

GEORGIA

Definition and Prosecution of Terrorist Acts

The Criminal Code of Georgia's terrorism chapter prescribes criminal liability for various forms of terrorist acts. Terrorism falls within the category of the gravest crimes and is subject to the most severe punishments. The Criminal Code differentiates terrorism according to means, facilities, consequences, and criminal organizations, and establishes respective punishments for each. Special attention is paid to issues related to participation in organized terrorism. The code distinguishes formation of or leading a terrorist organization, participation in a terrorist organization, and accession and assistance to a terrorist organization of a foreign state or to such organization controlled by a foreign state:

- Crimes that are deemed terrorist acts are punishable by prison sentences of 5 to 20 years;
- Acts deemed technological terrorism are punishable by prison sentences of 8 to 15 years;
- Assaults on Georgian political officials are punishable by prison sentences of 7 years to life imprisonment;
- Assault on persons or institutions that enjoy international protection are punishable by prison sentences of 7 years to life;
- Formation, participation, or leading terrorist organizations is punishable by prison sentences of 7 to 10 years;
- Accession or assistance to terrorist organizations in or controlled by foreign nations is punishable by prison sentences of 7 to 15 years;
- Taking hostages for terrorist purposes is punishable by prison sentences of 7 to 15 years;
- Taking possession of or blocking areas of strategic importance for terrorist purposes is punishable by prison sentences of 12 to 20 years;
- False claims of terrorist acts are punishable by fine, a maximum of two years of corrective labor, or imprisonment of up to three months.

Significantly, it is a crime to transport active, poison, radioactive or explosive materials weapons, arms, war materials, military weapon, nuclear, biological, chemical or other type of weapon of mass destruction or material that can be used for the production of weapon of mass destruction, or strategically important feedstock, that are subject to customs regulation committed by avoidance customs control or by falsification of customs documents or declaration data. Punishment is imprisonment for 5 to 10 years plus a penalty equal to 100 times the violators daily salary.

Prevention of Terrorism – Security Measures

Georgia has established within the National Security Council the Ad Hoc Interdepartmental Counter-terrorism commission. Furthermore, the National Security Council will hear bi-annual reports on the specific efforts made to implement United Nations Security Council resolution 1373, and to effectuate the Unified National Program of Georgia for Combating International Terrorism. One of the primary functions of the Ministry of State Security for Georgia is to analyze, detect, and prevent terrorist acts or attempted terrorist acts, identify persons suspected of committing terrorist acts, and implement specific measures under Georgian legislation as well as international agreements. Furthermore, the State Department for Intelligence of Georgia carries out numerous counter-terrorism activities. As a result, the Department has identified and apprehended persons suspected of being involved in terrorist activity, as well as those supporting their activity.

In order to preserve stability and prevent any possible terrorist act in Georgia, the Ministry of Defense was put under a special regime of work. Substantial measures have been taken to improve the rapid response capabilities of officers and privates. Furthermore, increased

attention is paid to counter-terrorist actions during military training. “In response to the recommendation given by a group of foreign experts, the Ministry of Defense has launched efforts to modernize special armed units in line with western standards. In this respect, close contacts are maintained with the defense establishments of the United States and the Republic of Turkey.”

The body responsible for the safety of all the airports and commercial agencies has strengthened both the organizational and practical measures under the civil aviation standards. This body has been responsible for revising the program for aviation safety. In order to ensure these security measures are effective and airports and agencies are safe, two main inspection measures have been implemented. First, baggage is hand checked with a portable metal detector. Second, there is comprehensive inspection of baggage and other items with the use of fixed metal detecting equipment.

Weapons Control

The Law on Export Control for Armament, Military Techniques, and Dual-Purpose Products defines "*Dual-Use Products*" as products that are not intended for use in military purposes but which can be used for the creation of nuclear, chemical, and other types of weapons of mass destruction and their means of delivery. The law authorizes the executive bodies of the government to regulate, control and exports, and issue licences. An export contract is required for controlled goods and services registered by Ministry of Trade and Foreign Economic Relations. Chapter 11 subjects to export control: disease agents, their genetically altered forms, and fragments of genetic material which can be used for the creation of bacteriological (biological) and toxin weapons; items on control lists that are established by international non-proliferation regimes; equipment, materials, and technologies usable for missiles; and other types of products according to the decision of the President of Georgia. Export to states and end-users suspected of being involved in clandestine WMD programs is prohibited. Illegal exports or imports are punishable by either criminal and/or civil penalties. The Customs Code of Georgia defines the legislative, economic and organisational basis for customs policy and defines the responsibilities and rights of customs officials.

The Georgia Criminal Code punishes the illegal purchase, keeping, carrying, making, shipment and delivery of arms. “In addition, punishment is prescribed for such arms-related actions that may be directed to carry out terrorist acts. For example, preparation of nuclear arms, illegal export of the technology, scientific-technical information or services used in the creation of arms of mass destruction, and illegally taking possession or extortion of arms for misappropriation purposes.” Partner states are continuously updated on the actions and movements of terrorists, as well as their arms, communications and technological facilities.

Money Laundering – Prevention and Prosecution

The Minister of Finance of Georgia possesses a list of organizations and individuals suspected of terrorist activity and has issued an order banning any cooperation with organizations or individuals related to terrorist activity. Aiding and abetting, regardless of the ways of its manifestation, including through financial assets and economic means, are prohibited and punishable by law in Georgia.” The national criminal procedural law of Georgia provides for effective measures for freezing accounts and assets kept in banks and financial institutions, including laying attachment (seizure) on bank accounts. Attachment on assets is used as security against criminal activities and other situations where such assets have been obtained through illegal means. The procedure for the attachment of assets (bank accounts) is laid out in detail under Articles 190-201 of the Georgia Criminal Code.

Information Sharing

“Georgia has acceded to 5 out of 11 UN conventions against terrorism and is now working to modify its national laws to accede to the remaining conventions. Where there is no international agreement with any specific country over cooperation on criminal matters, or in a case where such agreements do not provide any specific procedural rule, Georgia renders assistance over criminal matters through the General Prosecutor’s Office of Georgia where the Department for International Relations operates for this particular purpose.

Georgia seeks to work with the international community in combating global terrorism. Georgia is a party to numerous multilateral international agreements both on an international and regional level (the UN, the OSCE, the European Council, and the CIS) and bilateral agreements with several nations around the world. Partner states are continually updated on the actions and movements of terrorists, as well as arms, communications and technological facilities possessed by terrorists. Furthermore, Georgia and Special Services of partner States regularly engage in the exchange of information to each other in order to prevent terrorist acts.

BIBLIOGRAPHY OF GEORGIAN LEGISLATION

Definition and Prosecution of Terrorist Acts

- 1.) Criminal Code of Georgia, Chapter XXXVIII, Article 323 – Terrorist acts
- 2.) Criminal Code of Georgia, Chapter XXXVIII, Article 324 – Technological terrorism
- 3.) Criminal Code of Georgia, Chapter XXXVIII, Article 325 – Assault on Georgian Political
- 4.) official
- 5.) Criminal Code of Georgia, Chapter XXXVIII, Article 326 – Assault on persons or institutions
- 6.) enjoying international protection.
- 7.) Criminal Code of Georgia, Chapter XXXVIII, Article 327 – formation of, leading of,
- 8.) participating in a terrorist organization.
- 9.) Criminal Code of Georgia, Chapter XXXVIII, Article 328 – Accession or assistance to terrorist
- 10.) organizations.
- 11.) Criminal Code of Georgia, Chapter XXXVIII, Article 329 – The taking of hostages
- 12.) Criminal Code of Georgia, Chapter XXXVIII, Article 330 – Taking possession of, or blocking
- 13.) areas of strategic importance.
- 14.) Criminal Code of Georgia, Chapter XXXVIII, Article 331 – False claims of terrorist acts.

Weapons Control and Laws Pertaining To Biology

- 1.) Criminal Code of Georgia, July 1999, Art. 217
- 2.) The Law on Export Control for Armament, Military Techniques, and Dual-Purpose Products, 28 April 1998
- 3.) Customs Code of Georgia, 14 November 1997
- 4.) Law of Georgia on Agricultural Quarantine, 15 May 1997
- 5.) Law of Georgia on Customs, 27 December 1996
- 6.) Law of Georgia on the Protection of Plants from Malicious Organisms, 12 October 1994

Money Laundering – Prevention and Prosecution

- 1.) Criminal Code of Georgia, Chapter XXIII, Article 190 -201.

Information Sharing

- 1.) 1951 United Nations Convention on the Status of Refugees.
- 2.) 1979 New-York Convention against the Taking of Hostages.
- 3.) 1980 Vienna Convention on Physical Protection of Nuclear Materials.
- 4.) 1988 Rome convention on the Suppression of Unlawful Acts against Maritime Safety.
- 5.) 1988 Protocol on the Suppression of Unlawful Acts against Platforms Stationed on Continental Shelf.
- 6.) UN Convention for the Suppression of the Financing of Terrorism.
- 7.) UN Convention on the Suppression of Transnational Organized Crime.