

**LAW OF GEORGIA**  
**ON COMBATING TERRORISM**

**Chapter I - General Provisions**

This Law defines the forms of organisation and legal basis for combating terrorism in Georgia, the procedure for coordinating governmental bodies in combating terrorism, and the bases for the participation of public associations, organisations, officials and citizens in combating terrorism, as well as their rights, duties and social protection guarantees.

**Article 1 - Definition of terms**

The terms used in this Law have the following meanings:

- a) terrorism - violence or a threat of violence directed against natural or legal persons, destruction or damage or threat of destruction or damage of buildings and structures, vehicles, communications and other facilities by using weapons, explosives, nuclear, chemical, biological or other substances hazardous for human life and health, or by kidnapping or taking hostage people in order to compel a government and/or any of its agencies or international organisations to perform or abstain from performing any action that suits the interests of terrorists;
- b) terrorist act - an explosion, arson, attack on humans, or use of weapons or other actions that creates danger of causing death, significant damage of property or other grave results, and that is committed for terrorist purposes; or a threat to commit a terrorist act;
- b<sup>1</sup>) terrorist purposes - intimidating a population or compelling governmental bodies, or foreign governmental bodies or international organisations to perform or abstain from performing any act, or destabilising or destroying the fundamental political, constitutional, economic or social structures of a country/a foreign country/an international organisation;
- c) terrorist activities - activities entailing liability as defined in Chapter XXXVIII of the Criminal Code of Georgia;
- d) international terrorism - terrorist activities that were performed:
  - d.a) by terrorists, terrorist groups or terrorist organisations in the territory (territories) of another state (other states), or if another state (other states) suffered damage;
  - d.b) by citizens of one state against citizens of another state;
  - d.c) when both terrorists and victims of terrorism are citizens of the same or different state(s) but the terrorist act has been committed beyond the territories of those states;
- e) terrorist - a person participating in terrorist activities;
- f) terrorist group - a group of two or more persons acting in concert to commit terrorist activity(terrorist acts);
- g) terrorist organisation - an organisation (irrespective of its form) established to perform terrorist activities. An organisation may be deemed to be a terrorist organisation if it is an organised group of more than two persons established over a period of time. An organised group shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;
- h) hostage - a natural person taken hostage to compel the authorities, international organisations, public and political officials or other persons to perform or abstain from performing any action as a condition for releasing the hostage;
- i) combating terrorism - an activity intended to reveal, prevent and suppress terrorist activities and minimise their potential consequences;
- j) counter-terrorist operation - a package of special measures intended to prevent and suppress criminal actions of a terrorist nature, provide human safety, neutralise terrorists and minimise potential consequences of terrorist acts and/or of other crimes committed for terrorist purposes;
- k) safety zone - a zone where agencies involved in combating terrorism carry out active and massive operations;
- l) counter-terrorist operation zone - certain parts of a locality or water area, vehicles, buildings and structures, facilities and their adjacent land, marine and air spaces within which this operation is carried out;
- m) [special] regime in the counter-terrorist operation zone - a state of emergency that may be established temporarily during anti-terrorist operations and that provides for granting special powers defined by law to agencies involved in combating terrorism in order to free hostages, provide safety of human life and health and normal functioning of state authorities and local self-government bodies, facilities, enterprises and organisations.

*Law of Georgia No 1640 of 27 November 2013 - website, 16.12.2013*

**Article 2 - Legal basis for combating terrorism**

The legal bases for combating terrorism in Georgia are the Constitution of Georgia, treaties and international agreements of Georgia, laws of Georgia, including this Law and other normative acts.



### **Article 3 - Main principles of combating terrorism**

The main principles of combating terrorism in Georgia are:

- a) legality;
- b) protection and respect of rights and freedoms of natural and legal persons;
- c) priority of ensuring safety of human life and health in combating terrorism;
- d) priority of implementing preventive measures;
- e) combined use of legal, political, social, economic, propagandist, informational and other means;
- f) negotiation with terrorists in order to prevent potential consequences of crimes of a terrorist nature;
- g) unity of command of forces and means participating in counter-terrorist operations;
- h) inadmissibility of disclosing tactics of counter-terrorist operations and of employed technical means, or the composition of participants of these operations;
- i) inevitability of punishment for terrorist activities.

## **Chapter II - Organisational Bases for Combating Terrorism**

### **Article 4 - Agencies engaged in combating terrorism**

1. The Government of Georgia shall organise combat against terrorism in Georgia and provide special means and material resources for these purposes.

2. The agencies that are directly engaged in combating terrorism are:

- a) the Ministry of Internal Affairs of Georgia, which is the main authority in the common state system for combating terrorism;
- b) the Ministry of Defence of Georgia;
- c) the Intelligence Service of Georgia;
- d) the Special State Protection Service of Georgia.

3. Other state agencies, within the scope of their authority, shall also be engaged in combating terrorism in accordance with procedures established by the legislation of Georgia.

*Law of Georgia No 2991 of 27 April 2010 - LGH I, No 24, 10.5.2010, Art. 156*

### **Article 5 - Powers of agencies directly engaged in combating terrorism**

1. The Ministry of Internal Affairs of Georgia is the main agency that combats terrorism: by means of special (operative, operative-technical) and operative-searching measures intended to reveal, prevent and suppress terrorist activities through revealing, preventing and suppressing crimes that are committed for terrorist purposes and the investigation of which falls within the Ministry's authority. The Ministry of Internal Affairs of Georgia shall: gather and systematise information on the activities of foreign and international terrorist organisations; coordinate activities of agencies combating terrorism through the Counter-terrorist Centre of the Ministry of Internal Affairs of Georgia; the Centre is directly responsible for ensuring implementation of counter-terrorist measures. Other divisions of the Ministry of Internal Affairs of Georgia shall allocate necessary forces and means and ensure their effective use in anti-terrorist operations.

2. The Ministry of Defence of Georgia shall ensure the protection of weapons, ammunition, explosive and toxic substances located in military units or stored in specific places; shall organise the preparation and use of units of ground troops of the Georgian Armed Forces if a terrorist act is carried out in air space of Georgia; shall participate in anti-terrorist operations carried out at military facilities.

3. The Intelligence Service of Georgia shall gather and process information about foreign and international terrorist organisations carrying out their activities outside Georgia and submit that information to appropriate bodies in accordance with the established procedure. The Intelligence Service shall participate in counter-terrorist operations within the scope of its authority.

4. The Special State Protection Service of Georgia shall participate in operations performed to suppress terrorist acts against officials and objects that are under the protection of the Service.

*Law of Georgia No 786 of 19 December 2008 - LHG I, No 40, 29.12.2008, Art. 254*

*Law of Georgia No 3022 of 27 April 2010 - LGH I, No 23, 4.5.2010, Art. 141*



## **Article 6 - Powers of other agencies engaged in combating terrorism**

Other agencies engaged in combating terrorism, within the scope of their authority, shall: implement measures intended to reveal, prevent and suppress terrorist acts and other crimes of a terrorist nature; develop and implement precautionary, security, organisational and other measures; provide conditions for counter-terrorist operations at the facilities that are under their governance; during the conduct of such operations, provide appropriate divisions with material resources, and technical, financial, transportation and communication means, medical equipment and medications, information necessary for combating terrorism and for performing assigned tasks.

## **Chapter III - Managing Emergency Situations Resulting from Terrorist Activities and Performing Counter-terrorist Operations**

### **Article 7 - Managing emergency situations resulting from terrorist activities**

1. In emergency situations resulting from terrorist activities, an emergency operations centre shall be established under a decree of the Government of Georgia. The Minister of Internal Affairs shall head the emergency operations centre.

2. The procedure for organisation and the rules of operation of the emergency operations centre shall be defined by the Government of Georgia.

*Law of Georgia No 1266 of 20 September 2013 - website, 8.10.2013*

### **Article 8 - Forces and means for performing counter-terrorist operations**

1. When performing counter-terrorist operations, the emergency operations centre may use the necessary forces and means of executive and local self-government authorities in order to suppress terrorist acts. Executive authorities shall, in accordance with the procedure established by the legislation of Georgia, allocate weapons, special equipment, means of transport, means of communication and other material resources necessary for counter-terrorist operations.

2. The intensity of using weapons and special equipment and of physical coercion shall be determined by taking into account specific situations, and the character of the crime of a terrorist nature and the personal characteristics of the terrorist.

### **Article 9 - Managing counter-terrorist operations**

1. After the commencement of a counter-terrorist operation, each participant of the counter-terrorist operation shall be subordinate to the head of the emergency operations centre.

2. A deputy head of the emergency operations centre, in his/her capacity of manager of an anti-terrorist operation, shall define the boundaries of the counter-terrorist operation zone and shall make decisions regarding the use of forces and means used for performing the operation.

3. Interference of any other person in the activity of the management of a counter-terrorist operation shall be inadmissible.

### **Article 10 - Legal regime in a counter-terrorist operation zone**

1. During the implementation of counter-terrorist measures two zones with a special legal regime shall be established: a safety zone and a counter-terrorist operation zone.

2. A decision regarding creation of the zones shall be made by the Minister of Internal Affairs of Georgia - head of the emergency operations centre. The decision shall be immediately reported to the Government of Georgia, the Parliament of Georgia and local self-government bodies, and published in the mass media.

3. A safety zone means the territory where, in accordance with procedures established by the legislation of Georgia, agencies combating terrorism are temporarily authorised:

- a) establish posts in order to inspect motor vehicles;
- b) carry out patrols and check ID documents of citizens.

4. A counter-terrorist zone means the territory in which counter-terrorist operations are performed.

5. In the case of urgent necessity, persons performing counter-terrorist operations in counter-terrorist zones may, in accordance with procedures established by the legislation of Georgia:

- a) implement measures for temporarily restricting or prohibiting movement of pedestrians and vehicles in streets and on roads;



b) examine ID documents of citizens in order to establish their identity;

c) in suppressing terrorist acts or in pursuing a person accused of the commission of a terrorist act, when delay may endanger human life and health: freely enter (penetrate) dwellings of citizens, and other premises and parcels of land owned by citizens, and the territories of organisations and institutions (irrespective of their types of ownership), as well as vehicles; use communication means, including special means, owned by citizens and organisations; examine personal property of citizens, vehicles and cargo, including by the use of technical means upon their entering and leaving the counter-terrorist operation zones;

d) for the purpose of preventing terrorist acts, use vehicles owned by citizens, enterprises, institutions, organisations and public associations, except for vehicles owned by consular offices of foreign countries, by diplomatic and international organisations, or by other organisations which are under international protection, in order to pursue and detain a person who committed a terrorist act, or to take persons to medical facilities for providing emergency medical care, or to arrive at the site of an accident.

6. In safety and counter-terrorist operation zones, agencies combating terrorism, within the scope of their powers, shall exercise other powers granted to them by the legislation of Georgia.

*Law of Georgia No 3619 of 24 September 2010 - LGH I, No 51, 29.9.2010, Art. 332*

*Law of Georgia No 1266 of 20 September 2013 - website, 8.10.2013*

#### **Article 11 - Right to use special means and/or physical coercion**

In accordance with procedures established by the legislation of Georgia, persons participating in counter-terrorist operations may use special means and/or physical coercion in order to ensure personal and citizens' safety, and to suppress crimes and detain criminals provided that the persons participating in counter-terrorist operations cannot perform their obligations assigned by law without the use of special means and/or physical coercion.

#### **Article 12 - Holding negotiations with terrorists**

1. In accordance with the procedure established by the legislation of Georgia, holding negotiations with terrorists shall be permitted in order to protect human life and health and preserve material assets during counter-terrorist operations, or to suppress terrorist acts without using coercive methods.

2. Only designated persons shall be permitted by the head of a counter-terrorist operation to participate in negotiations with terrorists.

#### **Article 13 - Informing the public about terrorist acts**

1. When performing a counter-terrorist operation, information about an anti-terrorist act shall be provided to the public via mass media or by other means accessible for the public. The extent of information shall be defined by the head of the counter-terrorist operation in accordance with the Law of Georgia on State Secrets. Disclosure of information considered to be a state secret shall entail liability in accordance with the procedure established by the legislation of Georgia.

2. In counter-terrorist operation zones, the presence of reporters from televisions, broadcast mobile stations and/or mass media shall be restricted by decision of the emergency operations centre.

#### **Article 14 - Completion of a counter-terrorist operation**

1. A counter-terrorist operation shall be considered to be completed when a terrorist act is finally suppressed and a danger threatening human life and health is eliminated.

2. A decision to declare a counter-terrorist act as completed shall be made by the head of the counter-terrorist operation, and the public shall be informed about the decision immediately via mass media or other means accessible to the public.

### **Chapter IV - Compensation of Damage Resulted from Terrorist Acts and Social Rehabilitation of Affected Persons**

#### **Article 15 - Compensation of damage caused to natural and legal persons as a result of a terrorist act or as a result of its suppression**

1. The damage inflicted to natural persons as a result of a terrorist act or its suppression shall be compensated from the State Budget of Georgia in accordance with the procedure established by the legislation of Georgia.

2. The damage inflicted to legal persons as a result of a terrorist act or its suppression shall be compensated in accordance with the procedure established by the legislation of Georgia.

#### **Article 16 - Social rehabilitation of persons affected by a terrorist act**



1. Social rehabilitation of persons affected by a terrorist act, or of persons specified in Article 17 of this Law, shall be financed from the State budget of Georgia.

2. The procedure for social rehabilitation of persons affected by terrorist acts shall be established by the Government of Georgia.

*Law of Georgia No 1266 of 20 September 2013 - website, 8.10.2013*

## **Chapter V - Legal and Social Protection of Persons Combating Terrorism**

### **Article 17 - Persons combating terrorism who are subject to legal and social protection**

1. Persons combating terrorism shall be protected by the State.

2. Legal and social protection shall be provided for:

a) officers, employees and specialists of executive authorities, who directly participate in counter-terrorist operations;

b) persons who cooperate temporarily or permanently with agencies combating terrorism and assist them in revealing and suppressing terrorist activity and in minimising its potential consequences;

c) family members of persons specified in sub-paragraphs (a) and (b) of this paragraph if their protection is necessitated by their participation in combating terrorism.

3. If persons combating terrorism are maimed during a counter-terrorist operation, they shall be given compensation in accordance with the procedure established by the legislation of Georgia. (If they die, the compensation shall be given to their families.)

## **Chapter VI - Liability for Participation in Terrorism**

### **Article 18 - Liability for Participation in Terrorism**

Persons participating in terrorism shall be punished in accordance with the procedures established by the legislation of Georgia. Non-compliance with the lawful orders of an official during a counter-terrorist operation or offering of resistance to him/her, or unlawful interference in his/her lawful activities, shall entail liability provided for by the legislation of Georgia.

### **Article 19 - Liability of the organisation engaged in terrorist activities**

1. An organisation convicted of terrorism by a court or being liable for a terrorist act shall be punished in accordance with procedures established by the legislation of Georgia.

2. In accordance with the procedures established by the legislation of Georgia, an application for the recognition of an organisation as a terrorist organisation shall be filed with a court by a duly authorised prosecutor designated by the Chief Prosecutor of Georgia.

*Law of Georgia No 465 of 1 November 2008 - LGH I, No 30, 7.11.2008, Art. 185*

## **Chapter VII - International Cooperation of Georgia in Combating Terrorism**

### **Article 20 - Fundamental principles of international cooperation in combating terrorism**

In accordance with international agreements and treaties, Georgia cooperates with foreign countries, their law enforcement bodies, courts and special services, and with the international organisations that are engaged in combating terrorism.

### **Article 21 - Submission of information**

Georgia shall submit information about international terrorism to foreign countries in accordance with the requirements of the legislation of Georgia and the obligations under international agreements and treaties.

### **Article 22 - Transfer (extradition) of persons participating in terrorist activities**

1. Aliens and/or stateless persons participating in terrorist activities, who do not reside in Georgia permanently, may be transferred to another state for



the purpose of criminal prosecution.

2. Persons referred to in paragraph 1 of this article shall be transferred for the purpose of ensuring their criminal prosecution and the performance of obligations provided for under international agreements and treaties.

## **Chapter VIII - Control and Supervision of the Legality of Combating Terrorism**

### **Article 23 - Parliamentary and governmental control**

1. Forms of parliamentary and governmental control of combating terrorism shall be defined by the legislation of Georgia.

2. Members of the Parliament of Georgia may receive information protected by law and related to combatting terrorism, in accordance with the procedures established by the legislation of Georgia.

*Law of Georgia No 1266 of 20 September 2013 - website, 8.10.2013*

### **Article 24 - Prosecutorial Supervision**

In combating terrorism, precise and uniform execution of the legislation of Georgia shall be supervised by the Chief Prosecutor of Georgia and a designated prosecutor defined by the legislation of Georgia.

*Law of Georgia No 465 of 1 November 2008 - LGH I, No30, 7.11.2008, Art. 185*

### **Article 25 - Budgetary control of combating terrorism**

In combating terrorism, the use and spending of funds allocated from the State Budget of Georgia and of other material assets of the State shall be supervised by a special group of the State Audit Office of Georgia, the members of which have access to state secrets.

*Law of Georgia No 6550 of 22 June 2012 - website, 29.6.2012*

## **Chapter IX - Transitional and Final Provisions**

### **Article 26 - Transitional provisions**

1. The Government of Georgia shall ensure that the following normative acts are adopted before 1 April 2014:

- a) the Procedure for Organising Counter-terrorist Activity and for Coordinating Activity of Agencies Combating Terrorism in the Country;
- b) the Procedure for Social Rehabilitation of Persons Participating in Counter-terrorist Operations and of Persons Affected by Terrorist Acts;
- c) the Procedure for Social Rehabilitation of Persons Affected by Terrorist Acts;
- d) the Procedure for the Organisation of the Activity and the Rules of Procedure of the Emergency Operations Centre.

2. Ordinances issued by the President of Georgia on the basis of this Law shall retain legal power until the normative acts provided for by paragraph 1 of this article and adopted by the Government of Georgia enter into force.

*Law of Georgia No 1266 of 20 September 2013 - website, 8.10.2013*

### **Article 27 - Final Provision**

This Law shall enter into force upon its promulgation.

**The President of Georgia**

**M. Saakashvili**

**Tbilisi**

**27 June 2007**

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