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Letter dated 2 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Georgia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Letter dated 26 December 2001 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith a report of the Government of Georgia to the Counter-Terrorism Committee, compiled pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Dr. Peter **Chkheidze**
Permanent Representative

Enclosure

Report by Georgia to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

Georgia stands fully committed to cooperate with the civilized world, the United Nations, its Member States and with the Security Council Counter-terrorism Committee to combat international terrorism. Georgia fully supports global and regional efforts to implement Security Council resolution 1373 and to enhance international security and peace.

Terrorism as a national as well as international global problem is not a strange misfortune to Georgia. This became especially evident from the terrorist acts carried out against the President of Georgia in 1995 and 1998. Besides, the aggressive separatism-driven criminal situation in the Autonomous Republic of Abkhazia and Samachablo (former Autonomous District of South Ossetia) - the territories currently uncontrolled by the central government of Georgia - is of particular concern to us as it directly breeds terrorism. Georgia hopes that the international community will pay due attention to the resolution of these conflicts. This, in turn, will contribute significantly to the success of counter-terrorist efforts.

The counter-terrorism legislative mechanism in Georgia is provided under the Criminal Code of Georgia (Chapter 38, seem Annex 2). It should also be mentioned that the Law on Combating Terrorism is being currently drafted and going through the procedures prescribed under the legislation of Georgia.

Committed to cooperate with the international community in combating terrorism, Georgia is guided by the provisions of multi-lateral international agreements and commitments both on a universal and regional level (the United Nations, the OSCE, the European Council, the CIS) and bilateral agreements with different states of the world community (see Annex 2).

Georgia actively cooperates with the newly created group (GMT) established within the European Council. The aim of this group is to further fine-tune the international law instruments currently available in Europe and design and submit to the Committee of Ministers of the organization specific proposals on the improvement of the quality and effectiveness of participation of this organization in counter-terrorism efforts. It is noteworthy that the Georgian representative has been elected member of the group, which, on the one hand, puts on us an increased responsibility for the work of the group and, on the other hand, enables us to share on our experience and views.

It should also be mentioned that efforts have been made to bring the Georgian legislation in line with the international standards. As a precondition to the above, Georgia has sped up the national procedures to accede to the universal and regional conventions, which are aimed at preventing terrorism. Besides, works are underway to draft new counter-terrorism agreements in order to improve the current contractual-legal framework of Georgia and enhance concerted international efforts against crime.

Georgia has acceded to 5 out of 11 UN conventions against terrorism and is now working to modify its national laws to accede to the remaining 6 (1979 New-York Convention against the Taking of Hostages, 1980 Vienna Convention on Physical Protection of Nuclear Materials, 1988 Rome Convention on the Suppression of Unlawful Acts against Maritime Safety, 1988 Protocol on the Suppression of Unlawful Acts against Platforms Stationed on Continental Shelf). Georgia has signed the UN Convention for the Suppression of the Financing of Terrorism and the UN Convention on the Suppression of Transnational Organized Crime and its additional protocols. Works are currently underway to carry out necessary procedures for their enforcement.

On June 3, 2000 Georgia signed the 9 December 1999 New-York Convention for the Suppression of the Financing of Terrorism and in December 2000 - the UN Convention for the Suppression of Transnational Organized Crime. The convention will be ratified in the nearest future.

As already mentioned above, Georgia acceded to series of conventions within the frame of the European Council.

Efforts are currently being made to accede to the following conventions:

The European Convention on Transfer of Proceedings on Criminal Matters;

The European Convention on Mutual Assistance in Criminal Matters;

The Supplementary Protocol to the European Convention on Mutual Assistance in Criminal Matters;

Supplementary Protocol II to the European Convention on Mutual Assistance in Criminal Matters;

The European Convention on Detection, Recovery and Convention of the Proceeds of Money Laundering and Criminal Activity.

Comments in relation to questions posed by the Counter-Terrorism Committee:

Operative Paragraph 1

Sub-paragraph (a)

We'd like to mention that Georgia responded to the appalling terrorist acts carried out against the United States of America on September 11, 2001. On November 28, 2001 the President of Georgia signed the Decree on Certain Arrangements to Promote International Anti-terrorist Efforts regarding Georgia's participation in the international military operation.

With the aim to consolidate the counter-terrorism efforts of the international community in response to the September 11 terrorist acts on the United States of America, to implement United Nations Security Council resolution 1373, and to effectuate the Unified National Program of Georgia for Combating International Terrorism, Georgia has set up within the National Security Council the Ad Hoc Interdepartmental Counter-terrorism Commission. The Commission comprises:

- Assistant Secretary of the National Security Council of Georgia - Chairman of the Commission;
- Deputy Minister of State Security of Georgia - Deputy Chairman of the Commission;
- First Deputy Minister of Internal Affairs of Georgia;
- Deputy Minister of Defense of Georgia;
- Deputy Chief of the Special State Protection Service of Georgia;
- Assistant General Prosecutor of Georgia;
- Deputy Chairman of the State Department for State Border Guard of Georgia;
- Deputy Chairman of the State Department for Intelligence of Georgia;
- First Deputy Minister of Foreign Affairs of Georgia;
- First Deputy Minister of Labour, Health and Social Affairs of Georgia;
- Deputy Minister of Transport and Communications of Georgia;
- Deputy Minister of Justice of Georgia;
- Deputy Minister of Finance of Georgia;
- Chairman of the Counter-terrorism Center of the Ministry of National Security of Georgia;
- Vice-president of the National Bank of Georgia;
- Head of Service for Security Affairs of the National Security Council of Georgia.

The National Security Council will hear bi-annual reports on the specific efforts made to implement United Nations Security Council resolution 1373, and to effectuate the Unified National Program of Georgia for Combating International Terrorism.

One of the primary functions of the Ministry of State Security of Georgia is to detect, stave off and prevent terrorist acts or attempted terrorist acts, identify persons suspected of involvement into terrorism, and implement specific measures under the applicable legislation of Georgia and international agreements.

The State Department for Intelligence of Georgia carries out counter-terrorism activity within the scope of its competence. As a result of its operational efforts, the Department has identified and taken under control persons suspected of involvement into terrorist activity as well as those supporting their activity. The Department has identified and is now controlling the financial condition of the latter.

The State Department for Intelligence of Georgia and partner special services regularly exchange relevant information between each other.

Sub-paragraph (b)

The Criminal Code of Georgia sets out a special chapter to the crime of terrorism, namely "Chapter 38. Terrorism". The chapter comprises nine articles, each setting forth terrorist crimes and prescribing specific punishments for each of them:

Crime under Article 323 (Terrorist Act) **-** punishable respectively by prison sentences ranging from 5 to 10, from 8 to 15, from 10 to 17, from 15 to 20 years in length or by life imprisonment;

Crime under Article 324 (Technological Terrorism) **-** punishable by prison sentences ranging from 8 to 15 years in length;

Crime under Article 325 (Assault on Political Official of Georgia) **-** punishable respectively by prison sentences ranging from 7 to 20 years in length or by life imprisonment;

Crime under Article 326 (Assault on Person or Institution Enjoying International Protection) **-** punishable respectively by prison sentences ranging from 7 to 20 years in length or by life imprisonment;

Crime under Article 327 (Formation of Terrorist Organization or Leading Thereof or Participation Therein) **-** punishable respectively by prison sentences ranging from 7 to 15 or from 5 to 10 years in length;

Crime under Article 328 (Accession and Assistance to Terrorist Organization of Foreign State or to Such Organization Controlled by Foreign State) **-** punishable by prison sentences ranging from 7 to 15 years in length;

Crime under Article 329 (Seizure of Hostage for Terrorist Purposes) **-** punishable respectively by prison sentences ranging from 7 to 13, from 8 to 15, or from 12 to 20 years in length;

Crime under Article 330 (Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Purposes) **-** punishable respectively by imprisonment from 12 to 20 years in length or by life imprisonment;

Crime under Article 331 (False Notification on Terrorism) **-** punishable respectively by fine or by corrective labor from one to two years in length or up to three months or in imprisonment but not more than three years.

Sub-paragraph (c)

The national criminal procedural law of Georgia provides in for effective measures to freezing accounts and assets in banks and financial institutions, including but not limited to laying attachment (seizure) on bank accounts. Attachment on assets (bank accounts) is laid/used as a security against criminal coercive measure and in the cases where such assets have been obtained through illegal means. The procedure for attachment of assets (bank accounts) is set forth in detail under Articles 190-201 of the Criminal Code of Georgia. Attachment on assets (bank accounts) is laid only by a court order on the filed criminal action. Such order is issued by motion to that effect of the inquirer, investigator, or prosecutor. Deposit transactions are discontinued upon attachment of monetary deposits, resulting in the freezing of accounts.

The Ministry of Finance of Georgia possesses the list of organizations and individuals suspected of terrorism. It should also be mentioned the Minister of Finance has issued a special order banning any cooperation with organizations or individuals related to terrorist activity. In particular, permits for charity or grant activities are

withheld from such organizations and individuals. Besides, we take steps to make sure that such organizations and individuals do not take part in the implementation of any international project.

As mentioned in the previous sub-paragraphs, terrorist act is a crime. It is a crime at the state of attempt and preparation (Article 18-19). Furthermore, complicity to crime (including to the crime of terrorism) is punishable under the criminal law (Chapter XXIII of the Criminal Code) of Georgia. Thus, aiding and abetting, regardless of the ways of its manifestation, including through financial assets and economic means, are prohibited and punishable by law in Georgia.

Pursuant to "the 2000-2003 Inter-state Plan on Combating Crime and the Program on Combating International Terrorism and Extremism by 2003 of the Council of the Ministries of Internal Affairs of the Member-states of the Commonwealth of Independent States", Georgia has considered the opportunities for implementation of agreed operational-search and prophylactic measures in 2001-2002 in order to identify and bring to justice the persons who participated in terrorist or other extremist organizations or groups, or in illicit circulation of arms, ammunition, explosives, drugs, and false currency.

Operative Paragraph 2

Sub-paragraph (a)

The existence of an adequate legal base may go a long way towards the success of counter-terrorism efforts. The Criminal Code of Georgia sets out a special chapter for the crime of terrorism, prescribing criminal liability for various forms of terrorist acts. Under the Criminal Code of Georgia, terrorism falls within the category of especially grave crimes and is subject to severest of punishments.

The Criminal Code of Georgia prescribes liability not only for the terrorist act as a crime in general, which manifests the threat to human life, damage to property or any other grave consequence, but also differentiates terrorism according to means, facilities, consequences, and crime organization, and establishes respective punishments. For instance, technological terrorism, i.e. the use of, or threatening to use a nuclear, radiological, chemical or bacteriological (biological) arms or a component thereof, a pathogenic micro-organism, radioactive or any other substance hazardous for human health; assault on a political official of Georgia; assault on an internationally protected person or institution; taking possession of or blocking an object of strategic or special importance for terrorist purposes, etc.

The Criminal Code of Georgia places attention on the issues related to participation in organized terrorist groups. The crime breaks down to such components as formation of or leading a terrorist organization, participation in a terrorist organization, accession and assistance to a terrorist organization of a foreign state or to such organization controlled by a foreign state. The Criminal Code prescribes specific severe punishments to each of these organized crimes.

Regarding the legal gaps in terms of supplying arms to terrorist groups, we'd like to mention that the Criminal Code of Georgia deals with the arms-related issues in a general manner.

Punishable are the illegal purchase, keeping, carrying, making, shipment and delivery of arms. In addition, punishment is prescribed for such arms-related actions that may be directed to carry out terrorist acts. For example, preparation of nuclear arms, illegal export of the technology, scientific-technical information or services used in the creation of the arms of mass destruction, illegally taking possession or extortion of arms for misappropriation purposes; neglectful keeping of arms, preparation, purchase, and sale of the arms of mass destruction, etc.

After the brief legal discourse given above, we can say that the current Georgian legislation contains the relevant legal base to combat terrorism.

Sub-paragraph (b)

Georgia and special services of partner states regularly exchange relevant information between each other to prevent terrorist acts.

Sub-paragraph (c)

The European Convention on Combating Terrorism regulates the issues related to extradition of terrorists. Consequently, having acceded to the Convention, Georgia committed itself to deny asylum to terrorists and invokes the provisions of the said Convention in prosecuting them. It is also worth mentioning that Georgia in bound by the European Convention on Extradition which sets forth in more detail the extradition principles and is deemed to be one of the most successful regional agreements to which membership is not limited to the member states of the European Council only.

Subject to Paragraph 2 of Article 6 of the Law of Georgia on Legal Status of Foreigners, *"it is not allowed to grant citizenship to foreigners whose beliefs and activity may counter to the objectives and principles of the United National Organization and state interests of Georgia"*. Paragraph 3 of the same articles holds that: *"The decision on granting asylum is passed by the President of Georgia"*. Paragraph 3 of Article 23 of the law provides: *"Entry to the Republic of Georgia may be prohibited to a foreign citizen or a stateless person:*

a) if he (she) committed a crime against peace and humanity;

b) if he (she) committed a grave crime for the last five years;

c) in the interests of state security or public order protection;

d) if this is necessary for protection of rights and legitimate interests of the citizens of the Republic of Georgia and other persons;

e) if he (she) is exposed to an action aimed against the Republic of Georgia;

f) in the interests of public health protection;

g) if during the previous stay in the Republic of Georgia he (she) violated the requirements of the present and other laws of the Republic of Georgia;

h) if he (she) gave false information about himself (herself) when applying for an entry into the Republic of Georgia;

i) *in other cases established by the legislation of the Republic of Georgia."*

Subject to Paragraph 3 of Article 24 of the said law: *"a foreign citizen may be prohibited to leave the Republic of Georgia:*

a) if his (her) departure runs counter to the interests of state security till the cessation of these circumstances;

b) if he (she) is suspected or accused of committing a crime till the termination of proceedings;

c) if he (she) is convicted of committing a crime till the termination of serving the sentence or canceling the sentence;

d) in other cases envisaged by the legislation of the Republic of Georgia."

Paragraph 1 of Article 29 of the law provides the conditions under which a person may be deported from the territory of Georgia: *"foreign citizens, as well as stateless persons staying on the territory of Georgia may be deported from the Republic of Georgia:*

a) if there are no reasons for their further staying in the Republic of Georgia;

b) if they illegally entered the country and stay on the territory of the Republic of Georgia;

c) if their staying in the Republic of Georgia runs counter to the interests of state security and public order protection;

d) if this is required for protection of public health and of rights and legitimate interests of citizens of Georgia and other persons living in the Republic of Georgia;

e) if he (she) deliberately and routinely violates the existing legislation of the Republic of Georgia;

f) in other cases envisaged by the legislation of the Republic of Georgia.

Under the same article, Decree of the President of Georgia of March 28, 2000 approved the Regulation for Deportation of Foreign Citizens from Georgia.

Sub-paragraph (d)

The remedies for protection of foreign citizens from terrorist acts on the territory of Georgia are provided under Article 326 of the Criminal Code of Georgia. Moreover, Georgia regulates the area in compliance with the provisions of a number of international agreements. Furthermore, it should be noted that domestic procedures has been initiated for Georgia to accede to the December 14, 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons.

The terrorist acts of September 11 have further stressed the need for the Special State Protection Service of Georgia to strengthen the safety of protected persons and objects and detect and stave off possible terrorist or sabotage acts against them at an embryo stage. The following specific efforts have been made to this end:

Increased security measures have been taken in relation to the President of Georgia and other protected persons. Operational control has been tightened particularly toward the persons and groups of persons who issue, in an overt or tacit manner, different types of threats against the President and other government officials of Georgia.

With the aim to timely detect and prevent any acts of terrorism or sabotage against the strategically important objects across the territory of Georgia which are protected by the Special State Protection Service of Georgia, the special contingent within the operational sub-unit has been put on maximum alert and has intensified its meetings with the operational security officers.

In an effort to avert and prevent illegal actions against the diplomatic representations accredited in Georgia, physical protection of the relevant objects and adjoining areas has been increased. Besides, operational control has been bolstered to protect the diplomatic officials of the countries that openly supported the counter-terrorist campaign launched by the United States. Apart from that, information is exchanged on a regular and continued basis between the Special State Protection Service of Georgia and the Security Service of the US Embassy to Georgia to effectively perform counter-terrorist measures.

Sub-paragraph (e)

Terrorism cropped up in Georgia in the nineties of the last century. The situation in this respect had not been so critical before in our country. Consequently, the legal framework had been weak and rather general. The previous Criminal Code that was effective in Georgia before June 1, 2000 set apart the terrorist act under one article (Article 67) and the terrorist act against the representative of a foreign state - under the other (Article 68). Other crimes containing the elements of terrorism were scattered about in different chapters of the Code (for example, hostage-taking) and lacked the implications that the crime has now.

In response to the attempted terrorist act on the President of Georgia on February 9, 1998 the Parliament passed the Law on Intensification of Fight against Terrorism on February 20 the same year. The new law significantly heightened liability for terrorist acts.

On June 1, 2000 Georgia enacted the new Criminal Code, which set terrorism apart in a specific nine-article chapter, a clear signal of substantial positive legislative modifications in terms of increased counter-terrorism efforts. As a result, the law-enforcement authorities had an effective legal base to fight this worldwide menace.

For the last few years Georgian courts have adjudicated on several high profile, public cases on terrorist acts. In particular, on April 20, 1994 a deliberate terrorist act claimed the life of General Gia Gulua, the Deputy Minister of Internal Affairs of Georgia. On December 3 the same year a terrorist act was carried out against Gia Chanturia, the Chairman of the National-Democratic Part of Georgia. The terrorist act claimed the live of the victim. The terrorist act on June 20, 1995 claimed the life of Soliko Khabeishvili, the Vice-president of the E. Shevardnadze Foundation “Revival and Democracy”. On August 29 the same year the terrorist act was attempted against Head of State of Georgia Eduard Shevardnadze.

For the above-mentioned crimes the Supreme Court of Georgia, seated on November 10, 1998, sentenced defendant Temur Khachishvili to 15 years in prison, Giorgi Gelashvili - 14 years in prison, Gocha Gelashvili - to 14 years in prison, Gocha Tediashvili - to 15 years in prison, etc. It should be noted that the Criminal Code of Georgia applicable at the moment of committing the above crimes prescribed 15 years of imprisonment as maximum extent of punishment.

On February 9, 1998 another terrorist act was carried out to assassinate President of Georgia Eduard Shevardnadze, which claimed the lives of the president's bodyguards. On August 17, 2001 the Supreme Court of Georgia sentenced for the above crime defendant Zurab Ejibaia to twenty years of imprisonment, a maximum time-limited term of punishment under the current Criminal Code of Georgia. In this case, we must take into account that no life imprisonment is awarded for attempted crimes. Bondo Todua and Nugzar Chukhua whom the Suppertime Court found guilty of the same crime were sentenced to 19 years in prison each. Geronti Kobalia - to 14 years in prison, etc.

Sub-paragraph (f)

Georgia is bound by such international agreements as the European Convention on Mutual Assistance in Criminal Matters, the Convention of the European Council on Extradition, the European Convention on the Extradition of Convicts, the Convention of the European Council on the Suppression of Terrorism. In addition, Georgia has acceded to the UN Convention on Offenses and Certain Other Acts Committed Onboard Aircraft, the Convention on the Suppression of Unlawful Hijacking of Aircraft, the Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation, the Convention on Marking of Plastic Explosives for the Purpose of Identification. Georgia has further acceded to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation appended to the Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation.

Besides, Georgia has signed the UN Convention for the Suppression of the Financing of Terrorism and the UN Convention on the Suppression of Transnational Organized Crime as well as the Charter of the International Criminal Court. Further, Georgia intends to sign the European Convention on Detection, Recovery and Convention of the Proceeds of Money Laundering and Criminal Activity. The ratification of these international instruments must take place in the nearest future.

Subject to the Law of Georgia on the International Agreements of Georgia, the international agreements to which Georgia is a party are an integral part of the Georgian legislation. Besides, under the same law, the Law of Georgia on Normative Acts and the Constitution of Georgia, the international agreement to which Georgia is a party prevails over other laws to the extent it does not contravene the Constitution of Georgia.

It should also be added that where there is no international agreement with any specific country over cooperation on criminal matters, or where such agreements do not provide any specific procedural rule, Georgia regulates such relations under Chapter 32 of the Criminal Procedure Code of Georgia (Mutual Action of the Judge, the Prosecutor, the Investigator to Render Legal Assistance to the Relevant Bodies and Officials of Foreign States).

Proceeding from the provisions of the Criminal Procedure Code of Georgia and the international agreements to which Georgia is a party, assistance over criminal matters to different countries of the world is rendered through the General Prosecutor's Office of Georgia where the Department for International Relations operates for this particular purpose.

The Department for International Relations acts in compliance with the provisions of the international agreements to which Georgia is a party, including under the 1993 Convention on Legal Assistance and Legal Relations on Civil, Family and Criminal Matters in dealing with the member states of the Commonwealth of Independent States under the European Convention on Legal Assistance on Criminal Matters in dealing with the countries other than the CIS member states. Besides, by a specific agreement other international agreements may apply, where necessary, to govern specific relations.

Sub-paragraph (g)

Regarding the efforts of the Customs Control to prevent the movement of terrorists, we must mention that the Central Government of Georgia is deeply concerned with and finds its increasingly difficult to regulate the total chaos and lawlesness in the uncontrolled territories of in the Autonomous Republic of Abkhazia and Samachablo (former Autonomous District of South Ossetia). Induced by the failed efforts to exercise customs control on the territories, the terrorist groups and arms and drug dealers freely roam about.

As for the procedures to issues identification documents in order to assert control over the movement of terrorists and prevent falsification of such documents, we'd like to mention that the ID of a citizen of Georgia is issued by the Passport-Visa and Population Registration Department of the Ministry of Foreign Affairs according to the citizen's place of residence. However, the current mechanism to protect the IDs and the Passports from falsification is inadequate and requires urgent readjustments. For this purpose, the Ministry of Foreign Affairs has invited bids for drafting the mechanism to protect the ID and the Passports from falsification.

In an attempt to ensure safety in aviation carriage, increased security measures have been taken to protect cargo, baggage, mail, onboard supply and the operator's supply carried by aircraft and to put cargo and mail under control.

In response to the 11 September events, the body charged with responsibility of safety for all the airports and commercial agencies has strengthened both with organizational and practical measures under the civil aviation standards in consideration of the specifics of the dangerous situation. In particular, the said body:

- Revised and re-studied the program of the aviation safety operational procedures of consignors;
- Introduced strict supervision on the tags for identification of the registered cargo and baggage as well as handbags;
- Focused on the overlap of the number of boarding tickets and passengers of the aircraft;
- Tightened control over the registered cargo, baggage and over the allowing of individuals to get thereto in order to prevent any placement, for the purpose of sabotage, of any equipment into them. The control envisages security measures from keeping and registration to moving to the aircraft of the baggage (including in the area of baggage classification).

To ensure the effectiveness of the checking operations, the airports and agencies employ two main inspection methods:

- Hand-checking with the use of a portable metal finder;
- Comprehensive inspection with the use of fixed equipment.

Civil aviation specialists are currently working to plan other additional security measures as well.

Operative Paragraph 3

Sub-paragraph (a)

Partner states are regularly updated on the actions, movements of and arms trafficking as well as on the communication facilities and technologies possessed by terrorists and terrorist groups.

Sub-paragraph (b)

The Ministry of Justice of Georgia received through the Ministry of Foreign Affairs the questionnaire furnished by the United States of America regarding counter-terrorism efforts and the current situation in Georgia in terms of international cooperation. In this respect, the Ministry of Justice made the following response to the issues within its competence.

Sub-paragraph (c)

In an effort to preserve stability and prevent any possible terrorist act in Georgia, the Ministry of Defense of Georgia was put under a special regime of work by order of the Minister of Defense of Georgia. In particular, the

Ministry of Defense introduced 24-hour on-duty unit of officers and civilians in military units. Adequate measures were taken to improve rapid response capabilities of officers and privates. The decision was made to pay increased attention on counter-terrorist actions during military trainings. The special rapid-response unit was additionally instructed on maintaining an increased state of alert. Efforts are being made to enhance cooperation with the military experts of foreign diplomatic representations in Georgia to facilitate exchange of information in the area.

In response to the recommendation given by a group of foreign experts, the Ministry of Defense has launched efforts to modernize special armed units in line with western standards. In this respect, close contacts are maintained with the defense establishments of the United States and the Republic of Turkey.

Sub-paragraph (d)

For the Government of Georgia terrorism is not a domestic problem only. The problem involves an increased public threat not only for specific countries individually but also for the international community on the whole. Terrorism does not know borders. From this context, Georgia is committed to timely accede to the international agreements on the suppression of terrorism and cooperation with other countries to provide them with necessary assistance in the area at the same time improve the effectiveness of its domestic anti-terrorism efforts.

Sub-paragraph (f)

This sphere is regulated by the 1951 Geneva Convention on the Status of Refugees and the Law of Georgia on Refugees (February 18, 1998). The body responsible for the implementation of these instruments is the Ministry of Refugees and Accommodation of Georgia.

Within this context it should be emphasized that the Government of Georgia and other competent international bodies resolve each and every specific issue by the supremacy-of-law principle in strict compliance with all the legal procedures, at the same time making all efforts not to violate, on the motive of combating terrorism, the rights of refugees to which Georgia has committed itself under the international agreements.

Subject to the norms of the international law, the applicable national legislation and international standards, before the status of a refugee is accorded to a person, information is obtained on such person to make sure that he/she has not participated in or has not promoted any terrorist activity.

Sub-paragraph (g)

As for the efforts of the competent Georgian authorities in general and the Ministry of State Security of Georgia in particular, to prevent infiltration of terrorists to Georgia under the guise of the status of a refugee or a forcibly displaced person, they are regulated by the legal instruments (other than those indicated in Sub-paragraph (f)) provided under the Law of Georgia on Legal Status of Foreign Citizens (June 3, 1993) and the basis for deportation of persons suspected of such activity is provided by Decree N 111, March 28, 2000 on Temporary Regulation for Deportation of Foreign Citizens from Georgia.

Moreover, Georgia is bound to implement the agreements within frames of the CIS, namely the Minks Convention on Mutual Assistance on Criminal, Civil and Family Matters, and the Agreement (signed on May 31, 1995) on Cooperation for Combating Organized Crime and other protocols signed in relation to it. These agreements enable the competent Georgian authorities to closely cooperate in combating both terrorism and other crimes of international nature.

Examples of relevant actions taken by State:

Given below are some of the examples illustrating the specific actions taken by the Ministry of State Security of Georgia:

- 263 foreign citizens have been deported from Georgia since 1998.
- May 1999 - the group attempt to stage a coup d'etat through liquidation of the President of Georgia and overthrow of the constitutional structure of Georgia with the use of armed forces. The group was organized and financially supported by I. Giorgadze, who had been wanted by the Ministry of Internal Affairs.

The attempted coup failed as a result of counter measures.

- In June 2001 the Georgian border guard arrested in Mestia Region 13 persons for unlawful crossing of the border. On October 6, 2001 the arrestees were deported to Russia (the Mink Convention on Mutual Assistance on Criminal, Civil and Family Matters).
- The information was obtained on a citizen of a neighboring country that he had smuggled a detonator of explosive. As a result of adequate actions, the person was detained by the Counter-terrorism Center of the Ministry of Security of Georgia and later on extradited to the relevant country where a criminal case was filed against him.
- The Ministry of State Security obtained information on a person having the ID of a European country who was staying in Georgia in violation of the Visa regulations and cooperating with the group that was suspected of involvement in terrorist activity. As a result of counter measures the person was apprehended and brought in the Counter-terrorism Center of the Ministry of Security of Georgia. Later on the person was extradited after the relevant foreign special services had been notified about the above.
- Acting in response to the operative information on November 19, 1999 the group of citizens of Georgia were arrested for the attempted sale of the radioactive substance “Cesium 137”. 2 containers of the radioactive substance were recovered and the suspects were brought before justice.
- Approximately 3,7 kg uranium was recovered as a result of the actions carried out in February 1998, September 2000 and July 2001. The criminal proceedings were instituted on all the three facts.
- On May 2000 a citizen of Georgia was arrested for an attempted sale of the radioactive substance “plutonium”. The discs containing plutonium were recovered.
- On December 17, 2001 the citizen of the neighboring country was arrested as he was smuggling to Georgia the radioactive substance “uranium” for sale. The criminal case was foiled on the matter.
- The Counter-terrorist Center of the Ministry of Security of Georgia obtained information on the foreign citizen who intended to seize hostage of a foreign diplomat to Georgia to take vengeance. The adequate counter actions were taken to prevent the crime.

The examples cited above well illustrate that Georgia actively cooperates with different foreign special services through exchange of information and specific measures as well.

4. Assistance

To raise the effectiveness of anti-terrorist efforts, the following foreign assistance to Georgia would be recommended:

- Development of advanced electronic technologies in the area of combating terrorism to create the relevant information bank;
- Explosive identification and mine clearance facilities (robots);
- Special equipment and ammunition for mine diffusers;
- Advanced facilities for identification of explosive, nuclear and ionizing sources;
- Drug identification facilities;
- Scientific-methodic assistance and training;
- Effective help in the arrangement of international workshops to share both on-hand and off-hand experience with the countries with an extensive background in fighting terrorism and other international crimes;
- Arrangement of workshops with participation of the representatives of the Georgian law-enforcement structures as well as the specialists of similar foreign services to promote the improvement of qualifications of the personnel and enhance coordinated action between the special services of friendly countries. Besides,

we think it expedient to provide the relevant services with the relevant literature/intelligence on counter-terrorism methods and means;

- A serious challenge facing Georgia in the settlement of the chemical and radiation safety issues in the country is that Georgia cannot liquidate hazardous industrial waste and expired toxins. There is no field to bury such waste and substances in Georgia. As a result, toxic fall-outs and expired pesticides have been stored in different institutions for years (often in departure of the safety rules). Sometimes such waste is dumped to household dumpsites, posing a serious threat to public health. The country has no field to bury radioactive fall-outs that also creates a safety problem.

Annex 1

Designated Contact Points

GEORGIA

1. Contact point in the Permanent Mission of Georgia to the UN:

The Permanent Mission of Georgia to the United Nations

Contact person: Mr. George Volski, Deputy Permanent Representative

Address: One United Nations Plaza, 26 Floor,
New York, NY 10017
Tel: (212) 7759 1949
Fax: (212) 759 1832

2. Contact person in Georgia:

The National Security Council of Georgia

The National Counter-terrorism Commission

Contact person: Irakli Alasania

Address: 7 Ingorokva St., Tbilisi 380034
Tel: (995 32) 932 322
Fax: (995 32) 989 972
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Annex 2

1. Agreement between Georgia and the Republic of Uzbekistan on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters. Signature date and place: 28.05.96, Tbilisi. Effective date: 03.11.96.

2. Agreement between the Government of Georgia and the Government of the Republic of Uzbekistan on the Exchange of Legal Information. Signature date and place: 03.02.2000, Tashkent.

3. Agreement between the Government of Georgia and the Government of the Republic of Uzbekistan on Cooperation for the Suppression of Crime. Signature date and place: 03.02.2000, Tashkent. Being partly fulfilled. Signatories: B. Gulua; M. Zhurumbekov. Ratification/approval date: - ; Effective date: 04.09.95.

4. Agreement between the Republic of Georgia and Ukraine on Legal Assistance and Legal Relations over Civil and Criminal Matters. Signature date and place: 09.01.95, Tbilisi. Effective date: 06.12.96. Signed for and on behalf of Georgia by A. Chikvaidze, Minister of Foreign Affairs of Georgia.

5. Agreement between the Government of Georgia and the Government of Turkmenistan on the Exchange of Legal Information. Signature date: 20.03.1996. Signed on behalf of Georgia - by T. Ninidze, Minister of Justice, and on behalf of Turkmenistan - by Batir Sarjaev, Chairman of the Cabinet of Ministers.

6. Agreement between the Government of Georgia and the Government of Turkmenistan on Mutual Legal Assistance on Criminal Matters. Signature date: 20.03.1996. Effective date: 23.01.1999. Signed on behalf of Georgia - by T. Ninidze, Minister of Justice, and on behalf of Turkmenistan - by Batir Sarjaev, Chairman of the Cabinet of Ministers.

7. Agreement between the Prosecutor’s Office of Republic of Georgia and the Prosecutor’s Office of the Russian Federation on Legal Assistance and Cooperation. Signature date and place: 20.05.95, Moscow and 21.05.93 in Tbilisi, Put into effect on the date of signature.

8. Agreement between the Prosecutor’s Office of Republic of Georgia and the Prosecutor’s Office of the Russian Federation on the Exchange of Legal Information. Signature date and place: 23.06.94, Moscow. Put into effect on the date of signature. Signed on behalf of Georgia - by T. Ninidze, Minister of Justice, and on behalf of the Russian Federation - by G. S. Kuznetsov, Deputy Minister for Cooperation with the CIS Parties.

9. Agreement between the Republic of Georgia and the Russian Federation on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters. Signature date and place: 15.09,95 in Tbilisi. Subject to ratification. Not ratified by the parties. Signed on behalf of Georgia by Chairman of the Parliament of Georgia - Head of State E. Shevardnadze, on behalf of the Russian Federation - by Chairman of the Council of Ministers - Government of the Russian Federation V. Chernomirdin.

10. Agreement between the Government of Georgia and the Government of the Republic of Kirgizstan on the Exchange of Legal Information. Put into force on the date of signature. Signed by I. Menagarishvili and R. Otunbaeva.

11. Agreement between the Government of Georgia and the Government of the Republic of Kazakhstan on Legal Assistance and Legal Relations over Civil and Criminal Matters. Tbilisi, September 17, 1996. Ratified by the Parliament of Georgia on 5.03.1997. The note was sent to Kazakhstan on 13.03.97. No information from Kazakhstan.

12. Agreement between the Government of Georgia and the Government of the Republic of Kazakhstan on Extradition of Criminals for their Prosecution or Execution of Sentence against them. Tbilisi, September 17, 1996. Ratified by the Parliament of Georgia on 5.03.1997. The note was sent to Kazakhstan on 25.03.97. No information from Kazakhstan.

13. Agreement between the Executive Authority of Georgia and the Government of the Republic of Kazakhstan on Exchange of Legal Information. Tbilisi, October 22, 1998. Signed on behalf of Georgia by Justice Minister L. Chanturia, on behalf of Kazakhstan - by First Vice-minister of Justice M. Vaisov. Put into force

after completion of domestic procedures upon the date of last written notice. Sent to the President's Staff on October 23, 1998. Kazakhstan has completed the procedures. Effective since 02.04.99.

14. Agreement between Georgia and the Republic of Azerbaijan on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters. Signature date: 8.03.1996. Ratified by Georgia on 12.06.1996. Ratified by Azerbaijan on 19.04.1996. Effective since 18.02.1997. Signed on behalf of Georgia by State Minister N. Lekishvili and on behalf of Azerbaijan - by Kuliev.

15. Agreement between the Government of Georgia and the Republic of Azerbaijan on the Exchange of Legal Information. Put into force after completion of domestic procedures. Approved by Decree of June 12, 2000 of the President of Georgia. The note has been sent. Signed on behalf of Georgia by Justice Minister J. Khetsuriani and on behalf of Azerbaijan - Justice Minister S. Gasanova.

16. Agreement between Georgia and the Republic of Armenia on Extradition. Signature place and date: Erevan, 2-3 May, 1997. Put into force after ratification. Ratified by Georgia on April 1, 1998. Signed on behalf of Georgia by State Minister N. Lekishvili.

17. Agreement between Georgia and the Republic of Armenia on Legal Assistance on Criminal Matters. Tbilisi. June 4-5, 1995. Requires ratification. Ratified by Georgia on June 15, 1997. The note was sent to the Embassy of Armenia on 05.06.97. The Department has no information from Armenia. Signed by Minister of Foreign Affairs of Georgia I. Menagarishvili and --.

18. Memorandum of Understanding among the Ministry of National Security of Georgia, the General Prosecutor's Office of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Tax Revenues of Georgia and the Association of Senior Police Officers of the United Kingdom of Great Britain and Northern Ireland, the Royal Prosecutor's Office of England and Wells, Her Majesty's Customs and Excise Office, the National Subdivision for Crime, and the National Criminal Investigation Office on Cooperation over the Issues of Grave Crime, Organized Crime, Unlawful Circulation of Drugs and Other Issues of Common Interests. Signed on June 23, 2000, Valid since the date of signature. Signed on behalf of Georgia by Deputy Security MinisterT. Grdzelidze, Deputy Minister of Internal Affairs V. Bakuradze, Deputy General Prosecutor A. Baluashvili, and Deputy Minister of Tax Revenues D. Mumladze.

19. Agreement between Georgia and the Republic of Greece on Legal Assistance on Civil and Criminal Matters. Tbilisi. May 10, 1999. Put into force after completion of domestic procedures. The Greek party completed the domestic procedures (The Note 358, May 25, 2000). Ratified by the Parliament of Georgia on June 14, 2000. The Note N11-17/744 was sent on July 4, 2000. Confirmation expected. Signed by Minister of Foreign Affairs of Georgia I. Menagarishvili and Minister of Foreign Affairs of Greece G. Niotisi.

20. Agreement between the Republic of Georgia and the Republic of Bulgaria on Legal Assistance on Criminal Matters. Sophia. June January 19, 1995. Requires ratification. Ratified by the Parliament of Georgia on 02.04.96. Valid since June 6, 1996. Signed on behalf of Georgia by Minister of Foreign Affairs of Georgia I. Menagarishvili and on behalf of Bolgaria --.

21. Agreement between Georgia and the Republic of Armenia on Legal Assistance on Civil, Commercial and Criminal Matters. April 4, 1996, Ankara. Ratified by the Parliament of Georgia on 27.06.96. Turkey completed the procedures on 08.10.97. Valid since January 15, 1998. Signed on behalf of Georgia by Justice Minister T. Ninidze.

22. Agreement between the Executive Authority of Georgia and the Arab Republic of Egypt on Cooperation for the Suppression of Crime. June 3, 1999. Put into force after completion of domestic procedures. Approved by Decree N 482, August 10, 2000 of the President of Georgia. The note has been sent. Signed on behalf of Georgia by Minister of Foreign Affairs Irakli Menagarishvili and on behalf of the Arab Republic of Egypt by Minister of Foreign Affairs Amr Musa.

23. Agreement between the Government of the Republic of Georgia and the Government of the Republic of Uzbekistan on Cooperation for the Suppression of Crime. Signature date and place: 04.09.95, Tashkent. Signatories: B. Gulua; M. Zhurumbekov. Effective since the date of signature.

24. Agreement between the Ministry of Internal Affairs of the Republic of Georgia and the Ministry of Internal Affairs of the Republic of Armenia on Cooperation for the Suppression of Crime. Signature date and place: May 11, 1993. Effective since the date of signature.

25. Agreement between the Government of Georgia and the Government of the Republic of Latvia on Joint Fight against Terrorism, Unlawful Circulation of Drugs and Organized Crime. Signed on October 26, 2001. Enters into force after completion of domestic procedures. Not effective. Signed on behalf of Georgia by K. Targamadze.

26. Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation, September 23, 1971. Montreal (May 20, 1994). Depositor - the USSR, the USA, and England.

27. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (February 24, 1988) appended to the Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation adopted on September 23, 1971 in Montreal (March 17, 1999).

28. Convention against Recruitment, Use, Financing and Training of Mercenaries. Depositor - the United Nations (answer expected from the United Nations).

29. Agreement on Combating Crimes and Its Organized Forms between the Governments of the Member States of the Black Sea Economic Cooperation. Effective for Georgia since July 27, 2000.

30. The European Convention on Combating Terrorism (March 15, 2001).

31. Resolution on the Counter-Terrorist Center of the CIS Member States. Sent for ratification on November 20, 2001 (December 1, 2001).

32. The CIS Convention on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters (January 22, 1993, Minsk).

33. The CIS Agreement on Cooperation for Combating Crime between the CIS Member States (November 25, 1998, Moscow). Georgia has not completed domestic procedures yet.

34. Agreement on Cooperation for Combating Terrorism between the CIS Member States (June 4, 1999, Minsk). Georgia has not completed domestic procedures yet.

35. The April 20, 1959 European Convention on Mutual Assistance on Criminal Matters (January 11, 2000).

36. The European Convention on Extradition (September 13, 2001).