

Law of Georgia

ON COMBATING TERRORISM

Chapter I. General provisions

The present Law specifies the legal and organizational foundation of the fight against terrorism in Georgia including the order of coordination of the state authorities in the sphere of fight against terrorism, grounds of participation of public associations, organizations, officials and citizens in struggle against terrorism, their authorities, liabilities and guarantees of social protection.

Article 1. Definition of terms

The terms, applied in the Law, are defined as follows:

- a) Terrorism is violence or menace of its application against natural or legal persons, elimination, injury or menace of elimination, damage of buildings, constructions, vehicles, communications and other tangible objects with application of arms, explosive materials, nuclear, chemical, biological or other dangerous for human life and health substances, or kidnapping through hostage taking for compelling of the authorities or any state authority or an international organization to realize defined actions or restriction from realization of defined actions for illegal interests of terrorists;
- b) An act of terrorism is an explosion, arson, application of arms or any other action causing a menace to human life, significant property damage or another grave result, encroaching upon social security, significant political or economical state interest and committed to intimidate population and putting pressure upon the state authorities;
- c) Terrorist activity is such activity, the liability for which is defined in the Chapter XXXVIII of the Criminal Code of Georgia;
- d) International terrorism is a terrorist activity, realized by:
 - d.a.) Terrorists, terrorist groups or terrorist organizations in the territory of a foreign state (states) or caused harm to a foreign state (states);
 - d.b.) Citizens of one state against citizens of another state;
 - d.c.) In cases where both the terrorist and the victim of terrorism are citizens of the same state or different states but the crime is committed outside the territories of these states;
- e) "Terrorist" is a person participating in terrorist activity;
- f) Terrorist group is a group of persons united with an aim to carrying out terrorist activity;
- g) Terrorist organization is an organization (regardless of the form), established for realization of terrorist activity (an act of terrorism). An organization is deemed to be terrorist,

if at least one of its structural subdivisions or a member of this organization engages in terrorist activities with the knowledge of at least one of the organization's steering bodies;

h) A "hostage" is an individual seized and (or) detained with a view to compelling a state, an organization, or individuals to carry out an action or refrain from carrying out an action as a condition for the release of the person who is being detained;

i) Struggle against terrorism is activity to prevent, uncover, stop, and minimize the consequences of terrorist activity;

j) Counterterrorist operation is a complex of special measures, aimed at stopping an act of terrorism, ensuring security of individuals, neutralizing terrorists, and minimizing the consequences of an act of terrorism and (or) another crime, committed for the purpose of terrorism;

k) Security zone is a zone of active or mass operation of subjects involved in struggle against terrorism;

l) A "counterterrorist operation zone" is the particular areas of land or water, vehicle, building, installation, or premises and the adjoining territories or land, water and air areas within which the aforementioned operation is carried out;

m) Regime in the counterterrorist operation zone is state of emergency, temporarily established for the period of carrying out of a counterterrorist operation stipulating assignment of special authorities to the subject involved in struggle against terrorism spelled out in the Law, necessary for release of hostages, provision of security of human life and health, normal functioning of the authorities of the state government and local self-government, institutions, companies and organizations.

Article 2. Legal basis of struggle against terrorism

The legal basis of struggle against terrorism in Georgia shall be formed with international agreement and treaties of Georgia, Laws of Georgia including the given law and other standard acts.

Article 3. Objectives of struggle against terrorism

The objectives of struggle against terrorism are as follows:

a) legality;

b) protection and respect of the rights and freedoms of natural and legal persons;

c) the priority of defending the rights of persons exposed to danger as a result of a act of terrorism;

d) the priority of measures of terrorism prevention;

e) complex use of legal, political, social-economic, propaganda, informational and other measures;

f) negotiating with terrorists to prevent possible consequences of a crime of terrorist character;

g) one-man command in the operational leadership of forces and resources involved in conducting counterterrorist operations;

h) confidentiality regarding technical measures and tactics applied during the conduct of counterterrorist operations and the membership of such operations;

i) inevitability of punishment for terrorist activity.

Chapter II. ORGANIZATION OF MEASURES TO STRUGGLE TERRORISM

Article 4. Subjects engaged in struggle against terrorism

1. The Government of Georgia shall exercise general leadership of struggle against terrorism and shall provide necessary forces, means and material resources to struggle against terrorism.

2. The following state agencies shall directly implement the fight against terrorism:

a) The Ministry of Interior of Georgia, which is the main authority of the joint state system of struggle against terrorism;

b) The Ministry of Defense of Georgia;

c) The special service of foreign intelligence of Georgia;

d) Special service of the state security of Georgia.

3. Other relevant state agencies of Georgia shall, within the limits of their powers, spelled out with the legislation of Georgia, also participate in struggle against terrorism.

Article 5. Competencies of other state subjects participating in struggle against terrorism

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

2. The Ministry of Interior of Georgia: provides guarding of weapon, ammunition, explosive and poisoning substances in various military units or stored at certain places; in case of an act of terrorism in airspace or territorial waters of Georgia it organizes training and application of infantry, military air forces, subdivisions of antiaircraft security and naval forces of the Armed Forces of Georgia; participates in counterterrorist operations carried out in military centers.

3. Special service of the foreign intelligence of Georgia: obtains and then processes information about foreign and international terrorist organizations operating outside Georgia and delivers it to the respective authorities in the defined order; participates in counterterrorist operations within its competence.

4. Special service of the state security of Georgia participates in operation to prevent acts of terrorisms against officials and objects, protection of which is within its competence.

Article 6. Competencies of other subjects participating in struggle against terrorism

Other subjects participating in struggle against terrorism within their competencies: realize measures aimed at preventing, uncovering and suppressing terrorist activities and other crimes of terrorist nature; elaborate and realize regime-type, organizational and other measures; provide conditions for realization of counterterrorist operations at the objects within the sphere of their management; during realization of such operations deliver material-technical, financial and transport assets, means of communication, medical equipment and medications to the respective department, provide it with information and other means necessary for struggle against terrorism and performance of the assignments.

CHAPTER III. CONTROL OVER EXTREME SITUATIONS ORIGINATED AS A RESULT OF TERRORIST ACTIVITY AND REALIZATION OF COUNTERTERRORIST OPERATIONS.

Article 7. Control over extreme situation, originated as a result of terrorist activity

1. In extreme situation originated as a result of terrorist activity, the operative headquarters of control over extreme situations, administered by the Minister of Interior of Georgia, is established according to a decree of the President of Georgia.

2. The order of organization and realization of the activity of the operative headquarters of control over extreme situations is defined by the President of Georgia.

Article 8. Provision of forces and means for counterterrorist operations

1. In order to conduct a counterterrorist operation for prevention of an act of terrorism the operative headquarters of control over extreme situations is authorized to apply all the necessary powers and means of the departments of the executive and local self-government authorities in the order spelled out with the legislation of Georgia, allocate the equipment, special transport means, means of communication and other tangible means necessary for carrying out of a counterterrorist operation.

2. Intensity of application of weapon, special means and physical compulsion is defined at account of a concrete situation, crimes of terrorist nature and individual peculiarities of a terrorist.

Article 9. Control over a counterterrorist operation

1. Since the commencement of the operation all the persons participating in a counterterrorist operation, subordinate to the chief of the operative headquarters of control over operative situations.

2. Deputy Chief of the operative headquarters of control over operative situations as the chief of the counterterrorist operation defines the boundaries of the counterterrorist operation zone, makes decision on application of forces and means involved for carrying out of the operation.

3. Interference of any other persons in the activity of control over counterterrorist operation is inadmissible.

Article 10. Legal regime for the counterterrorist operation zone

At application of counterterrorist measures two zones of special legal regimes are established: the security zone and the counterterrorist operation zone.

1. The Minister of Interior of Georgia – the chief of the operative headquarters of control over extreme situations makes a decision on establishment of the zones. The President of Georgia, the Parliament of Georgia, and the authorities of local self-government are immediately informed on the decision and the decision is immediately promulgated in mass media.

2. The security zone implies the territory, on which subjects involved in struggle against terrorism are temporarily authorized the following in the order spelled out in the legislation of Georgia:

a) to set pickets for examination of vehicles;

b) to patrol and check identification documents of citizens;

3. A counterterrorist operation zone implies the territory, in which a counterterrorist operation is carried out.

4. The persons, conducting an operation in the counterterrorist operation zone are authorized the following in case of urgent necessity and in the order spelled out with the legislation of Georgia:

a) before termination of a counterterrorist operation to undertake measures for temporarily restriction or prohibition of movement of vehicles and pedestrians on streets and roads;

b) to check identification documents of citizens;

c) at prevention of an act of terrorism or prosecution of the person, suspected in commitment of an act of terrorism, to enter unimpeded the apartments and other premises belonging to citizens, their land; territories of organizations and institutions (regardless of the form of ownership), vehicles; apply means of communication owned by citizens of organizations including special means; examine personal objects of citizens, vehicles and cargoes, including with application of technical means at entrance the counterterrorist operation zone and leaving it, in the course of preventing acts of terrorism if postponing these actions constitutes a real menace to the lives and health of persons.

d) To apply vehicles, owned by citizens, enterprises, offices, organizations and social associations, (except for vehicles of diplomatic missions and consulates of foreign states and international organizations and other organizations being under international protection), with the purpose of preventing an act of terrorism, pursuing and detaining persons, who have committed an act of terrorism, or for transporting persons in need of urgent medical help to the medical institution, or for arrival to the place of an accident.

5. In the security zone and counterterrorist operation zone subjects involved in struggle against terrorism within their competence apply other authorities spelled out in the legislation of Georgia.

Article 11. Authority for application of special means or (and) physical compulsion

A person, participating in a counterterrorist operation, is authorized in the order spelled out in the legislation of Georgia, to apply special means or (and) physical compulsion for defense or personal security and security of citizens, prevention of crime or detention of a criminal, if without their application performance of the liabilities imposed by the law for the person, participating in a counterterrorist operation, is impossible.

Article 12. Conducting negotiations with terrorists

1. During a counterterrorist operation negotiations may be conducted with terrorists in order to protect the lives and health of people, material valuables, to determine the possibilities for prevention of an act of terrorism without the use of force in the order spelled out in the legislation of Georgia.

2. Only persons authorized by the operational chief may conduct negotiations with terrorists.

Article 13. Informing the public about act of terrorisms

1. During conduction of counterterrorist operations, the public shall be informed about act of terrorisms by mass media or any other form available to the population. The chief of the counterterrorist operation defines the volume of the information in compliance to the Law of Georgia "On State Secret". Disclosure of information, considered state secret, results in liability as spelled out in the legislation of Georgia.

2. The operative headquarters of control over operative situations makes a decision on restriction of presence of television, broadcasting mobile stations and (or) mass media reporters in the counterterrorist operation zone.

Article 14. Completion of counterterrorist operations

1. A counterterrorist operation shall be deemed completed when the act of terrorism has been prevented (stopped) and the danger threatening the lives of and health of people in the counterterrorist operation zone has been eliminated.

2. The operational headquarters chief shall issue a decision about the completion of the counterterrorist operation. The population is immediately informed on it through mass media or any other form available to the population.

CHAPTER IV. REIMBURSEMENT OF DAMAGE CAUSED AS A RESULT OF A ACT OF TERRORISM. SOCIAL REHABILITATION OF PERSONS WHO HAVE SUFFERED AS A RESULT OF A ACT OF TERRORISM

Article 15. Reimbursement of damage caused as a result of an act of terrorism

1. Damage to natural or legal persons resulting from act of terrorism or their prevention shall be fully compensated through funds from the state budget of Georgia, in the order spelled out in the legislation of Georgia.

2. Damage to legal persons resulting from act of terrorisms or their prevention shall be compensated in the order spelled out in the legislation of Georgia.

Article 16. Social rehabilitation of persons who have suffered as a result of an act of terrorism

1. Social rehabilitation of persons who have incurred damage as a result of an act of terrorism and the persons, stipulated in the Article 17 of the given Law is made from the state budget of Georgia.

2. The President of Georgia defines the order of social rehabilitation of persons, who have incurred damage as a result of an act of terrorism.

Chapter V. LEGAL AND SOCIAL PROTECTION OF PERSONS ENGAGED IN COMBATING TERRORISM

Article 17. Persons taking part in the fight against terrorism who are subject to legal and social protection

1. Persons engaged in combating terrorism shall be protected by the state.

2. Legal and social protection measures shall be applied with regard to the following persons:

a) servicemen, staffers and specialists of the state executive agencies directly engaged in the fight against terrorism;

b) persons permanently or temporarily helping state organs engaged in the fight against crime in preventing, uncovering, and suppressing terrorist activity and minimizing its consequences;

c) members of the families of persons listed in paragraphs “a” and “b” of the present Article if the need to provide them with protection stems from participation of the enlisted persons in the fight against terrorism.

3. The person participating in fight against terrorism, a participant of counterterrorist operation in case of mutilation (in case of his death, his family) during conducting of the mentioned operation, is paid compensation in the order spelled out in the legislation of Georgia.

Chapter VI. LIABILITY FOR PARTICIPATION IN TERRORIST ACTIVITY

Article 18. Liability for participation in terrorist activity

Persons who have participated in the terrorist activity shall incur liability in the manner provided for under the Criminal Code of Georgia. Disobedience to the legal demand of an official during realization of a counterterrorist operation or rendering of counteraction and also illegal interference in his legal activity result in the liability spelled out in the legislation of Georgia.

Article 19. Liability of organizations for terrorist activity

1. The organization, declared at the trial to be terrorist and liable for commitment of an act of terrorism, is liable in the order spelled out in the legislation of Georgia.

2. The Prosecutor General of Georgia or the authorized prosecutor defined with the legislation of Georgia submits an application on acknowledgement of an organization terrorist in the order spelled out in the legislation of Georgia.

CHAPTER VII. INTERNATIONAL COOPERATION OF GEORGIA IN THE SPHERE OF COMBATING TERRORISM

Article 20. The fundamentals of international cooperation in the sphere of combating terrorism

In compliance to international agreement and treaties Georgia cooperates with foreign states, their law enforcement bodies, courts and special services and international organizations engaged in combating terrorism in the sphere of combating terrorism.

Article 21. Delivery of information

Georgia delivers information to foreign states about international terrorism in compliance to the requirements of the legislation of Georgia and liabilities, stipulated in international treaties and agreements.

Article 22. Extradition of persons participated in terrorist activity

1. Foreign citizens and (or) people without citizenship, who do not permanently reside in Georgia, can be extradited to foreign states for bringing to responsibility.
2. Extradition of the people, mentioned in the first paragraph of the present Article, is made for bringing them to responsibility, provision of performance of the liabilities, stipulated in international agreement and treaties.

CHAPTER VIII. CONTROL AND SUPERVISION OVER LEGALITY OF COMBATING TERRORISM

Article 23. The parliamentary and presidential control

1. The forms of parliamentary and presidential control over combating terrorism are defined in the legislation of Georgia.
2. Members of Parliament of Georgia can have information, secured with the Law, about fight against terrorism in the order spelled out in the legislation of Georgia.

Article 24. Supervision of Public Prosecutions

The Prosecutor General of Georgia or the authorized prosecutor appointed in compliance to the legislation of Georgia control strict observance of the legislation of Georgia in combating terrorism.

Article 25. Budget control over fight against terrorism

A special group of the Chamber of Control of Georgia, the members of which have an access to the State secret, control application and spending of means from the budget of Georgia and other material values of the state allocated for fight against terrorism.

CHAPTER IX. TRANSITION AND CONCLUSIVE PROVISIONS

Article 26. Transitions

To ask the President of Georgia to make the following decrees in six months after implementation of the given Law:

- a) “On the order of organization of the counterterrorist activity in the country and coordination of the activity of objects combating terrorism”.
- b) “On the order of rehabilitation of persons, participated in counterterrorist operations and victims as a result of act of terrorism”.

Article 27. Conclusive provision

To implement the Law on promulgation.

President of Georgia

Mikheil Saakashvili

Tbilisi

The 27th of June, 2007

5071 RS