

Detailed Implementation Survey (DIS) - 2015 - September 1 Georgia

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Observation of Member State, if any: See Annex -1.

The DIS is a compilation of the analysis conducted by CTED in the course of producing the Overview of Implementation Assessment (OIA). The annex to the DIS contains information, updates, and comments provided by Member States which were taken into account by CTED in compiling the DIS.

Introduction to Detailed Implementation Survey (DIS)

A. Purpose

The Detailed Implementation Survey (DIS) is an analytical tool developed by the experts of the Counter-Terrorism-Committee Executive Directorate (CTED) to assess the status of Member States' implementation of Security Council resolutions 1373 (2001) and 1624 (2005). The DIS replaces the current preliminary implementation assessment (PIA).

The DIS consists of a set of questions concerning counter-terrorism measures that States should have in place for the effective implementation of resolutions 1373 (2001) and 1624 (2005). Its purpose is to assist the Committee and CTED experts in assessing States' implementation efforts in a thorough, consistent, transparent and even-handed way and to construct a dialogue with each State on any further action required. Some questions are aimed specifically at assessing Member States' compliance with their obligations pursuant to the two resolutions; others seek to obtain clarification of States' overall counter-terrorism capacities and strategies. Shortfalls identified in the DIS do not necessarily imply failure by a State to comply with its obligations. Rather, they indicate priority areas in which States are encouraged to take further steps in order to implement the two resolutions more effectively.

B. Structure

The DIS consists of about 200 questions, which are grouped into sections in accordance with each paragraph of the two resolutions. Most questions are non-narrative and require a short and specific answer as indicated in section 'C' below. The remaining questions are intended to elicit narrative responses.

C. Assessing Member States' implementation

In assessing the implementation of the two resolutions by Member States, CTED experts select one of five responses to the non-narrative questions in the DIS, as follows:

- 1. Yes** Member State has achieved implementation in all respects.
- 2. Largely** Member State has achieved implementation in almost all respects.
- 3. Partially** Member State has taken substantive action to achieve implementation.
- 4. Marginally** Member State has taken minimal substantive action to achieve implementation.
- 5. No** Member State has taken no substantive action to achieve implementation.

D. Sources

CTED has developed the questions contained in the DIS on the basis of several sources, including, inter alia, the relevant resolutions of the Security Council and the General Assembly, the guidance of the Counter-Terrorism Committee, the provisions of the international counter-terrorism instruments and other relevant conventions, and the best practices, norms and standards developed by the relevant international, regional and subregional organizations. With the approval of the Committee, the DIS may be updated periodically to take account of developments in the relevant international norms and standards.

Chapter 1 of Security Council resolution 1373 (2001)

1.1 Criminalization of financing of terrorism and associated money-laundering

[Para. 1(a), 1(b), 1 (d) and 2(e)]

#	Question	A	Explanation (Note: Word limit is roughly 125 words.)
1.1.1	Is terrorist financing criminalized as a standalone offence? (Reply YES only if answer to all questions below is YES.) A. Is terrorist financing criminalized even if the funds have not been used to commit, or attempt to commit a terrorist attack? B. Is terrorist financing criminalized even if the funds cannot be linked to a specific terrorist act? C. Is there a specific terrorist financing offence, which differs from provisions on aiding and abetting?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	A-C: Yes. Art. 331/1 of the Criminal Code criminalizes terrorist financing as the collection or provision of funds or other property, with the purpose that they be, or could be, fully or partially used by terrorists or a terrorist organization and/or for the purpose of committing one of the offences envisaged by arts. 144, 227, 227/1, 227/2, 230, 231, 231/1, 231/2 of the Criminal Code, regardless of whether any of these offences has actually been committed; and/or premeditated provision of shelter or safe haven for terrorists or terrorist organizations; and/or provision to terrorists or terrorist organizations of other material support or resources. Updates and additional information re whether and how acts criminalized by chapter XXXVIII of the Criminal Code are covered by this provision would be welcome (see 1.1.2 below).
1.1.2	Is every element of the "Terrorist Financing" Convention offence covered? (Reply YES only if the answer to all questions below is YES.) A. Is the direct and indirect provision and collection of funds covered? B. Do the terrorist acts in question include (a) treaty-based offences and (b) any act intended to cause death or serious bodily harm to civilians or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population or to compel a Government or international organization to do, or to abstain from doing any acts? C. Are intent and knowledge that funds are to be used for terrorist activities covered by the definition?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	A: Relevant information / clarification would be welcome. B(a): Art. 331/1 of the Criminal Code applies when funds are intended to be used for any crime stipulated by arts. 144, 227, 227/1, 227/2, 230, 231, 231/1 and 231/2 of the Criminal Code. However, terrorism-related offences are covered by art. 323-331/2 of the Criminal Code (all need to be committed with terrorist intent). Clarification in this regard would be welcome (see also MONEYVAL 2012 mutual evaluation report). B(b): Information would be welcome. C: Yes (see 1.1.1 above).

1.1.3	Is the collection of funds criminalized independently of the provision of funds?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Art. 331/1 of the Criminal Code criminalizes terrorist financing as the collection or provision of funds or other property.
1.1.4	Is participating as an accomplice in the commission of the offence, organizing or directing others to commit the offence, or contribution to the offence by a group of persons criminalized in domestic law?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Art.18 of the Criminal Code provides for liability for preparation of a crime (for serious and particularly serious crimes; art.19 - for attempted crimes; and arts. 23-25 - for accomplice liability: criminal complicity (intentional joint participation of 2 or more persons), organizing, instigating or acting as an accessory in the commission of the crime). Accessory liability is defined to apply to anybody who "gives support" to the commission of a crime. The above provisions would also apply to the offence of terrorism financing.
1.1.5	Is terrorist financing listed in domestic law as a predicate offence to the money-laundering offence?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Georgian law has adopted an all-crimes approach under arts.186 and 194-1 of the Criminal Code and applies art.194 of the Criminal Code to property stemming from any illegal conduct, whether or not criminal in nature, thus going even beyond the scope of FATF standards on this point.

1.1.6	Does the definition of “funds” provided for in domestic law cover any funds, whether deriving from a legitimate or illegitimate source?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	According to discussions between Georgia and MONEYVAL evaluators, the term property is defined in accordance with art.152 of the Civil Code and extends to assets of every kind, whether tangible or intangible, moveable or immovable, and legal documents or instruments in any form. It also appears to include illicit property (cf. MONEYVAL 2012 report, §§167 and 220). Further clarification, with examples of case law, if possible, and specifically in the context of terrorism financing, would be welcome.
1.1.7	Does the “terrorist financing” offence in domestic law cover the financing of both an individual terrorist and a terrorist organization?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Yes (see 1.1.1 above). According to comments provided by Georgia in 2013, provision or collection of funds for a terrorist organization is covered regardless of whether it is provided for legitimate activities or not. Pursuant to 2008 amendments to the Criminal Code, provision/collection to an individual terrorist for any purpose is covered. The terms “terrorist” and “terrorist organization” are defined in the Law on Combating Terrorism (CT Law). Practical examples confirming this interpretation of the Criminal Code provision would be welcome.

1.2 Freezing terrorists' assets without delay

[Para. 1(a), 1(c), 1(d)]

#	Question	A	Explanation
1.2.1	Does the State have legal measures in place to freeze the funds and other assets of persons who commit, or attempt to commit terrorist acts or participate in, or facilitate the commission of terrorist acts; those of entities owned or controlled directly or indirectly by such persons; and those of persons and entities acting on behalf of, or at the direction of such persons and entities, in accordance with Security Council resolution 1373 (2001)?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Under art.13/1 of the AML Law, the Governmental Commission (GC) ensures freezing of property owned by a person involved in terrorist activity and individuals designated by UN resolutions adopted under Chapter VII of the UN Charter (see also Decree No.487). Once a person is included in the GC list, the same measures apply as in the context of res.1267. Administrative freezing orders are regulated by chapter VII of the Administrative Procedure Code (APC). A pending investigation or prosecution is not a requirement for a person to be listed. Upon a motion from the GC, the court is required to issue a decision within 15 days. In urgent cases, a prosecutor can issue a decree on freezing (legality will be further assessed by court). Clarification re designation powers of GC and CTC Mol under res.1373 would be welcome (2.3.3 below).

1.2.2	Can the State freeze funds ex parte, or without prior notice?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Upon a motion from the GC, the court is required to issue a decision ex parte and within 15 days of the submission of the application. Further information regarding the procedure and the time limits for informing the person affected by the freezing measures would be welcome (see also 1.2.7 below).
1.2.3	Can the State freeze funds without delay?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	According to Georgia, prosecutors have an enhanced ability to freeze without delay property (e.g. terrorist assets) pursuant to the provisions of article 190 of the Code of Criminal Procedure" (CCP). Under art.195 of the CCP, a prosecutor has the right to issue decrees on freezing the property if there are grounds to believe that it will be concealed or destroyed (with a subsequent determination of the legality by the court) (2013 comments on PIA.) However, the fact that under normal procedures, the courts have up to 15 days from the submission of the application by the GC to decide on the issuance of the a freezing order may potentially impair the ability to freeze funds without delay. Further information in this regard, with practical examples (if any), would be welcome.
1.2.4	Has the State frozen any assets pursuant to resolution 1373 (2001)?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	The GC met for the first time on 31/01/2012 and filed an application to the court for a freezing order in relation to property of any person or entity designated in accordance with UN resolutions. The order was issued on 13/02/2012 and applies to any person that may be holding or administering targeted funds. However, there is no information as to whether the order was implemented. Updates and additional information would be welcome. * Under the previous freezing regime, repealed in December 2011, there had been 3 cases in which monitoring entities reported transactions involving persons designated under res.1267 and/or 1373. However, in all cases, they proved to be false-positive hits.

1.2.5	Does the State authorize access to funds or other assets that have been frozen pursuant to resolution 1373 (2001) if such access is determined to be necessary for basic expenses, the payment of certain types of fees, expenses and service charges or for extraordinary expenses, in accordance with Security Council resolution 1452 (2002)?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Except for CCP art.153 defining assets that cannot be seized, the law does not set out a mechanism to enable designated or listed persons to access funds for necessary or extraordinary expenses. Although APC art. 21/34 grants the court the power to unfreeze property if it is established that the measure is "not expedient" in a certain case, this motion may be filed only by the GC, not by a party affected by the freezing measure. The GC has apparently issued guidance on the processes for filing an application to access frozen funds for humanitarian grounds (MONEYVAL 2012 evaluation report, §299), but it is not available in English and it is not clear whether it is limited to funds frozen under resolution 1267 or also applies to those frozen under resolution 1373. Further information/updates would be welcome in this regard.
1.2.6	What measures are in place to freeze funds and other assets of terrorists at the request of another State?	The GC has an express mandate under arts. 4 and 7 of Decree No. 487 of 12/12/2011 to establish the list of persons subject to the measures under res.1373 and may initiate changes to the list upon request of a domestic or foreign entity. The GC would consider any information received by competent national or foreign authorities to determine whether someone should be designated under res.1373, based on reasonable grounds to suspect that a person has a link with terrorism, or terrorist financing or otherwise supports terrorism. The provisions and mechanisms in place to implement res.1373 in the domestic context are therefore also available for actions initiated under the freezing mechanisms of other jurisdictions. Further information regarding measures in place to freeze funds and other assets of terrorists at the request of another State would be welcome.	

1.2.7	What legal provisions does the State have in place to allow a person or entity whose funds or other assets have been frozen to challenge the freezing measure before a court or other competent authority?	A decision by the GC to designate a person under res.1373 or to apply for issuance of a freezing measure in relation to a listed or designated person may be appealed to the GC. Under art. 4(d) and 7 of Decree No. 487 of 12/12/2011, applications filed with the GC for de-listing of a person from the UN list and/or the unfreezing of that person's property shall be forwarded by the GC to the competent UN bodies within a reasonable time and the appellant shall be informed about this decision. In the context of an application by a person listed under res.1373, the GC may decide on the appeal and, if granted, shall remove the person from its list and/or apply to the court for unfreezing of that person's property, as the case may be. Freezing orders issued by the court may also be appealed to the court. An appeal must be filed within 48 hours of the serving of the order to the party concerned (see also 1.2.2 above) and a decision be made by the appellate court within 15 days of when the appeal was filed. The decision by the appellate court is final. After expiration of the 15 days, a motion to unfreeze property may be filed with the courts only by the GC, under art. 21/33 of the APC. Appeals re inadvertently affected persons may be filed under arts. 21/33 or 21/34 of the APC by the GC or the affected person. CCP art.156 provides for the right to appeal a court's decision to "arrest" assets, incl. during the stage of preparation for a terrorist offence (art.151), within 48 hours under the regime provided in CCP art. 207 - either by the prosecution or the affected person (or his/her lawyer).
1.2.8	How does the State communicate to the private sector actions taken pursuant to the freezing mechanism?	Freezing orders would be sent to the National Enforcement Bureau (NBE), which would circulate them to all monitoring entities through the relevant supervisory authorities and to the debtor registry (a publicly available electronic database that is checked whenever a vehicle or firearm or property, claims or rights are registered). All freezing should be publicly available on the official website of the Tbilisi City Court, and designations made under res.1373 would be posted on the website of the GC (in Georgian - http://www.justice.gov.ge/index.php?lang_id=GEO&sec_id=800; English version currently under construction). The GC has issued guidance on listing and de-listing procedures on its website (idem). However, according to the MONEYVAL 2012 report, the guidance notes are more concerned with the general process and do not address the steps that the monitoring entities must take to implement the freezing orders and, particularly, the measures that must be taken in case property or funds of a person named in the order is detected (§292). Further information / updates would be welcome.

1.2.9	How would you assess the effectiveness of the freezing regime in place? (Bearing in mind the responses to questions 1.2.1, 1.2.2, 1.2.3, 1.2.6, 1.2.8)	Because the system was enforced only recently, it is difficult to assess the effectiveness of the Georgia's freezing mechanisms. Further information / updates would be welcome. In addition, clarification re the lists compiled by the GC and those maintained and updated by the Counter-Terrorism Centre of the Ministry of the Interior, in particular regarding designations made in conformity with resolution 1373, would be welcome (see 1.2.1 above and 2.3.3 below).
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1.3 Preventive measures to be taken by financial institutions and non-financial businesses and professions

[Para. 1(a)]

#	Question	A	Explanation
1.3.1	Is the State's anti-money-laundering/counter-financing of terrorism (AML/CFT) legislation applicable to Non-Financial Businesses and Professions (NFBPs)?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	Preventive measures apply only to notaries, casinos, dealers in precious metals and stones, and accountants. Notaries have implemented the majority of CDD requirements, but identification of beneficial owners presents some challenges. Reporting levels for notaries are relatively low and implementation of internal control requirements is weak. There is little or no compliance with requirements, other than customer identification, with respect to casinos. No STRs have been reported by casinos despite the rapid growth of this industry. Obligations for dealers in precious metals and stones have not been implemented and accountants have been subject to the AML/CFT requirements only since January 2012. The requirements do not apply to lawyers, real estate, and trust and company service providers [source - MONEYVAL 2012 Report].

1.3.2	Are financial institutions required to identify their customers, including beneficial owners?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	While most CDD and record-keeping provisions required under the FATF standards are now in place, their implementation and effectiveness are limited. Information would be welcome re steps Georgia is taking to address the remaining deficiencies in the legal framework, such as the lack of a prohibition on numbered accounts, the existence of a minimum monetary threshold for when standard CDD must be carried out, inconsistencies relating to measures that can be applied on a risk-sensitive basis, and the timing for undertaking CDD. Georgia needs to further enhance implementation of identification and verification of beneficial owners, documentation of the purpose and nature of the account business, ongoing CCD, and the application of risk-sensitive measures to customers (cf. MONEYVAL 2012 Report; see also CTC 2007 visit report).
1.3.3	Are NFBPs required to identify their customers, including beneficial owners?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	Information would be welcome re steps Georgia is taking to address the deficiencies identified in MONEYVAL 2012 report, §§1012-1140 (Georgia rated "non-compliant" with then FATF rec.12.),e.g.: to extend application of CDD measures to lawyers, real estate agents or trust and company service providers; to enforce CDD requirement when establishing a business relationship for sectors other than notaries; to put in place provisions requiring accountants and dealers in precious metals and stones to understand the ownership and control structure of the legal entity; to enforce the requirement to obtain information on the purpose or intended nature of business relationships other than for notaries and accountants; to ensure effective implementation of beneficial ownership requirements by notaries and CDD measures by casinos.
1.3.4	Has the State established an authority responsible for supervising reporting entities' compliance with their AML/CFT obligations?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	Ministry of Justice is designated supervisor for notaries; Ministry of Finance for casinos and dealers in precious metals and stones (with no specific powers to conduct AML/CFT inspections); Georgian law has created an organization to be member of International Federation of Accountants and to supervise accountants, but the organization is not yet designated. Other than activities undertaken by the Ministry of Justice pertaining to notaries, no AML/CFT examinations conducted [source - MONEYVAL 2012 report]. Information would be welcome re steps Georgia is taking to address these and other deficiencies identified in MONEYVAL 2012 report, §§1216-1256 (Georgia rated "non-compliant" with the then FATF rec.24 and 25).

1.3.5	Does the State have dissuasive and proportionate sanctions (criminal, civil or administrative) in place for reporting entities that do not comply with AML/CFT obligations?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Fines for financial institutions are defined by the National Bank (NB) Regulation on imposition of pecuniary sanctions. In February 2012, legal amendments were introduced in the regulations for all financial sectors under NB supervision, including imposition of sanctions for failure to maintain proper internal controls. Per MONEYVAL assessment, fines are too low in nominal terms to be punitive and dissuasive for some categories of violations. Electronic money institutions are not subject to sanctions. There are no effective, proportionate and dissuasive sanctions for casinos, dealers in precious metals and stones, or accountants. The sanctions regime for notaries is not effective, proportionate or dissuasive. Information would be welcome re steps Georgia is taking to address these deficiencies [see MONEYVAL 2012 Report].
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1.4 Institutional and other measures needed in counter-money-laundering/terrorist financing systems

[Para. 1(a)]

#	Question	A	Explanation
1.4.1	Does the State have a Financial Intelligence Unit (FIU) in place?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	The Financial Monitoring Service (FMS) was established in 2003 and became operational in 2004. Under art.10 of the AML/CFT Law and art. 53.6 of the NBG Organic Law, the FMS is an independent authority not subordinated to any agency in performing its activities. It is accountable and submits annual reports on its activities to the President. The Head of the FIU is appointed by the President, in agreement with the NBG Council, for a term of 4 years.
1.4.2	Does the FIU perform the core functions of an FIU (receive and analyse suspicious transaction report (STRs) and disseminate the results of its analysis to a competent authority)?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	FMS serves as the national center for receiving, analysing and disseminating STRs and other relevant information re ML and TF activities. Under art. 9.1 of the AML/CFT Law, "monitoring entities" are obliged to submit relevant information to the FMS, which also has the authority to initiate cases where information has been provided by another source, incl. the media or the public. Under art.10.4.e, the FMS may obtain any information from all monitoring entities and State or local self-governance bodies or institutions, any individual or entity. Under art.10.5.b, the FMS can, after conducting analysis, disseminate the information and available materials to the Mol and the prosecution for investigation or action on ML/FT grounds. Additional information/updates re concerns expressed in 2012 MONEYVAL report (p.104) would be welcome.

1.4.3	Does the State require financial institutions to report suspicious transactions relating to terrorist financing to the FIU?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Under art. 9.1 of the AML/CFT Law, "monitoring entities" are obliged to submit relevant information to the FMS. 95% are filed by banks. However, according to the MONEYVAL 2012 report, the quality of reporting of STRs is poor. Monitoring entities are confused about the requirements for reporting. In this regard, Georgia should consider undertaking awareness raising measures and trainings for reporting entities from the non-banking sector. Putting in place uniform reporting tools may also increase the quality of STRs. Updates on steps taken in this regard would be welcome.
1.4.4	Does the State have legal provisions in place to protect reporting entities from liability when reporting to the FIU?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Under art.12.4 of the AML/CFT Law, "when acting within the scope of their powers, the FMS, monitoring entities, supervisory bodies, their management and employees shall not be held liable for failure to observe the confidentiality of information considered under a normative act, or under an agreement, or/and for protection or referral of such information, except for cases where when the crime considered under the Criminal Code of Georgia is committed".
1.4.5	Does the State prohibit reporting entities, by law, from disclosing the fact that an STR or other information has been submitted to the FIU?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Under art.12.1 of the AML/CFT Law, "management and employees of the FMS, monitoring entities and supervisory bodies are not to be authorized to inform parties to the transaction or other persons that information on the transaction has been forwarded to the relevant authority in conformance with obligations defined under this law". In addition, under art. 202-1 of the Criminal Code, "disclosure of a fact of transfer of information to competent authorities by the leadership and personnel of the FMS or about a deal subjected to monitoring, is punished by a fine or deprivation of the right to hold office or pursue an activity for a term of up to 3 years".

1.4.6	Does the law provide that the FIU may obtain additional information from reporting entities?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Art.10.4 of the AML/CFT Law allows the FMS to request additional information from all "monitoring entities" and extends to those who did not send the report.
1.4.7	Is there a provision in domestic law that allows the FIU access to financial, administrative and law enforcement information?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	See art. 10.4.e quoted in 1.4.2 above. According to 2012 MONEYVAL report, the FMS has direct and indirect access to a large number of financial, administrative and law enforcement databases that allows it to undertake the analysis of STRs. The commercial database held at the NAPR does not hold updated information about beneficial owners of companies established before 1 January 2010. The FMS does not have access to some law enforcement information, such as investigation and prosecution or trial-in-process records held by the Ministry of Justice, and intelligence information (paras 323 and 379). Additional information in this regard would be welcome.
1.4.8	Is the FIU fully operational? (Include staffing level, number of analysts; budget; training received; number of STRs received, analysed and transmitted; and indicate, if possible, whether the FIU has software to analyse STRs.)		According to the 2012 MONEYVAL report, the FMS has an appropriate level of administrative and law enforcement databases. The majority of reports disseminated by the FMS to the CPO have generated successful investigations that have to convictions in several instances. The level of dissemination to the CPO compared to the reports is very low. In 2011, the annual budget of the FMS was 1.198.410 USD. At the time of the MONEYVAL evaluation, the FMS had 31 positions (down from 40 in 2006), of which only 23 staff (incl. 2 temporary employees) were occupied. Yet, the total number of reports had increased in those years. The number of analysts processing them in the FMS (4) was considered far too low to deal with the increasing flow of information. The FMS does not have software to assess the risk of individual reports or a system for automated alerts to match new information with old. The 4 analysts working for the FMS analyse all received STRs and CTRs and decide whether to open cases, based on transaction amount, risk of originator, age of persons involved in the suspicious transaction, and the frequency of transactions. On threats, and knowing that offshore accounts are frequently used in Georgian banks, the FMS - according to MONEYVAL - was not proactive enough in requesting information from foreign counterparts. For further details, cf. MONEYVAL 2012 report, pp. 85-105. Updates and additional information re whether FIU is fully operational would be welcome.

1.5 Alternative remittance systems/money value transfer services (e.g. hawala)

[Para. 1(a)]

#	Question	A	Explanation
1.5.1	Are persons or legal entities that provide money or value transfer services, whether formal or informal, obliged to be licensed or registered?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Money-remittance service operators are required to register with the National Bank (NB) to carry on their business, and are subject to NB regulation and supervision. Under art. 48.2 of the Organic Law on NB, for the purposes of supporting the prevention of illicit income legalization and circulation of forged money, the NB is authorized to regulate entities conducting money remittances by registering and auditing them and setting minimum requirements for them. MVT service operators are also obliged to register with the FMS within 10 working days of the NB registration. According to MONEYVAL 2012 report, some forms of MVTs, such as electronic money institutions, Paybox and casino accounts, were not subject to regulation and supervision. Updates and additional information in this regard would be welcome.
1.5.2	Are persons or legal entities that provide money or value transfer services, whether formal or informal, subject to AML/CFT obligations?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	As non-bank financial institutions, money-remittance service operators are subject to the requirements of the AML/CFT Law (art. 3.a.1). However, according to the MONEYVAL 2012 report, some forms of MVTs, such as electronic money institutions, Paybox and casino accounts, were not subject to regulation and supervision and therefore not to AML/CFT obligations. Updates and additional information in this regard would be welcome.
1.5.3	Are persons or legal entities that perform this service illegally subject to appropriate administrative, civil or criminal sanctions?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Sanctions for violation of the AML/CFT obligations by money-remittance entities are defined in the Regulation on Defining, Imposing and Collecting Pecuniary Penalties against Microfinance Organizations and Money Remitters. Based on the inspections carried out by NB in 2010 on 27 money-remittance-service operators, there were 14 cases where fines were imposed due to violations of AML/CFT requirements (MONEYVAL 2012 report, p. 253). However, according to the MONEYVAL 2012 report, some forms of MVTs, such as electronic money institutions, Paybox and casino accounts, were not subject to regulation and supervision and therefore not to AML/CFT obligations. Updates and additional information in this regard would be welcome.

1.5.4	Has the State conducted awareness-raising campaigns towards private-sector entities regarding the terrorism-financing risks associated with alternative remittance systems (ARS)?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
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1.6 Wire transfers

[Para. 1(a)]

#	Question	A	Explanation
1.6.1	Does the State ensure that financial institutions include full and accurate originator information and full and meaningful beneficiary information in electronic funds transfers and related messages?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Art. 6.1.b of the AML/CFT Law obliges monitoring agencies to carry out identification of all business-related persons, regardless of whether the transaction had been executed in the name of their client or third parties, if the transaction amount exceeds the equivalent of 15,000 GEL in the case of transactions implemented through SWIFT or other similar network systems. For banks and money remittances, the following originator information must be recorded: full name, account number or person unique number, address (or ID number or date and place of birth and the taxpayer ID number). Additional information re beneficiary information would be welcome.
1.6.2	Does the State oblige financial institutions to include, throughout the payment chain, the originator and beneficiary information linked to the electronic-funds transfer?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.

1.7 Cash couriers

[Para. 1(a), 2(g)]

#	Question	A	Explanation
1.7.1	Does the State have in place a declaration or disclosure system to detect the illicit physical cross-border transportation of currency?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	Under art. 5.3 of the AM/CFT Law, import into and export from Georgia of cash and securities exceeding 30,000 GEL (c.17,140 USD) should be subject to monitoring by Customs. Under art. 21.3 of the MOF Order on the Control of Goods, cash (national or foreign currencies), checks and other securities of more than total value of 30,000 GEL or its equivalent in other currencies should be declared when crossing Georgia's customs border. However, the MONEYVAL 2012 report concluded that implementation of this regime is inconsistent and incomplete. (Georgia was rated "non-compliant" with FATF SR.IX on cross-border declaration and disclosure.) Updates on steps taken to comply with new FATF recommendation 32 (incl. information on practical measures) would be welcome.
1.7.2	If so, does the declaration/disclosure system extend to bearer negotiable instruments (BNI)?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	The system extends to "securities", but there appears to be no clear definition of BNI (see also MONEYVAL 2012 report, pp.128-129). Further information would be welcome.
1.7.3	Does the declaration/disclosure system apply to both incoming and outgoing transportation of currency or BNI?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	In principle and, as per 1.7.1 above, the system applies to import into, and export from Georgia of cash and securities exceeding 30,000 GEL. However, see 1.7.1 and 1.7.2 above for existing deficiencies. Additional information on practical implementation would be welcome.

1.7.4	If the State does have a declaration system in place, is the threshold for declaration equivalent to, or below EUR/US\$ 15,000?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	The threshold is 30,000 GEL (currently approx. 12.470 USD).
1.7.5	Do border authorities have the legal authority to stop or restrain currency and BNI suspected to be related to money-laundering or terrorist financing?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	The designated authorities have relevant powers on suspicion of trafficking, but not on suspicion of ML/FT. They can only search (and, in case of resistance, arrest) the person when s/he is concealing things (see also MONEYVAL 2012 report, p.121). Information would be welcome re steps taken by Georgia to address this shortfall.
1.7.6	Do the border authorities have the power to stop or restrain currency and BNI that are falsely declared or disclosed?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	The authorities do not have the power to stop or restrain currency or BNI to ascertain whether evidence of ML or FT may be found where there is a false declaration. They can only search (and, in case of resistance, arrest) the person when s/he is hiding things. Moreover, they do not have the authority/power to request and obtain further information from the carrier with regard to the origin of the currency or BNI and their intended use upon discovery of a false declaration or failure to disclose. (MONEYVAL 2012 report, pp.120-121.) Information would be welcome re steps taken by Georgia to address this shortfall.

1.7.7	Are there proportionate and dissuasive civil, administrative or criminal sanctions in place for making a false declaration or disclosure?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Sanctions for false declaration or disclosure are defined in the Tax Code (art. 289), and the Criminal Code establishes criminal liability of persons in case of violation of rules on movements of goods across the Customs Border of Georgia. However, according to the MONEYVAL 2012 report, no sanctions have been imposed in accordance with FATF SR.IX (current recommendation 32) for a false declaration in cases of trafficking. Additional information and updates in this regard would be welcome.
1.7.8	Is information obtained through the declaration/disclosure system shared with the FIU?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Pursuant to the AML/CFT Law and the AML/CFT Regulation on the Revenue Service, CTRs are submitted electronically to the FMS by the Revenue Service. Information is sent automatically to the FMS, which registers it in its database as CTRs. Additional information re whether information obtained through the declaration/disclosure system shared with the FMS and re (i) modalities of such access and other applicable procedures, (ii) the nature of the information in the declaration database, and (iii) possibility of sharing additional information obtained by customs officials as a result of questioning, inspection or other suspicions would be welcome.
1.7.9	If so, what kind of information is shared with the FIU?	Information would be welcome (see also 1.7.8 above).	

1.7.10	Does the State engage in efforts to raise awareness of the requirements to declare/disclose (i.e. signage, pamphlets, forms)?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
1.7.11	Does the State have an enforcement capacity to prevent and detect the illegal cross-border movement of cash and BNI (information and intelligence, risk analysis, targeting, inspection)?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information, incl. with regard to the concerns expressed in the MONEYVAL 2012 report (pp. 119-129), would be welcome.

1.8 Non-profit organizations

[Para. 1(a), 1(d)]

#	Question	A	Explanation
1.8.1	Has the State reviewed the adequacy of its non-profit sector laws and regulatory framework with regard to risks associated with terrorist financing?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	According to the MONEYVAL 2012 report, no formal review of the adequacy of laws and regulations related to NPOs has been undertaken. Statistics or consolidated information are not easily accessible through the Public Registry and the Revenue Service to identify features and types of NPOs that are at risk for being misused for terrorist financing by virtue of their activities or characteristics. As no initial assessment has been conducted, no reassessment reviewing new sectoral information has been undertaken. Updated information on steps taken to conduct such a review would be welcome.

1.8.2	Does the review of its non-profit sector laws and regulatory framework ensure respect for the right of non-profit organizations (NPOs) to freedom of association and for the legitimate role played by NPOs in the collection and distribution of funds?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
1.8.3	Is there a domestic regulatory agency for NPOs?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	The National Agency of Public Registration carries out the registration of entities, incl. NPOs. Its role is limited to ensuring that the information submitted is comprehensive. Art. 4.b of the AML/CFT Law identifies the Ministry of Finance of Georgia as the entity responsible for supervising entities engaged in the extension of grants and charity assistance. The Revenue Service in the Ministry of Finance is also responsible for ensuring that charitable organizations are complying with requirements outlined in art. 32 of the Tax Code regarding charitable status. Additional information on any regulatory agency for NPOs other than charities would be welcome.
1.8.4	Has the State conducted an assessment or review of the terrorist financing risk to its non-profit sector?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome. See also 1.8.1 above.

1.8.5	Does the State maintain a central NPO database or similar, centralized register of information (name, purpose, activities, director, etc.)?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	The authorities have access to information on NPOs through the National Agency Public Registry. According to MONEYVAL 2012, the Registry contains records of 15,045 local NPOs and 129 branches of foreign NPOs. NPOs can also obtain charitable status with the Revenue Service (in 2012, 72 NPOs). Art. 5 of the Law on Entrepreneurs outlines the information required to register with the Registry. In addition, art. 29.2 of the Civil Code contains the requirements for NPO foundation documents for the purposes of registration. Registry information is publicly available on the Registry website and includes the purpose of the NPO's activities and identity of person who owns, controls or directs the activities. Information would be welcome re steps takes to address the concerns identified in MONEYVAL 2012 report (p.317)
1.8.6	Has the State conducted any outreach activities concerning the terrorist financing risk to the NPO sector?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	The FMS has published on its website the FATF International Best Practice Paper on Combating Abuse of NPOs. According to MONEYVAL 2012, no other outreach has been undertaken to raise awareness about the risks of terrorist abuse and the available measures to protect against such abuse. Information would be welcome re the outreach activities concerning the terrorist financing risk to the NPO sector undertaken in Georgia.
1.8.7	Are there sanctions on NPOs that contravene the regulatory and supervisory framework?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Measures to revoke the registration of NPOs are in place (Civil Code and Tax Code). The decision on suspension or prohibition of activity of an entrepreneurial legal entity is taken by the court pursuant to the procedure spelled out in the Law on Suspension of Activity of Civil Associations and their Prohibition. Under art. 32 of the Tax Code, charitable organizations are deprived of their charitable status if they violate the requirements of the Tax Code or if their state/tax registration has been cancelled. These de-registration mechanisms do not appear to apply to violation of oversight measures or ruled by NPOs. No sanctions other than de-registration seem to be available for NPOs or persons acting on their behalf (see MONEYVAL 2012 report). Information would be welcome re steps taken by Georgia to address these shortfalls.

1.8.8	Can the information about NPOs contained in NPO registers (e.g. name, annual returns, financial statements, name of director, name of board members, etc.) be made available to law enforcement agencies and to the financial intelligence unit (FIU)?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Law enforcement agencies have powers to conduct investigation and gather information from NPOs through a court order. The FMS may request information from NPOs under the AML/CFT Law. It may also assess information related to charities through a court order, but as of 2012 had not used such powers. Otherwise, authorities have access to information on NPOs registered since 2010 through the National Agency Public Registry. (www.seragency.gov.ge). Information on NPOs registered pre-2010 is kept manually and has not been migrated into the new registration system This may affect law enforcement's ability to gather information on NPOs. Information can also be obtained through general investigative techniques under the CCP and the Law on Operative Searching Activities. See also MONEYVAL 2012, pp. 319-321. Updates would be welcome.
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Chapter 2 of Security Council resolution 1373 (2001)

2.1 Suppression of recruitment

[Para. 2(a)]

#	Question	A	Explanation
2.1.1	Does the State have a national strategy to suppress the recruitment of terrorists?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information on Georgia's national strategy to suppress recruitment, including with respect to recruitment of foreign terrorist fighters as defined in Security Council resolution 2178 (2014), would be welcome.
2.1.2	Does the State have in place legislative provisions to suppress the recruitment of terrorists?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Under art. 327/1 of the Criminal Code, recruitment as members of a terrorist organization is punishable by 5-10 years' imprisonment. Legal entities are punished by liquidation or ban on performing such activity, with a fine. In 2025, this provision was extended to cover recruitment for conducting terrorist activities and for membership in terrorist organizations. Art. 323/2 was extended to criminalize crossing or attempt of crossing the State border of Georgia with the aim of perpetration, preparation of or participation in terrorist activity, as well as participation in terrorist training. In addition, recruitment and training for an illegal formation is criminalized under art. 223.
2.1.3	Does the State have in place practical (operational) measures to suppress the recruitment of terrorists?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	Information would be welcome. As regards recruitment of Georgian nationals as foreign terrorist fighters (FTF), the Georgian authorities informed CTED that Georgia strengthened its overall border security to limit the FTF movements through Georgian border crossing points to maximum extent possible. Further information would be welcome re practical (operational) measures to suppress FTF recruitment.

2.2 Eliminating the supply of weapons to terrorists

[Para. 2(a)]

#	Question	A	Explanation
2.2.1	Does the State criminalize the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Art. 236 of the Criminal Code penalizes illicit purchase, keeping, carrying, shipment, transfer or sale of firearms (except hunting weapons with smooth-bore barrel), ammunition, explosive material or explosive device. Art. 237 penalizes illegally taking possession for misappropriation purposes or extortion of arms, ammunition, explosive material or explosive device. In addition, art. 323/1 penalizes illicit acquisition, storage, carrying, manufacturing, transport, mailing, selling or use of firearms, ammunition and explosives for terrorist purposes (as defined under art. 323). Information re criminalization of illicit manufacturing and alteration of firearms and the illicit obliteration of their markings would be welcome.
2.2.2	Does the State have in place practical measures and controls on the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	The Permanent Commission of Military-Technical Issues of the Ministry of Defence exercises coordination over military-industrial and scientific-technological capacities; military-technical activities of relevant authorities; traffic of military and dual-use production, incl. weapons; activities relating to issues of military-technical cooperation with foreign States. The main legislative source is the Law on Weapons, which deals in particular with licensing procedures for trade, production and repair of weapons, as well as export, import, re-export and certification. Additional information re practical measures and controls on the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings would be welcome.

2.2.3	What measures and controls on the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings are practised by the State?	According to the 2010 national report on the implementation of the UN PoA, the production, repair and trade of weapons, their parts, and ammunition is possible with a licence issued by the Ministry of Defence. The licence can be issued if the facilities where weapons and ammunition is to be produced, repaired or traded meet the established standards. The production, repair or trade of weapons without a licence gives rise to the responsibility determined by the Georgian law. The permission to acquire weapons and ammunition with the right to store is issued by the Service Agency in the Ministry of the Interior. Transportation-transfer and transit of weapons and ammunition is also carried out upon permission of the Service Agency. Any weapon produced in or brought into Georgia is subject to obligatory certification, which is issued by the L.E.P.L. National Agency of Standards, Technical Regulations and Metrology of Georgia. Additional information on measures and controls in place regarding the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings practised by the State would be welcome.	
2.2.4	Has the State introduced legislation regulating the activities of arms brokers and arms brokering?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Authorization to trade in weapons and ammunition is granted on the basis of licences issued by the Ministry of Defence. Individuals involved in the trade of weapons and ammunition are expected to hold certificates of the weapons or ammunition; to keep records and ensure accountability; to deal only with authorized persons; to ensure the registration numbers and documentation comply with national standards; to ensure secure storage and to submit to the relevant authorities projectile and casing samples of any material sold; to present data to the authorities on weapons and ammunition, sold as well as information about customers. Additional and updated information re legislation on the activities of arms brokers and arms brokering would be welcome.
2.2.5	Has the State established a national firearms registry?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.

2.2.6	Does the State have national systems and procedures in place to trace lost or stolen firearms?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
2.2.7	Do the national systems and procedures in place to trace lost or stolen firearms include international tracing?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.

2.2.8	Does the State have in place comprehensive import/export controls for arms, ammunition and explosives? <i>Reply YES only if the answer to all the questions below is YES.)</i> A. Has the State established a national body and procedures to review and approve/refuse import/export of small arms and light weapons (SALW), ammunition and explosives? B. Does the State require that exporters and importers of SALW, ammunition and explosives maintain records of exported/imported weapons for verification purposes, as may be required? C. Has the State established an enforcement capacity to detect and prevent the illegal cross-border movement of SALW, ammunition and explosives (information and intelligence, risk analysis, targeting)? D. Does the State have in place an inspection capacity (staff, equipment) for all cross-border movements of SALW, ammunition and explosives (including in-transit movement), and does it consistently verify markings?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	According to the 2010 national report on the implementation of the UN PoA, export, import, re-export, transit, processing on the territory of customs, processing beyond the territory of Georgia, carrying in and/or out of weapons, ammunition, military hardware or technical documentation is carried out with permission of the Ministry of Defence. Information on sub-questions B-D would be welcome.
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2.3 Taking necessary steps to prevent the commission of terrorist acts, including through early warning

[Para. 2(b)]

#	Question	A	Explanation
2.3.1	Does the State have in place a comprehensive and integrated counter-terrorism strategy?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	According to comments received from Georgia on 16/01/2013, creation of a Permanent Inter-agency Anti-Terrorism Commission has been in progress since 2010. The Commission would be a permanent inter-agency body entrusted to coordinate the implementation of particular recommendations and proposals into Georgian legislation stemming from relevant UNSC resolutions. One of its main objectives would be to develop the national counter-terrorism policy of Georgia. Updates on this process and other information regarding a comprehensive and integrated counter-terrorism strategy in Georgia would be welcome. On 18/03/2014, Georgia adopted the national Strategy and Action Plan for Combating Money-Laundering and Terrorism Financing. See also the National Security Concept of Georgia adopted on 23/12/2011.

2.3.2	Does the State have in place a national law enforcement strategy to counter terrorism?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
2.3.3	Does the State have in place a law enforcement structure for the implementation of the national law enforcement strategy to counter terrorism?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Pursuant to the 2007 CT Law, the Mol is the central organ for countering terrorism by preventing and investigating terrorist acts, collecting information and organizing information on the activities of international terrorist organizations, and coordinating activities of counter-terrorism bodies within the country. It maintains and regularly updates lists of persons suspected of terrorist activity (see 1.2.1 and 1.2.9 above for requested clarification). It exercises overall organization and coordination of CT activities and its instructions are compulsory for every agency. A full list of the Center's functions is contained in the Rule Organizing Overall Counter-Terrorist Activities in the Country. Other CT agencies in Georgia are: Ministry of Defence, Intelligence Service and State Protection Special Service.
2.3.4	Is the law enforcement structure supported by technology and equipment that includes, inter alia, databases, biometrics, and communications?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	According to the 2007 CTC visit report, the Counter-Terrorism Center employed around 40 staff, 8 of whom were counter-terrorism analysts. The Center relied heavily on human intelligence, but did have some access to computer-generated data and to information provided by other ministries, foreign Governments and international partners. The leadership of the Centre appeared confident in its sourcing, access, methodology and connection to other Government departments. Fiber-optic connectivity existed between the airport in Tbilisi and the Centre's HQ. Additional and updated information about how the law enforcement structure is supported by technology and equipment would be welcome.

2.3.5	Do law enforcement agencies cooperate, coordinate and exchange information with counterparts in other States?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	[Source MONEYVAL 2012 report] Under agreements, the Mol cooperates principally with neighboring countries, incl. Azerbaijan, Armenia and Turkey. Joint working groups meet to establish action plans and exchange criminal intelligence, incl. in the context of the GUAM. The Mol cooperates with police attachés of EU member States represented in Georgia (France, Germany, Austria, Poland, Hungary and the Netherlands). The forms of cooperation include exchange of relevant information, best practices, statistics, joint measures, adoption and implementation of annual assistance and cooperation plan, trainings and study visits. In 2010, a Georgian police liaison officer was stationed in Austria to enhance cooperation and the exchange of information with EU States. Updates would be welcome.
2.3.6	Is the national police force an active member of a regional network of law enforcement agencies?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	There is an Agreement on Cooperation among the Governments of the GUAM participating States in the field of combating against terrorism, organized crime and other dangerous types of crime. In addition, national virtual law enforcement centres have been established in GUAM member States, incl. Georgia, to facilitate rapid exchange of information through protected channels and direct communications during joint operations. The Mol also cooperates with the respective law enforcement agencies of the Black Sea Economic Cooperation member States within the framework of the Agreement on Cooperation in Combating Crime. There is also a functioning network of liaison officers, established by an additional protocol to the BSEC agreement. Any additional information re regional networks of law enforcement agencies would be welcome.
2.3.7	Do the State's law enforcement agencies conduct threat and risk assessments relating to terrorism?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	The Mol Counter-Terrorism Center, inter alia, collects and analyses information about terrorist threats, persons and organizations involved in, or associated with terrorist activity. Georgian Government established a new inter-agency mechanism (Emergency Situations Management Operational Headquarters) and set up a counter-terrorism working group in order to improve inter-agency cooperation. Additional information would be welcome on the nature of terrorism threat and risk assessment conducted by law enforcement agencies and what is done with the assessments.

2.3.8	Describe measures taken by the State to implement education and outreach programmes designed to increase the amount and quality of publicly available information regarding security.	Information would be welcome.	
2.3.9	Does the State have effective and independent mechanisms in place for oversight of law enforcement agencies, aimed at ensuring professionalism and respect for human rights in their counter-terrorism work?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	[2007 CTC visit report] Human rights units were established in the police and penitentiary systems, and members of the Human Rights and Public Defender's Offices made regular inspections of their facilities. Any violations were to be reported to the Prosecutor-General's Office, which was in charge of undertaking an immediate investigation. Updated information in this regard would be welcome. In 2014, the UN HRC expressed concerns re insufficient resources of the Public Defender's Office and the absence of an effective and independent oversight mechanism to investigate allegations of abuse, incl. torture and inhuman or degrading treatment, by police and other law enforcement officers (CCPR/C/GEO/CO/4). Georgia is encouraged to continue its dialogue with UN human rights mechanisms in this regard and update CTED accordingly.
2.3.10	Does the State utilize early warning systems regarding terrorism and other related criminal activities?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	National virtual law enforcement centers have been established in GUAM member States, incl. Georgia, to facilitate rapid exchange of information through protected channels and direct communications during joint operations. Information would be welcome regarding early-warning arrangements with other States, including usage of INTERPOL I-24/7 system in real time by all relevant authorities, beyond NCB; sharing information on wanted individuals, possible threats, dangerous materials and criminals' modus operandi using international colour-coded notices, etc.; sharing through CEN and RILO of cargo and customs security information. The 2007 CTC visit report expressed concern re Georgia's limited circulation of INTERPOL orange notices. Updates on measures to address this concern would be welcome.

2.4 Denial of safe haven

[Para. 2(c)]

#	Question	A	Explanation
2.4.1	Does the State criminalize the harbouring of terrorists?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Harbouring of terrorists is explicitly criminalized under art. 331/1 of the Criminal Code as a form of provision of support to terrorism ("[...] premeditated provision of services to terrorists or terrorist organization, provision of shelter or safe haven to terrorists and/or provision to terrorists or terrorist organization of other material support or resources"). See also 1.1.1 above.
2.4.2	Does the State have in place legislation to penalize persons or organizations that intentionally provide safe haven to terrorists or facilitate their unlawful stay?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Provision of safe haven to terrorists is explicitly criminalized under art. 331/1 as a form of provision of support to terrorism ("[...] premeditated provision of services to terrorists or terrorist organization, provision of shelter or safe haven to terrorists and/or provision to terrorists or terrorist organization of other material support or resources"). Clarification as to whether this provision also covers facilitation of terrorists' unlawful stay in Georgia would be welcome. Information re any other relevant legislation would be welcome.

2.5 Preventing use of territory for purpose of terrorist acts

[Para. 2(d)]

#	Question	A	Explanation
2.5.1	Is it possible to prosecute any preparatory or accessory acts that are conducted in the State with the aim of committing terrorist acts against other States or their citizens outside the State's territory?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.

2.6 Codification

[Para. 2(e)]

#	Question	A	Explanation
2.6.1	Does the State's domestic law criminalize all the offences set forth in the international counter-terrorism instruments?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Not all offences defined in the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation are criminalized. A number of criminal acts stipulated in arts. 323-331/2 are criminalized as terrorist offences if carried out with terrorist intent. Some of those acts go, a priori, beyond those stipulated in the 19 ICTIs (incl. e.g., illicit acquisition, storage, carrying, manufacturing, transport, mailing, selling or use of firearms, ammunition and explosives; stealing or extortion with the intent to commit one of the terrorist offences; manufacturing a false official document with the intent to commit a terrorist crime; etc.). Other offences are criminalized but without being referred to as terrorist offences (e.g. illegally taking possession of stationary platforms). See also 2.6.2 below.

2.6.2	Does the State's domestic law criminalize all of the offenses set forth in the international counter-terrorism instruments to which it is a party?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	A number of criminal acts, when committed with terrorist intent, are considered to be terrorist offences (arts. 323-331/2), including those set forth in the International Counter Terrorism Instruments (ICTIs) to which Georgia is a party (14 out of 19). Other offences are criminalized, but without being referred to as terrorist offences (e.g., illegally taking possession of stationary platforms; illicit handling of nuclear materials, etc.). Not all offences defined in the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation are criminalized. See also 2.6.1 above. A detailed outline of domestic offences corresponding to the elements of the offences stipulated in the ICTIs to which Georgia is a party would be welcome.
2.6.3	If the State defines terrorist acts in its legislation, is the definition clear and precise enough so as not to apply to acts beyond those envisaged by the international counter-terrorism instruments (i.e. acts said to threaten national security or stability without further elaboration, conventional crimes, or non-violent acts of protest or dissent)?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Terrorist acts are defined in art. 323 of the Criminal Code as explosion, setting on fire, assault of a person, use of arms or other actions creating a threat of a person's death, significant material damage or other grave consequences, if committed for terrorist purposes. Terrorist purposes are defined as intimidation of the population or compelling a Georgian or foreign authority, or an international organization, to commit or refrain from committing an act, or destabilization of fundamental political, constitutional, economic or social structures of Georgia, a foreign State or an international organization. A number of other offences defined in arts. 323-331/2 are regarded as terrorism crimes if committed with terrorist intent (thus going beyond terrorism offences defined in ICTIs). See also 2.6.1 and 2.6.2 above.
2.6.4	Does the State criminalize acts of planning, preparation and supporting of terrorist acts as autonomous offences, with clarity as to the meaning of these terms?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Supporting of terrorist acts can fall under art. 331/1 (material support) and some other specific provisions of chapter XXXVIII of the Criminal Code (e.g., providing support to a foreign terrorist organization (art. 328), conducting training with the purpose of supporting a terrorist organization (arts. 330/2), etc.). Art.18 of the general part of the Criminal Code provides for liability for preparation of a crime (for serious and particularly serious crimes) and arts. 23-25 - for accomplice liability: criminal complicity, organizing, instigating or acting as an accessory. Accessory liability is defined to apply to anybody who "gives support" to the commission of a crime. Criminal liability under these provisions is pronounced with reference to the specific provisions of the Code (terrorism - chapter XXVIII).

2.6.5	Does the State criminalize attempts to commit a terrorist act?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Art.19 of the general part of the Criminal Code provides for liability for attempted crimes. Criminal liability under this provision is pronounced with reference to the specific provisions of the Code (terrorism - chapter XXVIII). Under art. 20, a person is not criminally liable for preparation of, or attempt to commit, a crime if due to his/her ignorance or other personal shortfalls, it would not have been possible for the criminal consequences to occur. Art.323/2 criminalizes FTF travel or attempt thereof.
2.6.6	Does the State have witness-protection measures in place?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	CCP chapter IX provides for special protection measures for participants in criminal proceedings, including witnesses. The decision on inclusion into a special protection programme is taken by the prosecutor, with the approval of the Prosecutor-General or his deputy, and is implemented by Mol. The protection measures include change of name and issuance of new ID documents, change of physical appearance, personal security guard, temporary or indefinite relocation within Georgia or abroad. Additional information re practical implementation of such measures, esp. in terrorism-related cases, would be welcome.
2.6.7	Does the State have programmes in place to protect investigators, prosecutors, judges and other relevant persons involved in bringing terrorists to justice?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	The CCP (chapter IX) provides for special protection measures for participants in criminal proceedings (see 2.6.6 above). Additional information re programmes in place to protect investigators, prosecutors, judges and other relevant persons involved in bringing terrorists to justice would be welcome.

2.6.8	Does the State have the legal basis and capacity to enable witnesses to testify remotely?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Under the CCP (art. 243.3), a witness may testify remotely with use of relevant technical means. Additional information regarding Georgia's capacity to enable witnesses to testify remotely would be welcome.
2.6.9	Is it legally permissible for witnesses and law enforcement personnel to testify without his/her identity being made known to the defence party and the public, if necessary and appropriate?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Under art. 40 of the CCP, the right of an accused to be present during witness testimony may be denied in case of application of the relevant witness-protection measure. Additional information re relevant measures aimed at ensuring fair trial for the defendant, incl. weight accorded to evidence obtained from anonymous witnesses, would be welcome.
2.6.10	Does the State's legislation provide an individual convicted of terrorism with the right to request that his/her conviction and sentence be reviewed by a higher court?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	The general right to appeal a trial judgment is stipulated in CCP art. 292 on the grounds that it is, in the appellant's (convicted person's or prosecutor's) view, illegal and/or unfounded. Cassation proceedings are provided for in CCP chapter XXVI. The verdict of acquittal rendered by the jury is final and may not be appealed. A conviction rendered by the jury may be appealed under cassation proceedings and only once and pursuant to CCP art. 266.2. The UN HRC expressed concern that the current jury trial system did not provide for the possibility to appeal a verdict of guilt on its merits (CCPR/C/GEO/CO/4). Clarification with reference to cited provisions would be welcome. Georgia is encouraged to continue its dialogue with UN human rights mechanisms and update CTED accordingly.

2.6.11	Does the State have habeas corpus legislation or similar provisions allowing detainees in counter-terrorism cases to institute proceedings before a court of law concerning the lawfulness of the detention?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Under CCP art. 206, the request for detention as preventive measure should be submitted by the prosecution to the court within 48 hours of the time of detention. The judge must decide in the request within 24 hours. The hearing of the request includes the detained person. A request for a change in, or suspension of the detention measure may be filed with the judge-magistrate. The decision on the preventive measure may be appealed within 48 hours and decided upon within 72 hours (CCP art. 207). The total duration of pre-trial detention may not exceed 60 days; the total duration of preventive duration may not exceed 9 months (CCP art. 205). Information re practical implementation of these provisions in terrorism-related cases, incl. the right to be brought promptly before a judge, would be welcome (see also 2.6.14 below).
2.6.12	Does the State have in place legislation prohibiting the introduction as evidence, in terrorism proceedings, of any statement made as a result of torture?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	The CCP (art. 4) prohibits impacting a person's freedom of will through use of torture, violence, cruel treatment, deceit, medical intervention, hypnotism and other measures that influence the memory or consciousness of a person. It also prohibits use of threat or promises of illegitimate benefits. Under CCP art. 72, elements of proof obtained in breach of the CCP provisions and other evidence legitimately obtained from such elements if they worsen the situation of the accused are inadmissible and have no legal value. CCP art. 210 prohibits concluding a plea agreement that would curtail the right of the accused to initiate prosecution of relevant officials if torture or inhumane or degrading treatment is used in his/her regard (see also art. 212). Updates re concerns expressed in CCPR/C/GEO/CO/4, paras 11-12 would be welcome.
2.6.13	Does the State have in place legislation prohibiting the introduction into terrorism proceedings of any evidence from a foreign jurisdiction that has been obtained through torture?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	Information regarding any provisions (apart from CCP arts. 4 and 72 (see 2.6.12 above)), specifically prohibiting the introduction into terrorism proceedings of any evidence from a foreign jurisdiction that has been obtained through torture would be welcome.

2.6.14	Are key principles of the rule of law respected in terrorism cases? (Reply YES only if the answer to all questions below is YES.) A. Is any person who is arrested on suspicion of involvement in terrorism informed, at the time of arrest, of the reasons for the arrest and of any charges? B. Is any person who is arrested or detained on terrorism-related charges brought promptly before a judge or other officer authorized by law to exercise judicial power? C. Is any person who is charged in connection with terrorism provided a fair and public hearing by a competent, independent and impartial tribunal? D. Is any person who is charged in connection with terrorism presumed innocent until proven guilty according to law and afforded a public trial with all guarantees necessary for defence? E. Is any person who is charged in connection with terrorism provided with adequate time and facilities to prepare his or her defence and to communicate with counsel of choice?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	A: CCP art. 38.1. B: GCCP arts. 205-206 (see also 2.6.11 above). Additional information regarding insuring the right to be brought promptly before a judge or other officer authorized by law to exercise judicial power would be welcome. C: Terrorism-related cases are heard under the general CCP rules (incl. arts.10 and 12). UN HRC expressed concerns at violations committed prior to 2012 elections, incl. unfair trial, torture and ill-treatment, and re insufficient legal safeguards provided to defendants under the current plea bargaining system (CCPR/C/GEO/CO/4). D: Presumption of innocence is guaranteed under CCP, art. 5. D&E: Main guarantees are provided for in CCP, but see CCPR/C/GEO/CO/4 for relevant concerns. Georgia is encouraged to continue its dialogue with UN human rights mechanisms and update CTED accordingly.
2.6.15	Does the prosecution office have the authority, capacity, expertise, technical means and human resources needed to handle complex terrorism cases?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	[2012 MONEYVAL report.] The Prosecution Service includes 332 prosecutors and 46 investigators. The Prosecutor's Office is part of the MoJ. The PO system consists of the Main Prosecutor's Office and the city, district and regional prosecutor's offices + offices of the Autonomous Republics of Ajaria and Abkhazia. Further information on the PO's capacity to handle complex terrorism cases would be welcome.

2.6.16	Does the court system and judiciary have the authority, capacity, expertise, technical means and human resources needed to handle complex terrorism cases?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
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2.7 Exceptional criminal procedures and accompanying safeguards

[Para. 2(e)]

#	Question	A	Explanation
2.7.1	Has the State established a special prosecutors' unit or designated public prosecutors to deal exclusively with terrorism cases or with serious crimes, including terrorism cases?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
2.7.2	Are terrorism cases tried by independent judges appointed or elected by normal procedure (i.e. non-military, non-emergency measures)?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Terrorism-related cases are tried by ordinary courts. On legislative amendments pertaining to fair trial and independence of judiciary, see replies of Georgia to list of issues in relation to the 4th periodic report of Georgia to UN HRC (CCPR/C/GEO/Q/4/Add.1), paras 83-94.

2.7.3	Are terrorism trials legally guaranteed to be open to the public, in principle?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	CCP arts.10 and 182 provide for such a guarantee as a general principle. Among grounds for a closed session hearing, the CCP lists: consideration of materials containing State secret; protection of personal data, professional or commercial secrets; protection of interests of minors; personal safety of a participant of the criminal proceeding or his/her close relative in case of implementation of a special protection measure requiring closed session; protection of interests of victims of sexual crimes and human trafficking; reading in court of personal correspondence or messages without the consent of the person concerned.
2.7.4	If the State has invoked emergency powers on grounds of a threat of terrorism, has it done so in a manner consistent with its obligations pursuant to international law, including, if applicable, the provisions of article 4 of the International Covenant on Civil and Political Rights (ICCPR)?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
2.7.5	If the State has adopted special laws that confer specific powers on certain authorities to counter terrorism (e.g. expanded powers to arrest or to search premises without a warrant), are such laws subject to "sunset" clauses?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	Chapter III of the CT Law provides for such powers in "extreme situations originated as a result of terrorist activity and realization of [CT operations]". In such situations, "the operative headquarters of control over extreme situations, administered by the [Mol], is established according to a decree of the President of Georgia". 2 zones of special legal regimes can be established: the security zone (allows for roadblocks for examination of vehicles, ID checks) and the c/t zone (incl. restriction/prohibition of vehicles, unimpeded access to dwellings and premises, unwarranted searches, use of private vehicles for c/t purposes, etc.). A CT operation is completed upon a decision of the HQ Chief when the act of terrorism has been prevented/stopped and danger eliminated. Information re sunset clauses would be welcome.

2.7.6	What special investigative techniques are available in investigating terrorism cases (e.g. undercover operations, interception of communication, electronic surveillance, controlled delivery, etc.)?	The OPG and competent law enforcement agencies are authorized to use full range of STIs provided for by the CPC and the Law of Georgia on Operative and Search Activities (art. 7), incl. controlled delivery, phone and communications tapping, infiltration, etc. All these techniques are permitted at any stage of the investigation. Under art. 7 of the Law on Operative-Searching Activities, the following STIs are carried out based on the court order: secret listening to, and taping of phone conversations (interception), gaining information from the channel of communication (by connecting to means of communication, computer networks, linear communications and station apparatus), control of post-telegraph staff (except diplomatic post); secret audio-video taping, making of films and photos; electronic surveillance by technical means, use of which does not cause any danger to person's life, health or environment. Such a court order is issued on the basis of a motivated prosecutor's request (considered in closed court session by a judge within 24 hours). STIs may be also carried out without court order on the basis of a motivated decision by a prosecutor in urgent cases (an ex post factum validation by a court must be obtained within 12 hours). The CPC was further amended in 2011 to allow law enforcement agencies to monitor bank accounts and transactions if there is ground for suspicion that the person is conducting a criminal act (art.124/1). Additional information, specific to terrorism-related cases, would be welcome.
2.7.7	Please describe any provisions or systems in place, through a legislative body or otherwise, to review both draft and existing counter-terrorism legislation, including special criminal procedures, in order to ensure that they comply with human rights obligations?	Information would be welcome.

2.7.8	Please describe any special counter-terrorism-related criminal procedures, such as administrative detention without charge, that are used in the State, as well as human rights safeguards that have been put in place to ensure that such procedures, as well as the use of special investigative techniques, comply with human rights obligations.	Information would be welcome. * UN HRC expressed concern regarding the current system of administrative detention in Georgia allowing for imprisonment as a sanction for an administrative offence for a maximum duration of 90 days while not guaranteeing sufficient due process rights for administrative detainees, incl. not upholding the principle of equality of arms and holding detainees in temporary detention facilities managed by the MoI (CCPR/C/GEO/CO/4). Georgia is encouraged to continue its dialogue with UN human rights mechanisms in this regard and update CTED accordingly. Clarification re whether administrative detention can be used in terrorism-related cases would be welcome. Information regarding the conditions of detention of several detainees transferred to Georgia from the U.S. detention facility in Guantanamo Bay, Cuba, would also be welcome.
2.7.9	If emergency powers have been invoked on grounds of a threat of terrorism, please describe their nature, scope and expected duration.	Information would be welcome.

2.8 Jurisdiction

[Para. 2(e)]

#	Question	A	Explanation
2.8.1	Has the State established its jurisdiction over terrorism offences committed by its own nationals, regardless of the location of the offences committed?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Georgian nationals and Stateless persons with resident status in Georgia are liable for crimes committed abroad, as prescribed by the Criminal Code, if the legislation of the country where the crime(s) was committed also provides for criminal liability for the offence(s). If the legislation of the foreign country does not provide for criminal liability, they may still be held liable under the Criminal Code if the crime(s) is/are directed against the interests of Georgia and are qualified as serious or particularly serious, or if criminal liability for such crime(s) is provided for in a international treaty binding for Georgia (art. 5 of the Criminal Code). Additional information re whether all terrorism offences would fall under these criteria would be welcome.
2.8.2	Has the State established its jurisdiction over terrorism offences committed in its territory and onboard aircraft/vessels registered in the State?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Under art. 4 of the Criminal Code, any person who commits a crime in the territory of Georgia is liable under the Code. A crime is deemed to have been committed in the territory of Georgia if it was commenced, continued, suspended or terminated in its territory. The Criminal Code also applies to crimes committed on the continental shelf, in the exclusive economic zone of Georgia, or on board a vessel legitimately carrying the State flag or insignia of Georgia (unless otherwise provided for in an international treaty binding for Georgia).

2.9 International legal cooperation

[Para. 2(f)]

#	Question		Explanation
2.9.1	Do the extraditable offences defined in the State's legislation include the offences set forth in the international counter-terrorism instruments?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Under art. 22 of the CT Law, foreign citizens or Stateless persons who do not permanently reside in Georgia may be extradited to foreign States (see also art. 6.2 of the Criminal Code). Georgia does not extradite its own nationals or Stateless persons with resident status in Georgia. Also, extradition is refused for offences that are not criminalized in Georgia if the punishment for the crime(s) in the requesting State includes death penalty; if the persons who committed the crime(s) seek refuge and are persecuted for their political beliefs (see also 3.5.1 below). Additional information re how the above limitations affect extradition in cases that pertain to the offences set forth in the international counter-terrorism instruments would be welcome.
2.9.2	Has the State developed and made publicly available guidelines on domestic laws and procedures relating to mutual legal assistance and extradition, in order to inform foreign authorities about the requirements that must be met to obtain assistance or extradition?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Georgia's MLA and extradition framework is set out in the Law on International Cooperation in the Field of Criminal Law (MLA Law). A list of relevant procedures is provided in English on the website of the OPG: http://pog.gov.ge/eng/international Additional Information re guidelines on domestic laws and procedures relating to MLA and extradition developed in order to inform foreign authorities about the requirements that must be met to obtain assistance or extradition would be welcome.
2.9.3	In the event that the State does not extradite a terrorist, is the State obliged, without exception and regardless of whether or not the terrorism offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with its laws, provided that the alleged offence falls within the scope of the international counter-terrorism instruments?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	There is no requirement to initiate a criminal prosecution domestically in cases where extradition is denied based on nationality (Georgian nationals may not be extradited unless extradition is provided for under an applicable international agreement - art.21 of the MLA Law). Information re application of the "aut dedere aut judicare" principle in relation to offences falling within the scope of the international counter-terrorism instruments would be welcome.

2.9.4	Has the State designated a national central authority (apart from diplomatic channels) responsible for processing extradition requests?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	As with all other MLA requests (see 2.9.5 below), extradition requests are channelled through the International Cooperation Unit, which examines whether the requirements of both international and domestic laws are met and subsequently prepares the relevant decree for the Ministry of Justice to grant or reject a specific extradition request.
2.9.5	Has the State designated a national central authority (apart from diplomatic channels) responsible for processing requests for mutual legal assistance (MLA) in criminal matters?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	The Ministry of Justice is the central authority for receiving, processing and responding to MLA requests from foreign countries based on letters rogatory. In cases where MLA is requested on the basis of an international or bilateral treaty, direct channels may be utilized. Pursuant to art.11 of the MLA Law, where information provided by the requesting country is found to be insufficient to execute the request, the Ministry of Justice may ask for additional information from the foreign State. All MLA requests are submitted to the International Cooperation Unit of the Legal Department of the Office of the Chief Prosecutor, Ministry of Justice of Georgia (International Cooperation Unit).
2.9.6	What capacities (e.g. expertise, translation/interpretation services, human resources and technological support) does the State have in place to facilitate MLA/extradition?	At the time of the MONEYVAL assessment (Nov-Dec. 2011), the International Cooperation Unit was staffed with 2 prosecutors, 1 adviser, 2 English language translators, 2 Russian language translators and 1 professional to keep a register of all MLA requests received, granted, denied, etc. The International Cooperation Unit was funded from the regular State budget. According to the authorities, the Unit had sufficient resources and knowhow to enable Georgia to provide MLA in an effective and timely manner. Additional and updated information re Georgia's capacity to facilitate MLA and extradition would be welcome.	

2.9.7	Is the central authority able to provide for effective cooperation in terrorism case?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Information specifically concerning effective cooperation in terrorism-related cases would be welcome. See also 2.9.6 and 2.9.12.
2.9.8	If dual criminality is a requirement for extradition, does the State allow extradition where both States have criminalized the underlying conduct, regardless of the legal definition of the offence?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Extradition from Georgia is possible only for conduct that meets the requirement of dual criminality (art.18 of the MLA Law). According to the information provided by the Georgian authorities to MONEYVAL accessors in Nov-Dec. 2011, there is a liberal application of the requirement of dual criminality, which would be established based on the conduct rather than the criminal offence references in the request. Mere technical differences between the law of the requesting State and Georgian law would not pose an impediment to extradition. Certain legal limitations remain, nonetheless. Additional information, with a focus on terrorism-related cases, would be welcome.
2.9.9	What bilateral and regional instruments and mechanisms does the State have in place to facilitate MLA/extradition including based on the principle of reciprocity?	Georgia has entered into bilateral MLA and/or extradition treaties and/or cooperation in countering terrorism with Armenia, Azerbaijan, Austria, Belarus, Bulgaria, Egypt, Estonia, France, Greece, Hungary, Italy, Kazakhstan, Latvia, Malta, Moldova, Poland, Romania, Turkey, Turkmenistan, Ukraine, UK, USA and Uzbekistan. By the end of 2013, Georgia was party to 22 bilateral agreements on police cooperation and combating crime, incl. counter-terrorism and law enforcement cooperation agreements with Israel and Lithuania. It has also ratified a large number of regional treaties relevant to MLA/extradition, incl. the European Convention on Mutual Assistance in Criminal Matters and its two addition protocols; European Convention on Extradition and its two additional protocols; CoE Convention on the Suppression of Terrorism and the amending protocol; CoE Convention on the Prevention of Terrorism; CoE Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime and on Financing of Terrorism; Additional Protocol on Combating Terrorism to the Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in it Organized Forms; Agreement of Cooperation among the Governments of GUAM Participating States in the Field of Combat against Terrorism, Organized Crime and Other Dangerous Types of Crimes.	

2.9.10	Is the State able to extradite an individual in the absence of bilateral agreements, pursuant to international instruments or through ad hoc arrangements?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Extradition may take place only on the basis of an applicable international or bilateral treaty, incl. ad hoc treaties. Extradition based on reciprocity is not permitted.
2.9.11	Does the State have in place legal provisions requiring denial of extradition requests made by foreign jurisdictions where there are substantial grounds for believing the person concerned would be in danger of being subjected to torture?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	During the 2007 CTC visit, Georgia stated that extradition is refused where the accused faces a real risk of torture or execution. With reference to the 2007 CTC visit report (para.79), updated information re legal provisions in place (and practical measures for their implementation) requiring denial of extradition requests made by foreign jurisdictions where there are substantial grounds for believing the person concerned would be in danger of being subjected to torture would be welcome.
2.9.12	Is the State able to effectively implement MLA and extradition?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Georgia's MLA framework appears solid and allows for the provision of a wide range of assistance to foreign countries in the context of criminal investigations and prosecutions and such assistance does not seem to be subject to any unduly restrictive or unreasonable requirements. In 2007-2011, Georgia received 1,102 requests for assistance in criminal matters, of which 918 were executed and only 17 (1.5%) were rejected; out of 90 requests for extradition, 52 were granted and 23 denied. There are no formal time frames in place for processing MLA or extradition requests. According to the authorities, MLA requests in the past have been executed within 2 to 3 months, and extradition requests -within 9 months (MONEYVAL 2012 report). See also 2.9.6 and 2.9.7. Additional and updated information would be welcome.

2.9.13	Has the State conducted bilateral cooperation in investigations (such as joint international investigations, informal forms of bilateral cooperation, etc.) related to terrorism cases with foreign authorities?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	There are no legal provisions allowing for cooperative investigations with foreign counterparts, but such investigations have been used several times (MONEYVAL 2012 report). If required, the MoJ is authorized to conclude ad hoc agreements under art. 2 of the MLA Law. Under art. 8.1.f of the Law on Operative-Searching Activities and international agreements, Georgia's law enforcement agencies are authorized to conduct operative-searching activities upon request of foreign counterparts and have done so in ML cases (mainly upon requests from EU and Ukraine). National virtual law enforcement centres in GUAM member States can facilitate direct communications during joint operations. Additional information re bilateral cooperation with foreign authorities in terrorism-related investigations would be welcome.
2.9.14	Is the State an active member of a regional judicial cooperation network that shares good practices and organizes regular meetings?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.
2.9.15	Does the State have an INTERPOL National Central Bureau (NCB)?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	The INTERPOL NCB in Tbilisi is the cooperation centre that links national law enforcement agencies and State authorities to the worldwide INTERPOL community. Its activities are governed by the Constitution of INTERPOL and the Regulation on Activities and Cooperation of NCB of INTERPOL of the MoI, adopted by Presidential Order No. 99 of 2 December 2007.

2.9.16	Is the FIU an active member of an international network that shares good practices and organizes regular meetings?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	The FMS has been a member of the Egmont Group since 23 June 2004. The FMS does not need MoUs to share information with foreign counterparts, but it can conclude them and, by 2012, had signed such MoUs with the FIUs of 30 countries (MONEYVAL 2012 report, para. 1,464).
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2.10 Effective border controls and related issues

[Para. 2(g)]

#	Question	A	Explanation
2.10.1	Does the State have in place legislation to prevent illegal entry by terrorists?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Illegal border crossing is punishable under arts. 344 and 344/1 of the Criminal Code. Information re any legislation in place specifically to prevent illegal entry by terrorists would be welcome.
2.10.2	Does the State have in place legislation to prevent the smuggling of terrorists?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Illegal transfer of migrants across the border of Georgia is punishable under art. 344/1 of the Criminal Code. In addition, art. 331/1 criminalizes, inter alia, premeditated provision of services to terrorists or terrorist organization and/or provision to terrorists or terrorist organization of other material support or resources. Information re any legislation in place specifically to prevent the smuggling of terrorists would be welcome.

2.10.3	Does the State consistently and effectively screen persons for potential links to terrorism prior to their entry into its territory?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Georgia states (6/01/2013) that the consolidated list of persons drawn up by the 1267 Committee has been incorporated in the main database of the Mol CTC since Feb 2006. The list for border immigration control is regularly transferred to the State Border Department (SBD) of the Mol, stored in its computer database, and transferred to regional divisions of the SBD. Information about individuals on "visit limited countries" applying for a Georgian visa and about those inviting individuals is transferred by the consular department to the Mol CTC (implemented under the 24-hour duty schedule). A similar SBD service is directly linked to the Mol CTC. Additional information, with examples of effectiveness, would be welcome.
2.10.4	Is the State's immigration screening process connected at the frontline to national watch lists and alerts?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	As stated by Georgia in its 2013 response to the OSCE Questionnaire on the Code of Conduct on Politico-Military Aspects of Security, Personal Identification and Registration Systems (PIRS) are installed at all border control points (BCP). Software linking border-crossing databases with other Mol databases, as well as verification of persons entering or leaving Georgian territory, is operational at every BCP. Information re how national watch lists and alerts are made available to immigration officers and whether relevant information (watch lists, alerts, etc.) is contained in a database would be welcome.
2.10.5	Is the State's immigration screening process connected at the frontline to the INTERPOL "I-24/7" Stolen and Lost Travel Documents (SLTD) database and Red Notices for suspected criminals and wanted persons, as well as the Al-Qaida Sanctions Lists?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information, incl. regarding whether frontline immigration offices have direct access to INTERPOL databases and, if so, how access is provided (e.g., via I-24/7), would be welcome.

2.10.6	Does the State use the Mobile INTERPOL Network Database (MIND) and the Fixed INTERPOL Network Database (FIND)?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Updated information on the use of MIND and FIND, if in place, in Georgia would be welcome.
2.10.7	Does the State have the capacity effectively to screen travellers at ports of entry? <i>(Reply YES only if the answer to all questions below is YES.)</i> A. Does the State have access to pre-arrival traveller information (through Advance Passenger Information Systems), for risk-assessment purposes? B. Does the State have the intelligence and analytical capacity to detect potential terrorists? C. Does the State have the capacity to prevent and detect fraudulent use of identity and travel documents?	☐ Yes ☐ Largely ☐ Partially ☒ Marginally ☐ No	A: API system not fully implemented in Georgia. B & C: As stated by Georgia in its 2013 response to the OSCE Questionnaire on the Code of Conduct on Politico-Military Aspects of Security, PIRS are installed at all BCPs. Software linking border-crossing databases with other Mol databases, as well as verification of persons entering or leaving Georgian territory, is operational at every BCP. Software and new passport readers speed travel-document processing. Digital photos of travellers are taken to enhance identification and control of crime. As of November 2011, second line "labs" at all BCPs were fully quipped and operational. Additional information on all three sub-questions would be welcome.
2.10.8	Does the State record and store (in an automated system) the entry and exit of persons crossing its borders?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information, incl. whether Georgia has implemented a data-management system to record traveller data on entry and exit; whether this system is implemented at all types of borders (air, sea, land); whether the exit element is fully operational; whether biometrics are used to verify people's identities or detect forged or stolen documents; whether there is an automated enrollment and search facility to check people against watch lists and generate alerts; whether automated alerts are generated to identify terrorists; whether information on criminals is passed on to immigration enforcement authorities; and whether information on over-stayers is used to detect them and impose sanctions, would be welcome.

2.10.9	Does the State systematically seek to identify individuals who have no legal basis for remaining in the country?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information regarding applicable laws and administrative procedures (e.g. joint coordination / linked database between criminal and immigration departments; requirement to carry national ID; immigration checks during routine traffic stops; sting operations aimed at employers, etc.) in place to identify persons who are in the country illegally, would be welcome.
2.10.10	Does the State have effective in-country screening measures (i.e. prior to adjustment of legal status, issuance of work permit, permanent residence or citizenship, etc.) to prevent the extension of residency to terrorists?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information, in addition to information requested under 2.10.9, would be welcome.
2.10.11	Do procedures dealing with the movement of persons comply with international human rights standards (e.g. by ensuring that all persons enjoy the protection of the principle of non-refoulement and additionally, in the case of asylum-seekers, protection against removal until all legal remedies have been exhausted, as well as rights to legal counsel and an interpreter)?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	As noted in the 2007 CTC visit report, in addition to the granting of refugee status under the Law on Refugees, the granting of asylum is also possible on the basis of a presidential decree. At the time of the CTC visit, officials of the Ministry of Internal Affairs confirmed that legal safeguards were in place to ensure that persons who would be excludable under the 1951 Convention would not be able to obtain asylum under the Presidential Decree. The delegation recommended that Georgia's Law on Refugees be revised to fully comply with the 1951 Convention. Updated information in this regard, including protection against removal until all legal remedies have been exhausted, as well as rights to legal counsel and an interpreter, would be welcome. See also 3.4.4.

2.10.12	Does the State issue secure ICAO-compliant machine-readable travel documents (MRTDs)?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Georgia stated in its 2013 response to the OSCE Questionnaire on the Code of Conduct on Politico-Military Aspects of Security that it had introduced "second-generation" biometric passports in April 2010. The passports were equipped with an electronic data storage device containing 4 finger prints, face image and photo. This information is read from the passport using a contactless reader. By combining visual and electronic security features, the passports ensure high identification standards.
2.10.13	Does the State have in place a secure travel-document issuance process? <i>(Reply YES only if the answer to all questions below is YES.)</i> A. Does the State issue secure "breeder" primary documents? B. Does the State have the capacity to confirm authenticity of "breeder" primary documents before issuing travel documents (i.e. through verification with civil registries, electronically or by other means)? C. Does the State incorporate into its travel documents unique and distinctive designs and materials that are difficult to counterfeit?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information regarding (A) whether birth certificates, driver's licences and other primary documents (baptism / naturalization / marriage / divorce certificates, social security numbers) are used as proof of identity and are issued in accordance with practices that ensure their security and integrity. Information as to whether biometrics are used to assist in establishing proof of identity (e.g. fingerprints, DNA, retinal scans); (B) whether guidelines, training and procedures regarding the detection of fraudulent documents are readily accessible and (C) whether Georgia's travel documents contain unique and distinctive designs and materials that are difficult to counterfeit, would be welcome.
2.10.14	Does the State regularly include stolen and lost travel documents/passports in national watch lists and alerts?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information, especially regarding the procedure for including stolen and lost travel documents / passports in national watch lists and alerts; the time elapsing between reporting and registration; who has access to this information; whether the information is up-to-date when checked; which lists are fed; and whether the lists are used by customs / police / border control, would be welcome.

2.10.15	Does the State regularly communicate relevant data on stolen and lost passports to INTERPOL?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information, especially regarding the frequency of such communication; the nature of the data communicated; and the feedback mechanism, would be welcome.
2.10.16	Does the State have measures in place to cooperate with other States to, inter alia, strengthen the security of their international borders, including by combating fraudulent travel documents and by enhancing terrorist screening and passenger security procedures?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information, in particular regarding cooperation aimed at strengthening the security of Georgia's international borders; combating fraudulent travel documents; and enhancing terrorist-screening and passenger-security procedures, would be welcome.
2.10.17	Does the State implement the WCO SAFE Framework of Standards? <i>(Reply YES only if the answer to all questions below is YES.)</i> A. Does the State receive data (electronic transmission) regarding cargo/container shipments prior to their arrival? B. Does the State conduct risk assessments? C. Does the State have the capacity (technology, equipment and trained officers) to conduct non-intrusive inspections of cargo entering, exiting and transiting/transhipped through its territory? D. Does the State implement customs-to-customs cooperation that includes conducting requested inspections? E. Does the State have in place customs-to-business partnerships to implement cargo security standards, including an Authorized Economic Operator (AEO) programme?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Updated information regarding the relevant recommendations of the 2007 CTC visit report, in particular that "Georgia affiliate itself with the WCO SAFE Framework of Standards and Columbus Programme" and enhance its intelligence functions, in particular through the establishment of specialized risk-assessment units and improved use of the WCO Customs Enforcement Network, would be welcome.

2.10. 18	Does the State have a national civil aviation security programme in place to safeguard civil aviation against acts of unlawful interference? (Reply YES only if the answer is to all questions below is YES.) A. Has the State designated an appropriate Government authority for the implementation and maintenance of the national civil aviation security programme? B. Does the State conduct regular threat assessments, audits, tests and inspections to verify compliance and rectify deficiencies? C. Does the State implement an airport security programme at every airport serving civil aviation? D. Does the State ensure that persons implementing security controls are subject to background checks and obtain necessary training and certification? E. Does the State have an identification system for persons and vehicles prior to granting access to airside and restricted areas at civil aviation airports, in order to prevent unauthorized entry?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information. Information re all sub-questions, incl. regarding Georgia's compliance with ICAO SARPs 3.1, 3.3, 3.6, 3.10, 4.10.20, 4.10.26 (cf. Annex 17 to the Chicago Convention and ICAO's Aviation Security Manual providing guidance on how to apply its Standards and Recommended Practices (SARPs)), would be welcome.
2.10. 19	Does the State screen the cabin and hold baggage of originating and transfer passengers prior to boarding or loading of the aircraft and ensure that each piece of hold baggage is individually identified as accompanied or unaccompanied before acceptance for carriage?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information.

2.10. 20	Does the State implement the International Ship and Port Facility Security Code (ISPS Code)? (Reply YES only if the answer to all the questions below is YES.) A. Has the State designated a national authority responsible for ship security? B. Has the State designated a national authority responsible for port facility security? C. Has the State designated recipients of ship-to-shore security alerts? D. Has the State established a recognized security organization (RSO)? E. Has the State designated recipients of maritime security-related communications from other contracting Governments? F. Has the State designated recipients of requests for advice or assistance to ships and an agency to whom ships can report concerns? G. Does the State conduct regular threat assessments, audits, tests and inspections to verify compliance and rectify deficiencies, including updating of security plans? H. Does the State implement a seaport security programme at every seaport used in international trade? I. Does the State ensure that persons implementing security controls are subject to background checks and obtain necessary training and certification? J. Does the State have in place a system for checking persons and vehicles before granting them access to seaports in order to prevent unauthorized entry?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	A & F: Maritime Transport Agency of the Ministry of Economy and Sustainable Development of Georgia. B & E: Maritime Safety and Security Division of the Maritime Transport Agency of the Ministry of Economy and Sustainable Development of Georgia. D: Maritime Rescue Coordination Centre of Maritime Transport Agency of the Ministry of Economy and Sustainable Development of Georgia. C & G-J: Information would be welcome.
2.10. 21	Has the State set up a port security committee at all relevant seaports?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information.

2.10. 22	Does the State have procedures in place to register and issue seafarers' manifests/ID documents?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information.
2.10. 23	How do immigration, customs, aviation and maritime security officials and other border authorities coordinate and cooperate among themselves?	Insufficient information.	

Chapter 3 of Security Council resolution 1373 (2001)

3.1 Exchange of information

[Para. 3(a), 3(b)]

#	Question	A	Explanation
3.1.1	Does the State maintain an integrated counter-terrorism database that includes input from authorized relevant law enforcement agencies?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	As noted in the 2007 CTC visit report, Georgia has a central counter-terrorism database, managed by the Counter-Terrorism Center and populated with terrorism-related information by a variety of organizations. However, at the time of the visit, access to this information was limited to the Center's employees. Updates regarding the recommendation to expand access to the database to include cleared personnel in all counter-terrorism agencies would be welcome.
3.1.2	Is the integrated counter-terrorism database sufficiently comprehensive? <i>(Reply YES only if the answer to all the questions below is YES.)</i> A. Does the database include information from abroad? B. Is the database accessible by all relevant law enforcement agencies? C. Does the database contain information from INTERPOL?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information.
3.1.3	Does the State alert law enforcement agencies to the INTERPOL-United Nations Security Council Special Notices on individuals and entities who are subject to United Nations sanctions regimes because of their affiliation with Al-Qaida?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Insufficient information.

3.1.4	Are the databases connected to the INTERPOL "I-24/7" secure global network?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	As noted in the 2007 CTC visit report, the only body within the Ministry of the Interior that had direct access to I-24/7 was the INTERPOL NCB. The delegation noted that there was a strong desire to expand access to include central and regional police, as well as to other law enforcement agencies. The difficulties in this regard included system compatibility problems (different types of networks and software) and the need for comprehensive training of personnel. Updated information in this regard, as well as a clarification as to whether Georgia's counter-terrorism database is connected to the INTERPOL I-24/7" secure global network, would welcome.
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3.2 Multilateral and bilateral agreements

[Para. 3(c)]

#	Question	A	Explanation
3.2.1	Are law enforcement agencies equipped with the legal and operational mechanisms required to undertake international cooperation against terrorism?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	According to the 2007 CTC visit report, Georgia's Government operated at a relatively high level of international cooperation, including within regional organizations such as GUAM, the European Union, the Council of Europe, OSCE and NATO. The law on International Law Enforcement Cooperation", adopted on 4/10/2013, aims to fully implement the obligations regarding international law enforcement cooperation arising from the relevant bilateral and multilateral international treaties, especially the CoE Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters. An EU expert mission within TAIEX assessed the law as outstanding. Updated information re operational mechanisms available to law enforcement agencies to undertake international cooperation against terrorism would be welcome.
3.2.2	Are the State's law enforcement agencies equipped with bilateral and multilateral tools for cooperation in investigations related to acts of terrorism and terrorist organizations?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	As of August 2015, Georgia has bilateral international agreements / MoUs on law enforcement cooperation, incl. in terrorism-related issues, with 25 countries. Georgia uses secure channels of information exchange existing within the framework of regional organizations, incl. GUAM. Police attaché channels are also widely used. In 2014, Georgian law enforcement officials participated in counter-terrorism related training and capacity building exercises with the Governments of Turkey, UK, Israel and Slovakia, as well as with the George Marshall Center in Germany, the OSCE and the UN (Georgia's submission to CTED of 19/08/2015). Additional information would be welcome re the tools available to Georgian law enforcement agencies for cooperation in investigations in terrorism cases.

3.3 Ratification of the international counter-terrorism instruments

[Para. 3(d), 3(e)]

#	Question	A
3.3.1	The State is a party to the following international counter-terrorism instruments:	Georgia is a party to 14 of the 19 international counter-terrorism instruments: Convention on Offences and Certain Other Acts Committed on Board Aircraft; Convention on the Unlawful Seizure of Aircraft; Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and its Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents; Convention Against the Taking of Hostages; Convention on the Physical Protection of Nuclear Material; Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation; 1998 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf; Convention on the Marking of Plastic Explosives for the Purpose of Detection; International Convention on the Suppression of Terrorist Bombings; International Convention for the Suppression of Financing of Terrorism; International Convention for the Suppression of Acts of Nuclear Terrorism; Amendment to the Convention on the Physical Protection of Nuclear Material.

3.4 Measures with respect to refugees and asylum

[Para. 3(f), 3(g)]

#	Question	A	Explanation
3.4.1	Does the State have in place the necessary legal provisions and procedures to ensure respect for the principle of non-refoulement and other human rights limitations to extradition and expulsion, such as substantial risk of human rights violations if a suspect is extradited or expelled?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	During the 2007 CTC visit, the authorities stated that extradition was refused where the accused faced real risk of torture or execution. With reference to the 2007 CTC visit report (para.79), updated information re legal provisions and procedures to ensure respect for the principle of non-refoulement and other human rights limitations to extradition and expulsion, such as substantial risk of human rights violations if a suspect is extradited or expelled, would be welcome.

3.4.2	Is the State a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Georgia has been a party to the 1951 Convention and its 1967 Protocol since 1999.
3.4.3	Does the State have in place a functioning refugee-status determination procedure that prevents the granting of asylum to an individual who has planned, facilitated or participated in a terrorist act?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	As noted in the 2007 CTC visit report, the Georgian Government had granted refugee status to an estimated 1,200 refugees from Chechnya, of Chechen and Kist ethnicity, who resided in Georgia. Before 2006, all asylum-seekers from Chechnya were granted refugee status on a prima facie basis. Under updated procedures, all new asylum-seekers are required to undergo individual refugee-status determination. The Ministry on Refugees and Accommodation confirmed, at the time, that it had not encountered any cases that would merit the application of the exclusion clauses. In addition, every application for asylum was thoroughly considered by the Counter-Terrorism Center in order to prevent persons involved in terrorist activities from abusing the asylum system. Updated information would be welcome.
3.4.4	Are exclusion and expulsion procedures for asylum-seekers and refugees in compliance with international human rights standards and appropriate safeguards (e.g. right to respond to evidence or information, right to legal assistance, right to an interpreter, right to appeal and to protection against removal until all legal remedies have been exhausted)?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	As noted in the 2007 CTC visit report, in addition to the granting of refugee status under the Law on Refugees, the granting of asylum was also possible on the basis of a presidential decree. At the time of the visit, officials of the Ministry of Internal Affairs confirmed that legal safeguards were in place to ensure that persons who would be excludable under the 1951 Convention would not be able to obtain asylum under the presidential decree. The delegation recommended that Georgia's Law on Refugees be revised to fully comply with the 1951 Convention. Updated information in this regard, including re protection against removal until all legal remedies have been exhausted, as well as rights to legal counsel and an interpreter, would be welcome. See also 2.10.11.

3.4.5	Does the State issue secure MRTDs to recognized refugees?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	As noted in the CTC visit report, recognized refugees were issued with Convention Travel Documents in order to facilitate their travel outside Georgia. Updated information in this regard, including whether these documents are secure and machine-readable, would be welcome.
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3.5 Non-application of political offence doctrine

[Para. 3(g)]

#	Question	A	Explanation
3.5.1	Are terrorism offences excluded from offences of a political nature for which extradition or mutual legal assistance in criminal matters may be refused?	☐ Yes ☒ Largely ☐ Partially ☐ Marginally ☐ No	Under art.19 of the Law on International Cooperation in Criminal Matters, extradition is refused if the offence is recognized in Georgia as a political crime or a crime related thereto. The following crimes are explicitly excluded from political offences: assault (or attempt thereof) on the life of the head of State or members of his/her family, as well as all crimes extraditable under international treaties or bilateral agreements binding for Georgia. Further, under art.12 of the Law, a crime is not considered political if criminal elements of the conduct are prevailing compared to political aspects. Georgia should consider including terrorism offences provided for in the international counter-terrorism instruments to which it is not yet a party.

3.6 Denial of cooperation on grounds of improper prosecution

[Para. 3(g)]

#	Question	A	Explanation
3.6.1	Are there legal provisions in place to refuse extradition where there are substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion, or that compliance with the request would cause prejudice to that person's position for any of these reasons?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Under art. 29.1 of the Law on International Cooperation in Criminal Matters, extradition is refused, inter alia, if there are reasonable grounds to believe that it has been requested for the purposes of prosecuting or punishing a person on account of that person's race, ethnicity, nationality, religious or political beliefs, or other similar concerns.

Security Council resolution 1624 (2005)

#	Question	A	Explanation
1	Does the State have in place legislation prohibiting incitement to commit a terrorist act or acts?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	Public dissemination or other provision of information with the purpose of calling for terrorist activity is criminalized as "public incitement to terrorism" if, regardless of whether it contains direct incitement to commit a crime, it creates a threat of such activity taking place. It is punished by 3 to 6 years' imprisonment. A legal entity is punished by liquidation or deprivation of the right to exercise the relevant activity and a fine (art. 330/1 of the Criminal Code). This provision was revised in 2015 to cover public support for terrorist activity and/or for terrorist organizations. Such conduct shall entail "evident, direct and substantial threat" terrorist activity.
2	Does the State have in place legislation denying safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Provision of safe haven to terrorists is explicitly criminalized under art. 331/1 as a form of provision of support to terrorism ("[...] premeditated provision of services to terrorists or terrorist organization, provision of shelter or safe haven to terrorists and/or provision to terrorists or terrorist organization of other material support or resources"). Clarification as to whether this provision also covers safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts would be welcome.
3	Is anti-incitement legislation sufficiently clear and precise to comply with the principle of legality and to ensure respect for the right to freedom of expression, thoughts, conscience and religion?	☒ Yes ☐ Largely ☐ Partially ☐ Marginally ☐ No	The 2015 revisions to the Criminal Code clarified that such conduct shall entail "evident, direct and substantial threat" terrorist activity.

4	Does the State cooperate with other States, inter alia, to strengthen the security of its international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of incitement from entering their territory?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	The MoI Border Police conduct international cooperation within the frameworks of multiple bilateral agreements (incl. with Armenia, Azerbaijan, Bulgaria, Turkey, Ukraine, etc. and FRONTEX) as well as multilateral instruments. Information regarding measures aimed at strengthening the security of Georgia's international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of incitement from entering its territory, would be welcome.
5	Does the State safeguard the right to seek and enjoy asylum reflected in article 14 of the Universal Declaration and the non-refoulement obligation of States pursuant to the 1951 Convention Relating to the Status of Refugees, together with its 1967 Protocol, while ensuring that asylum shall not be extended to any person with respect to whom there are serious reasons for considering that he or she has been guilty of incitement, as properly defined?	☐ Yes ☐ Largely ☒ Partially ☐ Marginally ☐ No	Before 2006, all asylum-seekers from Chechnya were granted refugee status on a prima facie basis. Under updated procedures, all new asylum-seekers are required to undergo individual refugee status determination. The Ministry on Refugees and Accommodation confirmed, at the time, that it had not encountered any cases that would merit the application of the exclusion clauses. In addition, every application for asylum was thoroughly considered by the Counter-Terrorism Centre in order to prevent persons involved in terrorist activities from abusing the asylum system (see 3.4.3 and 3.4.4, referring to 2007 CTC visit report). Updated information, with a focus on measures concerning persons guilty of incitement to terrorism, would be welcome.
6	Has the State participated in international efforts to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?	☐ Yes ☐ Largely ☐ Partially ☐ Marginally ☒ No	Information would be welcome.

7	Please provide examples of how the State has sought to prevent incitement to commit a terrorist act or acts, through law enforcement strategies or other measures, in accordance with paragraph 1(b) of Security Council resolution 1624 (2005).	Information would be welcome.
8	Please provide examples of initiatives undertaken by the State to enhance dialogue and broaden understanding among civilizations, including with the participation of local communities, the private sector, civil society, media and other relevant non-governmental actors.	According to the information provided by Georgia to the UN HRC in 2014, development of effective legal provisions against discrimination on an ethnic, religious, cultural and linguistic basis was underway. In 2012, the Constitution of Georgia was translated and published in Azeri, Armenian and Russian and distributed among local self-governments and non-governmental organizations in the respective minority regions. The MoI carried out various activities to foster recruitment of national minority representatives in the agencies under its auspices. In 2012, the working group for elaboration of the anti-discrimination draft law was created within the Ministry of Justice. In 2013, 26 criminal investigations were initiated with regard to crimes committed on the basis of religious intolerance (CCPR/C/GEO/Q/4/Add.1). Additional information re initiatives undertaken by Georgia to enhance dialogue and broaden understanding among civilizations, including with the participation of local communities, the private sector, civil society, media and other relevant non-governmental actors, would be welcome.

9	Please provide examples of measures taken by the State, as necessary and appropriate and in accordance with its obligations pursuant to international law, to counter incitement of terrorist acts motivated by extremism and intolerance, including with the participation of local communities, the private sector, civil society, media and other relevant non-governmental actors.	Information would be welcome.
10	Please provide examples of any challenges encountered by the State in its efforts to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law.	Information would be welcome.

11	Please provide examples of measures taken by the State, as necessary and appropriate and in accordance with its obligations under international law, to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters.	Information would be welcome.
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