the Legislative Herald.

The annual reports of the Ministry of Defence on access to public information are regularly submitted to the aforementioned institutions and are available on the Public Information Portal of the Ministry.

Bellow you can find information on the statistics of 2019 annual report:

- Total number of requests - 2877;
- Number of requests met - 1831;
- Number of requests partially met - 31;
- Number of requests at the review stage 270
- Number of requests left without any review – 14;
- Forwarded to another agency (Article 80 of General Administrative Code) – 16;
- Total number of decisions made to reject a claim – 715.

The legal grounds for refusal of information were relevant articles of the General Administrative Code of Georgia (Articles 3, 28, 29, 44, 83, 99 and 102), Personal Data Protection Law of Georgia, Law of Georgia on State Secrets, and the absence of requested information.

Public Information Division within the Administration of MoD is responsible to ensure the public access to information with due regard to the data protection provisions in order to make the Institution more compliant with the abovementioned regulations. It is also tasked to ensure elaboration of specific recommendations and proposals on the matter, designed for the Ministry and it's LEPLS (the Order of Minister of Defense No. 335 of 20th April 2017).

Government of Georgia №219 Decree (26th of August 2013) on Electronic Request and Proactive Publication of Public Information was promoted by the group of civil society organizations defines the standard for proactive publication of public information, the rule for requesting public information in electronic form and the list of public information to be proactively published; and creates obligations for all state agencies to release information on their activities electronically, free of charge and in easy-to-use, open forms.

Minister of Defence Order N27 (2017) defines the updated rule about proactive publishing of public information and the standard of requesting and issuing public information electronically.

As a result, number of information is now proactively published and regularly updated (quarterly/annually) on the official website of the Ministry. This information is categorized under the following headings:

- General information about the Ministry;
- Information about staffing of the Ministry;
- Information about procurements and privatization of state property;
- Information on Ministry's funding and spending;

- Legal acts related to the activities of the Ministry;
- Contact information of responsible persons for public information;
- Contact information of other structural units;
- Other public information.

The above-mentioned information is available on MOD's Public Information Portal - <https://mod.gov.ge/ge/public>. In addition, since 2017 public information requests can also be sent to the following email address: public@mod.gov.ge.