

Law of Georgia

ON THE STATE OF EMERGENCY

Article 1.

1. State of emergency is a temporary measure declared in accordance with the Georgian legislation to secure safety of citizens of Georgia in case of war, mass riot, infringement upon territorial integrity of the country, military coup d'état, armed rebellion, ecological catastrophe, epidemic, natural calamity, gross breakdown, epizootic and in other circumstances where the public authorities are not able to normally exercise their constitutional powers.
2. Purpose of declaring a state of emergency is to normalize the situation most promptly and to restore law and order.

Article 2.

1. President of Georgia may declare state of emergency on the entire territory of Georgia or in its part.
2. President of Georgia, through media, warns the population on declaring state of emergency on the entire territory of the country or in its part and within 48 hours submits his decision to the Parliament of Georgia for approval. If the Parliament refuses to approve the decision of President, the state of emergency will be considered cancelled.
3. In a state of emergency, President of Georgia issues decrees having a legal force of laws. Such decrees shall be submitted to the Parliament in 48 hours.
4. In a state of emergency, decrees issued by President of Georgia restricting human rights and freedoms prescribed in Articles 18, 20, 21, 22, 24, 25, 30, 33 and 41 of the Constitution of Georgia, shall be subject to approval by the Parliament. Text of the decree shall be aired in media within a day since it has been signed, at least once in every two hours.

Article 3.

1. An ordinance of the President of Georgia on declaring a state of emergency shall stipulate grounds for taking such a decision, the term of validity of the state of emergency, and its territorial scope.
2. President of Georgia may, with the consent of Parliament, prolong or cancel the state of emergency.
3. Should the Parliament consider that grounds referred to in paragraph 1 of this Article no longer exist, it shall pass a law on cancellation of the state of emergency.
4. A decision on declaring, prolonging or canceling a state of emergency shall become effective from the moment it was taken unless otherwise prescribed by the Georgian legislation and shall be promulgated immediately.
5. As soon as the state of emergency is canceled, all decrees of the President of Georgia issued in the period of state of emergency shall become ineffective.

Article 4.

In a state of emergency, as may be required, the highest executive authorities of Georgia may, within the scope of their competence, take the following measures:

- a. Enforce public order and protection of objects that are necessary for the activity of the population and functioning of economy;
- b. Evacuate citizens from districts where danger to life prevails and provide them with temporary shelters;
- c. Introduce a special entrance and exit regime in areas where state of emergency is declared;
- d. When circumstances so require, limit the right of citizens and stateless persons to free movement, forbid leaving a living house or other place without prior permission, evict perpetrators of public order who are not permanent residents in the specific area to the place of their permanent residence or beyond the area of state of emergency at the expense of the perpetrators;
- e. Temporarily confiscate firearms, cold steel and ammunition from citizens; temporarily confiscate training weapons and military equipment, explosives, radioactive, strong chemicals and poisonous substances from companies, institutions and organizations;
- f. Prohibit public meetings, demonstrations and manifestations as well as entertainment and sports shows or other mass activities;
- g. Alter production and supply schemes in state-owned companies and organizations; introduce extraordinary working regime for state-owned companies, institutions and organizations and take decisions on other issues of their economic activity;
- h. As may be required from the state of emergency, replace directors of state-owned companies, institutions, and organizations that are of strategic or vital importance to the population; temporarily forbid voluntary leave by employees of such companies, institutions, and organizations, unless a valid cause is present; restore dismissed persons in their office immediately after the state of necessity is canceled, unless there is a lawful ground for their dismissal.
- i. Use resources of state-owned companies, institutions, and organizations in accordance with the applicable legislation to prevent or eliminate results of the state of emergency; use private property of natural persons and legal entities only with proper compensation, which will be made after the state of emergency is over;
- j. Forbid strikes;
- k. Involve citizens who are able to work in the activity of companies, institutions and organizations at an average salary as well as use citizens' service to eliminate results of the state of emergency, with a proper guarantee of a safe working environment;
- l. Restrict or forbid trade in firearms, strong chemicals and poisonous substances, alcoholic beverages and substances containing spirit; forbid wearing military uniforms and other equipment without permission;
- m. Introduce quarantine or take other medical and anti-epidemic measures;
- n. Subject media to their control in accordance with procedures prescribed by law;
- o. Introduce special rules on the use of communication facilities;
- p. Restrict movement of vehicles and conduct checks;

- q. Impose a curfew;
- r. Prevent formation of citizens' armed groups in violation of the Georgian legislation;
- s. Check citizens' documents in public areas and, when adequate grounds are present, conduct searches of persons and their vehicles.

Article 5.

1. The highest executive authorities may abrogate any decision made by their subordinate units active in the state of emergency areas.
2. The National Security Council of Georgia shall be in charge of coordinating activities relating to prevention and elimination of the state of emergency results.

Article 6.

In a state of emergency, directors of companies, institutions and organizations may, when so required, transfer their employees to jobs not prescribed in their employment contracts.

Article 7.

1. When a curfew is declared, citizens may not be in the streets or public areas and leave their homes without having personal identification documents with them.
2. Police or patrol forces may detain perpetrators of the rule described in paragraph 1 of this Article until the curfew is over; those who do not have documents with them may be detained until their identity is determined but the detention period shall not exceed 3 days. Detained persons may be checked and searched.

Article 8.

Violation of paragraphs (c), (d), (f), (j) and paragraphs (l) to (p) of Article 4 and paragraph 1 of Article 7 shall be the basis for administrative responsibility under law.

Article 9.

By decision of President of Georgia and with the consent of Parliament of Georgia, military forces acting on the basis of this law and other relevant normative acts may be employed to eliminate the results of state of emergency, to protect public order and to safeguard safety of citizens.

Article 10.

1. For the purpose of coordinating actions of used forces for the elimination of state of emergency results, President of Georgia may, by his decree, set up temporary bodies or appoint a representative of President and/or a commandant at the proposition of the National Security Council in the state of emergency area.

2. The representative of President of Georgia/commandant in the state of emergency area may issue orders to enforce normative acts of President to regulate issues relating to the state of emergency regime as described in this Law.

Article 11.

In declaring a state of emergency, President of Georgia may invite for up to two months experts who are able to provide assistance in eliminating results of natural calamities, gross breakdowns, catastrophes, epidemics, and epizootic diseases.

Article 12.

In a state of emergency, Parliament of Georgia shall be entitled to alter territorial jurisdiction of courts on criminal and civil cases determined by law.

Article 13.

1. In a state of emergency or to prevent a state of emergency, the State shall provide citizens who incurred damages in the course of preventive or elimination measures with shelters, compensate material damages, assist in finding a job and render other aid.
2. President of Georgia determines procedures relating to providing shelter, material compensation and other assistance.

Article 14

1. If in state of emergency areas authorities are not able to function properly, President of Georgia may by his decree, based on the Georgian legislation, create a temporary government until the final cancellation of the state of emergency.
2. Where circumstances referred to in paragraph 1 of this Article are the case, competence of appropriate authorities shall be temporarily suspended and a body or a person appointed by President of Georgia will be vested with the powers of official authority. The body or the person appointed by President, acting within its/his competence and on the basis of legislation, shall be entitled to:
 - a. Use measures described in Article 4;
 - b. Temporarily function as bodies of local governance and self-governance;
 - c. Submit proposals regarding state, economic and social issues to the highest executive authorities;
 - d. Place state-owned companies, institutions and organizations in state of emergency areas under their subordination, in accordance with rules determined by President.

Article 15.

The Ministry of Foreign Affairs of Georgia shall immediately notify the Secretary General of the United Nations of declaration or cancellation of state of emergency.

Article 16.

1. This Law shall become effective from the moment of its promulgation.
2. Law of Republic of Georgia on Emergency Rules of December 11, 1990 shall become void (Official Gazette of the Supreme Council of the Republic of Georgia, 1990, 12, Article 364).

President of Georgia

Tbilisi

October 17, 1997

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