

GEORGIA

OVERVIEW OF IMPLEMENTATION ASSESSMENT (OIA) – 2015-09-15

FAST FACTS

A. CTC COMMUNICATION & VISITS:

Total reports sent:
3
Date of last interaction: 2013-01-17
Last PIA sent: 2010-02-18
Last comments received:
2013-01-17
Last CTC visit: 2007-09-21

B. MEMBERSHIP IN RELEVANT INTERNATIONAL ORGANIZATIONS*:

(I) FATF: NO
(II) FSRB: MONEYVAL
-Public statement: NO
-Mutual evaluation report: 2012-07

INTERPOL:
Member: YES
Access to I 24/7: YES

WCO:
Member: YES
Diagnostic assessment:
Capacity-building:

ICAO:
Member: YES
Security audit: 2008-08

IMO:
Member: YES

C. PARTY TO INTERNATIONAL COUNTER-TERRORISM INSTRUMENTS: 14

Observations on the OIA by the Member State, including comments on General Background, if any, are included in Annex-1.

GENERAL BACKGROUND

RECENT TERRORISM-RELATED INCIDENTS

According to a press statement issued by Prime Minister Bidzina Ivanishvili on 28 April 2013 regarding the Boston Marathon bombings, "it [was] possible that terrorists had been trained in Georgia, but the investigation [was] underway." In September 2011, a terrorism-financing investigation was launched by the Department of Constitutional Security of the Ministry of Internal Affairs. Information regarding the current status of these and other terrorism-related investigations would be welcome.

Georgian nationals, including those of Chechen ethnicity from Georgia's Pankisi region, have participated in terrorist activities in Syria and Iraq. One was listed on 23 January 2015 by the Al-Qaida Sanctions Committee as a "Syria-based senior military commander and shura council member of Islamic State in Iraq and the Levant (ISIL)" having "led approximately 1,000 foreign fighters for ISIL and committed a number of attacks in northern Syria". According to the authorities, as of August 2015, 41 Georgian citizens were fighting abroad as foreign terrorist fighters (FTF) abroad.

VULNERABILITIES

Georgia's Threat Assessment Document for 2010-2013 (TAD) stated that the existence of the conflict zones in neighbouring countries increased the possibility of spill over into Georgia. Groups engaged in the smuggling of nuclear material were also mentioned in the TAS as possible terrorist threats.

During the fourth assessment visit by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the Georgian authorities discussed the specific risks of money-laundering (notably resulting from smuggling and drug and arms trafficking) and financing of terrorism that emanated in certain regions, as well as the authorities' obligations to take measures to mitigate those risks.

Despite the progress made in the fight against organized crime, Georgian criminal groups are still active in a number of European countries and maintain close ties, including financial ties, to their family, homeland and clan associations. According to the UNODC 2011 World Drug Report, Georgia appears to be used as transshipment point for opiates to Western Europe and Russia and as a land route for heroin coming from Pakistan and Afghanistan. Corruption is an ongoing concern.

COUNTER-TERRORISM STRATEGY, MECHANISMS AND PRACTICES

On 1 March 2014, Georgia adopted the national Strategy and Action Plan for

* FATF = Financial Action Task Force, FSRB = FATF-Style Regional Bodies, WCO= World Customs Organization, ICAO = International Civil Aviation Organization, IMO = International Maritime Organization

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OIA can be shared with other States:

☐ yes ☐ no

Combating Money-Laundering and Terrorism Financing. Georgia has yet to draft and adopt a comprehensive and integrated counter-terrorism strategy. The Georgina Government has recently undertaken a series of legislative and operational measures to address new challenges related to terrorism and violent extremism, including FTF recruitment and travel.

IMPLEMENTATION OF RESOLUTION 1373 (2001)



= Indicates one of the top 5 key concerns/shortfalls

LEGISLATION	ACHIEVEMENTS - Georgia's Criminal Code criminalizes a relatively large number of terrorism offences (articles 323-331/2), including recruitment to a terrorist organization and harbouring (including providing safe haven) of terrorists. Acts of planning, preparation and supporting of terrorist acts are also largely criminalized. - Georgia has adequately established its jurisdiction over terrorism offences committed by its own nationals, regardless of the location of the offences committed, as well as over terrorism offences committed in its territory and on board aircraft/vessels registered in Georgia. AREAS REQUIRING ACTION  Not all terrorism-related offences are defined in line with the provisions of the relevant international counter-terrorism instruments to which Georgia is a party.
COUNTER-FINANCING OF TERRORISM	ACHIEVEMENTS - Article 331¹ of the Criminal Code, in combination with the amended AML Law and relevant decrees, provides a solid base for countering terrorism financing. - In principle, the legal measures put in place in Georgia through recently amended legislation to freeze funds and other assets of terrorists are adequate. However, given that the new system was enforced only recently, it is difficult to assess the effectiveness of Georgia's freezing mechanisms. Georgia should ensure that clear and publicly available legal provisions are in place stipulating the procedure for challenging freezing measures and for submitting de-listing requests before an independent and competent authority, as well as for accessing funds or other assets that have been frozen pursuant to resolution 1373 (2001) on humanitarian grounds AREAS REQUIRING ACTION  Not all AML/CFT preventive measures to be taken by financial institutions and non-financial businesses and professions have been adequately implemented in Georgia. - According to the MONEYVAL 2012 report, the implementation of Georgia's regime aimed at detecting the illicit physical cross-border transportation of currency is inconsistent and incomplete. It has been rated "non-compliant" with the relevant FATF recommendation.

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	Georgia has not assessed the terrorist financing risk to its non-profit sector and has not reviewed the adequacy of its relevant laws and regulatory framework with regard to such risks.
LAW ENFORCEMENT	ACHIEVEMENTS - The law on “International Law Enforcement Cooperation”, adopted on 4 October 2013, aims to fully implement Georgia’s obligations on 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. - The Office of the Prosecutor-General and competent law enforcement agencies are authorized to use the full range of special investigative techniques pursuant to the Code of Criminal Procedure and the Law of Georgia on Operative and Search Activities.
	AREAS REQUIRING ACTION In 2014, UN HRC expressed concerns regarding insufficient resources of the Public Defender’s Office and the absence of an effective and independent oversight mechanism to investigate allegations of abuse, including 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.
BORDER CONTROL	ACHIEVEMENTS The consolidated list of persons drawn up by the Al-Qaida Sanctions Committee has been incorporated in the main database of Georgia’s Counter-Terrorism Centre. The list for the border immigration control is regularly transferred to the State Border Department (SBD) of the Ministry of the Interior, stored in its computer database, and transferred to regional divisions of the SBD.
	AREAS REQUIRING ACTION  There is insufficient information regarding Georgia’s compliance with, and implementation of, ICAO SARPs, WCO SAFE Framework of Standards and the International Ship and Port Facility Security Code.
INTERNATIONAL COOPERATION	ACHIEVEMENTS - There is an adequate legal and operational framework for practical cooperation between Georgian law enforcement agencies and their foreign counterparts, notably those from member States of GUAM, the European Union, the Council of Europe, OSCE and NATO. - Georgia is a party to many bilateral and regional instruments on mutual legal assistance and extradition.

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	AREAS REQUIRING ACTION Information regarding measures taken by Georgia to ensure the application of legal provisions requiring denial of extradition requests made by foreign jurisdictions where there are substantial grounds for believing that the person concerned would be in danger of being subjected to torture would be welcome.
PROTECTION OF HUMAN RIGHTS WHILE COUNTERING TERRORISM*	ACHIEVEMENTS Georgia has adequate habeas corpus legislation, in principle, allowing detainees in counter-terrorism cases to institute proceedings before a court of law concerning the lawfulness of the detention.
	AREAS OF CONCERN - In criminal cases, the verdict of acquittal rendered by the jury is final and cannot be appealed. A conviction rendered by the jury can be appealed only once under cassation proceedings and under specific conditions. UN HRC expressed the concern that the current jury trial system in Georgia did not provide for the possibility to appeal a verdict of guilt on its merits (CCPR/C/GEO/CO/4). - UN HRC also expressed concerns in relation to insufficient legal safeguards provided to defendants under the current plea bargaining system (CCPR/C/GEO/CO/4). Georgia is encouraged to continue its dialogue with UN human rights mechanisms and update CTED accordingly.

IMPLEMENTATION OF RESOLUTION 1624 (2005)

SC RES 1624 (ADOPTED UNDER CH. VI ON 14 SEPT. 2005)	ACHIEVEMENTS 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.
	AREAS OF CONCERN There is insufficient information regarding other measures taken by Georgia to implement resolution 1624 (2005), including to counter incitement of terrorist acts motivated by extremism and intolerance with the participation of local communities, the private sector, civil society, media and other relevant non-governmental actors.

* The Security Council has reaffirmed that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law. See Security Council resolutions 1456 (2003), 1535 (2004), 1566 (2004), 1624 (2005), 1787 (2007), 1805 (2008), 1963 (2010), 2129 (2013), 2178 (2014).

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PRIORITY RECOMMENDATIONS FOR IMPLEMENTATION OF RESOLUTION 1373 (2001)

PRIORITY RECOMMENDATIONS OF THE COMMITTEE AND/OR FOLLOW-UP TO RECOMMENDATIONS MADE PURSUANT TO A COMMITTEE VISIT, AS APPLICABLE

- Georgia should consider taking measures to ensure full compliance with AML/CFT measures, including those designed to counter terrorist financing risks through the non-profit sector, cash couriers, alternative remittances and financial institutions and non-financial businesses and professions.
- Georgia should further harmonize the domestic definitions of terrorism-related crimes with the offences provided for in the international counter-terrorism instruments to which it is a party.
- Georgia should provide detailed information regarding its compliance with, and the implementation of, ICAO SARPs, WCO SFAE Framework of Standards and the International Ship and Port Facility Security Code.

TECHNICAL ASSISTANCE NEEDS

- Improvement of mechanisms aimed at preventing, detecting and criminalizing terrorism financing, including such measures as the review of the non-profit sector with respect to its vulnerability to the risk of terrorism financing.

CAPACITY OF STATE TO PROVIDE ASSISTANCE

- Not yet identified.

ANNEX – 1 : OBSERVATIONS ON THE OIA BY MEMBER STATE, INCLUDING COMMENTS ON GENERAL BACKGROUND, IF ANY