

LAW OF GEORGIA
ON MILITARY POLICE

Chapter I – General Provisions

Article 1 – Purpose of the Law

This Law determines the purpose, organisational and legal grounds, basic principles of operation and powers of the Military Police Department of the Ministry of Defence of Georgia ('the Military Police').

Article 2 – Legal status of the Military Police

Military Police is a special law enforcement structural unit of the General Staff of the Georgian Armed Forces, which, in accordance with the legislation of Georgia, investigates cases assigned by the criminal procedural law within its competence, responds to administrative offences, protects the deployment locations of the facilities of the Ministry of Defence of Georgia and of the units of Armed Forces, fights crime within the scope of its authority and performs other functions prescribed by the legislation of Georgia.

Law of Georgia No 1381 of 27 September 2013 – website, 9.10.2013

Article 3 – Legal grounds for the activities of the Military Police

The legal authority for the activities of the Military Police are the Constitution of Georgia, international treaties and agreements of Georgia, criminal legislation, the Law of Georgia On Criminal Intelligence Activity, this Law and other legislative and subordinate normative acts.

Article 4 – Basic principles of the activities of the Military Police

1. The activities of the Military Police shall be based on the principles of the rule of law, protection of honour and dignity, social justice, humanity and, in accordance with the legislation of Georgia, the principles of publicity, the unity of the Military Police system and centralised management.

2. An employee of the Military Police shall respect and protect the rights and fundamental freedoms of individuals.

3. An employee of the Military Police may not:

a) form a political association of citizens and participate in such associations;

b) disclose information containing state, official or commercial secrets (except for the cases stipulated by Article 50(4) of the Criminal Procedure Code of Georgia) and investigation materials;

c) organise and/or hold meetings or demonstrations, or participate in them;

d) engage in any paid employment, except for scientific, pedagogic or creative work or hold a position at any other institution, or perform any paid work and/or hold a position in a foreign body or institution.



Article 5 – International relations

Based on international treaties and agreements of Georgia, the Military Police cooperates with foreign law enforcement agencies and international organisations in the manner prescribed by the legislation of Georgia.

Article 6 – Cooperation of the Military Police with other state bodies, public organisations and citizens

To implement the tasks entrusted to it, the Military Police shall cooperate with structural units of the Ministry of Defence of Georgia, law enforcement and other state bodies, public organisations and citizens in the order established by the legislation of Georgia.

Chapter II – Main Directions of the Activities of the Military Police

Article 7 – Aims and objectives of the activities of the Military Police

The aims and objectives of the activities of the Military Police are to:

- a) prevent, detect and investigate crimes within the scope of the investigative jurisdiction defined by the Criminal Procedure Code of Georgia and to search for and arrest perpetrators based on the powers conferred by this Law and other normative acts;
- b) in accordance with the legislation of Georgia, monitor adherence to discipline by service members of the Ministry of Defence in the facilities and territories used by the Ministry of Defence of Georgia, also within and outside deployment locations of the Armed Forces; protect the places of administrative detention (detention rooms) existing within the system of the Ministry of Defence of Georgia;
- c) prevent and detect administrative violations and give appropriate legal response based on powers granted by the Code of Administrative Offences of Georgia and other normative acts;
- d) ensure the safety of the systems of the Ministry of Defence of Georgia.
- e) in accordance with the legislation of Georgia, provide security measures in the facilities and territories used by the Ministry of Defence of Georgia, including deployment locations of the Armed Forces, implement measures for the protection of the perimeter of the Ministry's military facilities, and take measures, by means of security members, to ensure the internal security of units;
- f) collect, process and analyse information within the scope of its authority;
- g) other aims and objectives as defined by the legislation of Georgia.

Law of Georgia No 4115 of 17 December 2010 – LHGI, No 75, 27. 12 .20 10 , Art. 471

Article 8 – Powers of the Military Police

To ensure the accomplishment of the objectives and main principles of its activities, the Military Police may, within the scope of its authority:

- a) in accordance with the legislation of Georgia, demand a person to respect law and order and, in the case of failure to comply with this demand, take measures as stipulated by law;



- b) carry out criminal intelligence activities and, within the investigative jurisdiction defined by the criminal procedure legislation of Georgia, identify, solve and prevent crime, initiate and conduct investigations, apply physical coercion within the limits and in accordance with the law;
- c) carry out any investigative and procedural actions stipulated by the Criminal Procedure Code of Georgia;
- d) under the procedure provided for by the legislation of Georgia and within the scope of their authority, demand (in writing or verbally), and immediately receive (including through on-site inspection) any documents or information in compliance with the specified time limits and form;
- e) in the manner and form determined by Georgian legislation, interview any public servant, service member and/or official of the Ministry of Defence of Georgia, and in accordance with the legislation of Georgia, other persons who may have information on a case and, under the procedure provided for by the legislation of Georgia, receive from such persons case-related written and/or verbal explanations that will ensure the proper performance of duties assigned to the Military Police;
- f) draw up an administrative offence report in accordance with the legislation of Georgia;
- g) in the case of commission of an offence by a military service member, stop their vehicle and take measures provided for by the legislation of Georgia;
- h) ensure the functioning of the military patrol;
- i) check the official ID and/or citizen's identification document of a public servant of the Ministry of Defence of Georgia, also of a service members and of a person to be interviewed in the case if there is sufficient evidence to indicate the commission of a crime, administrative offence or disciplinary offence by that person;
- j) ensure the functioning of security members at deployment locations of the Armed Forces of Georgia;
- k) prevent the organisation of illegal demonstrations, rallies, pickets and other actions by military service members;
- l) in order to protect public safety when changing the deployment location of the formations of the Armed Forces of Georgia and when moving combat and transport equipment, as well as in order to carry out individual criminal intelligence actions, block roads and street sections or restrict traffic on roads and street sections in accordance with the legislation of Georgia;
- m) in the manner specified by the Criminal Procedure Code of Georgia, arrest civilians if they are caught in the act of committing a crime and transfer them to the relevant law enforcement agencies in cases stipulated by law;
- n) in the manner and form prescribed by law, perform actions relating to the search and arrest of persons wanted in connection with offences that, under the Criminal Procedure Code of Georgia, fall within the jurisdiction of the Ministry of Defence of Georgia;
- o) in the manner prescribed by the legislation of Georgia, use a vehicle free of charge (except for the transport of diplomatic missions or consular posts, international organisations and special transport) in cases of urgent necessity, when chasing a perpetrator, or for the purpose of taking a detainee to the police, as well as for taking a person in need of urgent medical assistance to a hospital;
- p) in the manner prescribed by the legislation of Georgia, obtain information free of charge from enterprises, institutions, organisations and citizens, except where the law establishes a special procedure for obtaining information;
- q) with respect to matters falling within its jurisdiction, register accused persons and/or unidentified corpses, take fingerprints, photographs, make film, video and audio recordings, take samples for comparative examination, conduct forensic studies in criminal and administrative cases;
- r) in a state of emergency and/or martial law, carry out raids in human settlements, major highways and territorial waters within the scope of the authority defined by law;
- s) in accordance with the legislation of Georgia, use the media to establish circumstances and perpetrators of a crime, to trace fugitives from investigation and trial, to find missing persons, to identify unidentified corpses, prevent offences, and strengthen the rule of law;
- t) in order to protect the personal safety of passengers, request, in the prescribed manner, the relevant authorities to delay the



departure of rail, sea or air transport for a reasonable period in order to carry out the arrest or detention of an accused person;

u) ensure the safety of senior civilian and military officials of the Ministry of Defence of Georgia, as well as the safety of senior civilian and military officials from the defence systems of foreign countries who are on official visits to Georgia (if necessary, providing an escort), in cooperation with relevant institutions;

v) carry out other activities defined by the Georgian legislation, including by the Statute of the Military Police Department of the Ministry of Defence of Georgia.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29. 9 .20 10 , Art. 332

Law of Georgia No 6439 of 12 June 2012 – website, 22.6.2012

Article 9 – Military Police obligations

The Military Police shall, within the scope of their authority:

a) provide an opportunity to detained or arrested persons to exercise their right to legal protection, to notify their families, the administration of their place of work or study in accordance with the law;

b) in accordance with the legislation of Georgia and based on a decision of a court or prosecutor, carry out measures to protect victims, witnesses and other participants of proceedings, as well as their family members if their life or health is at risk;

c) during an investigation, establish the causes and conditions leading to the crime, take measures to eliminate them, and carry out individual preventive work with offenders;

d) ensure the protection and transfer of detained or arrested persons to a detention facility;

e) execute court decrees on administrative detention;

f) perform, according to its jurisdiction, written orders and instructions of a prosecutor and investigator with respect to the conduct of an investigative and criminal intelligence actions, and assist them in conducting investigative actions;

g) provide emergency assistance to victims of accidents or socially dangerous acts, as well as to persons who are in a helpless state, under toxic, narcotic or alcoholic intoxication, if such a person cannot move independently or if they may pose a threat to themselves or others;

h) execute court decisions, decrees of a judge, prosecutors and investigators on the presentation of persons who avoid appearance in court, prosecutor's office or investigating authority, also execute the decisions of the court, prosecutor and investigator with respect to arrest or detention;

i) cooperate with the relevant services of the Ministry of Internal Affairs of Georgia, Ministry of Environmental Protection and Agriculture of Georgia, and the Ministry of Finance of Georgia and relevant divisions of the Georgian State Security Service in the conduct of legitimate activities;

j) during a period of martial law, ensure the safety and safe operation of POW camps in accordance with the legislation of Georgia and in the manner and form established by international agreements and conventions.

Law of Georgia No 4416 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 460 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 3949 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 1659 of 7 December 2017 – website, 14.12.2017



Article 10 – Right to use physical coercion, special equipment and firearms

1. An employee of the Military Police may, in the course of duty, use physical coercion, special equipment and standard service weapons and military assault weapons.
2. An employee of the Military Police shall warn persons in advance of the use of physical coercion, special equipment and firearms, and provide them with sufficient time to comply with the legitimate demands of the military police member, except where a delay may result in danger to the life and health of citizens and of the military police member, other serious consequences, or where it is impossible to give such a warning in the given situation.
3. The type of special equipment and the intensity of physical coercion shall be determined by taking account of the concrete situation, the nature of the offence and individual characteristics.

Article 11 – Use of physical coercion

An employee of the Military Police may, within statutory limits and procedures, use physical coercion (including special combat techniques) to prevent crimes and other offences, arrest perpetrators and/or offenders, if the use of non-violent methods cannot ensure the performance by military police members of duties assigned by law.

Article 12 – Use of special equipment

1. When on duty, military police members may, in the manner prescribed by the legislation of Georgia and within their scope of authority, use special equipment – handcuffs and other restraining equipment, rubber truncheons, tear gas, breaching equipment, vehicle stopping equipment, special paint, police service dogs, electroshock devices – in the following cases provided for in this Article:
 - a) handcuffs and other restraining equipment – against persons who have committed a crime and who are resisting or may resist a military police member, or who are trying to escape, or against persons who are subject to coercive measures specified in the criminal procedural legislation;
 - b) rubber truncheons – to repel an attack on a military police member, and/or on a facility protected by the Military Police, to arrest, within the scope of their authority, persons who have committed a crime by disturbing public order, in the event of wilful disobedience to lawful demands of a military police member, as well as to suppress mass and group violations of public order;
 - c) tear gas – to repel an attack on a military police member, and/or on a facility protected by the Military Police; to prevent mass and group violations of public order; to detain persons who have committed a crime, or to force them to leave a seized vehicle or building and construction that they are using as a shelter;
 - d) breaching equipment – during the detention of persons who have committed a crime or socially dangerous act, during the release of hostages;
 - e) vehicle restraint equipment – to forcibly stop a vehicle whose driver has not complied with the legal demand of a military police member to stop the movement (motion) of the vehicle;
 - f) special paint – to identify the perpetrators of unlawful acts;
 - g) police service dogs – to carry out search operations;
 - h) electroshock devices – to repel an attack on a military police member and/or on a facility protected by the Military Police, to prevent a criminal act, unless there are other milder means to avert danger.
2. An employee of the Military Police shall provide first aid to persons injured as a consequence of the use of means of physical coercion or special equipment and, where necessary, ask a doctor for help. He/she should immediately notify his/her immediate



superior and the official stipulated by the Georgian legislation about the injury or harm caused by the use of means of physical coercion or special equipment.

3. Means of physical coercion or special equipment may not be used against persons who have distinct signs of pregnancy, minority, disability, old age, except where such persons are armed and carry out a group attack or offer armed resistance to military police members, which poses a threat to the life and health of citizens and of military police members, and if there are no other ways and means to repel such an attack.

Article 13 – Right to use firearms

1. Military Police members may keep, carry and use standard service weapons and other weapons and special equipment permitted by the legislation of Georgia.

2. Military Police members may use firearms as a measure of self-defence or as an extreme measure:

a) to protect persons and/or themselves from danger that poses a real threat to their lives or health;

b) to prevent the seizure of firearms;

c) to give an alarm signal or to call for reinforcements;

d) to forcibly stop a vehicle or to damage a vehicle if the driver is not complying with repeated demands of a military police member to stop the vehicle;

e) in other cases permitted by the legislation of Georgia.

3. The use of firearms must be preceded by a verbal warning of their intended use. A warning shot may be fired where necessary.

4. Firearms may be used without a warning:

a) in the case of an unexpected armed attack, attack with military equipment, any kind of vehicle or any mechanical means;

b) in the case of escape of a detainee, by using a vehicle (or from a vehicle);

c) in the case of armed resistance during the arrest of a perpetrator;

d) in the case of escape of a detainee during conditions of reduced visibility and/or in wooded area;

e) in other cases defined by the legislation of Georgia.

5. Firearms may not be used in places where other persons may be injured, as well as in flammable and explosive places; as well as in relation to pregnant women, minors, persons with disabilities, except when they show armed resistance to military police members, conduct an armed or group attack on military police members or on a facility protected by them, which poses a threat to life and health of persons or that of military police members, and if there are no other ways and means to repel such an attack.

6. Military police members shall be required to immediately notify their direct superiors and officials provided for by the Georgian legislation of the use of firearms.

7. It shall be prohibited to use such types of firearms and ammunition as are prohibited by international conventions and other international legal acts.

8. Military assault weapons shall be used in the manner prescribed by the legislation of Georgia.

Chapter IV – Criminal Intelligence Activities of the Military Police



Article 14 – Principles of criminal intelligence activities of the Military Police

To prevent, detect and/or solve crimes, the Military Police shall be guided by the Law of Georgia on Criminal Intelligence Activity when carrying out criminal intelligence activities.

Chapter V – Organisation and Management of the Military Police

Article 15 – Organisation of the Military Police

1. The Military Police is a special law enforcement structural unit of the General Staff of the Georgian Armed Forces.
2. The Military Police fulfils its responsibilities across the entire territory of Georgia, as well as at deployment locations of the Georgian Armed Forces in a foreign territory, and operates in a single, centralised manner.

Law of Georgia No 4115 of 17 December 2010 – LHG I, No 75, 27. 12 .20 10, Art., 471

Law of Georgia No 1381 of 27 September 2013 – website, 9.10.2013

Article 16 – Management of the Military Police

1. The administration, coordination and management of the Military Police shall be carried out by the Head of the Department of Military Police of the Ministry of Defence of Georgia, who is appointed to and dismissed from the position by the Minister of Defence of Georgia on the recommendation of the Chief of the General Staff of the Georgian Armed Forces
2. The Head of the Military Police Department of the Ministry of Defence of Georgia shall:
 - a) direct the Military Police, be responsible for the performance of duties assigned to the Military Police by Georgian legislation;
 - b) within the scope of his/her authority, make decisions on matters falling within the authority of the Military Police;
 - c) periodically submit reports on the activities carried out by the Military Police and information on the priority directions of the activity of the Military Police, to the Minister of Defence of Georgia and the Chief of the General Staff of the Georgian Armed Forces;
 - d) on issues falling within the authority of the Military Police, issue individual administrative acts and guidelines that are binding on military police members;
 - e) during the formation of the defence budget, submit proposals to the appropriate department of the Ministry of Defence of Georgia in consultation with the Minister of Defence of Georgia and the Chief of the General Staff of the Georgian Armed Forces;
 - f) exercise other powers provided for by the legislation of Georgia

Law of Georgia No 1381 of 27 September 2013 – website, 9.10.2013

Chapter VI – Procedure for Serving in the Military Police and Social Protection Guarantees of Military Police members

Article 17 – Legal grounds for serving in the Military Police

1. The procedure for admission and service of military police members and their social protection guarantees shall be regulated by



this law and normative acts issued on the basis thereof.

2. The Procedure for Serving in the Military Police shall be approved by the order of the Minister of Defence of Georgia. Qualification requirements for military police members shall be determined by the individual administrative acts issued by the Minister of Defence of Georgia or by the official authorised by him/her. The Law of Georgia On Public Service shall apply to military police members only where this Law, the legislation governing relations with military service members, and this paragraph do not otherwise regulate the relevant service relationship.

3. Issues relating to work relationships of military police members shall be regulated by the Procedure for Serving in the Military Police, including the procedure and grounds for appointing and dismissing military police members from office, for doing service, for certification, training, forms of incentives and for using disciplinary actions.

Law of Georgia No 4115 of 17 December 2010 – LHG I, No 75, 27. 12 .20 10, Art. 471

Article 18 – Military police members

1. A member of the Military Police may be:

- a) a civilian;
- b) a military service member;
- c) service members with a special rank.

2. Military police members shall have the right to carry a standard service weapon.

3. The design and attributes of the uniform of military police members, the category of military police members who are required to wear the official uniform and attributes, as well as the procedure for wearing a uniform of a military police member, shall be approved by the Minister of Defence of Georgia.

4. Military police members shall be issued official identity cards confirming their identity and authority.

5. A military police investigator shall be independent when performing his/her duties.

6. If a military police member with special rank or with the status of a military service member, dies in the line of duty, his/her family shall be paid a one-time allowance of GEL 15 000 from the State Budget of Georgia.

7. If a military police member with a special rank or with the status of military service member is injured/crippled or declared disabled, he/she shall be paid a one-time allowance based on the severity of the injury, but not more than GEL 7 000.

Law of Georgia No 4115 of 17 December 2010 – LHG I, No 75, 27. 12 .20 10, Art., 471

Law of Georgia No 1381 of 27 September 2013 – website, 9.10.2013

Article 19 – Procedure for employment and dismissal from the Military Police

1. Citizens of Georgia may be admitted to work in the Military Police from the age of at 21 years; the citizens shall speak the official language of Georgia and their personal qualities, education, physical fitness and health allows them to carry out their duties and meet the special eligibility requirements established by the individual administrative legal act of the Minister of Defence of Georgia for the relevant position (military police investigators must also have a degree in law).

2. The following persons may not be recruited in the Military Police:

- a) persons with a conviction record;
- b) persons who for health reasons do not satisfy the specific qualification requirements established for the positions;



c) persons suffering from alcoholism, drug addiction, substance abuse, mental health or other chronic illnesses;

d) persons who have been recognised by the court as restricted in legal capacity or as a beneficiary of support, unless otherwise determined under a court decision.

3. Military police members shall be dismissed from the Military Police in accordance with the Georgian legislation.

Law of Georgia No 4115 of 17 December 2010 – LHG I, No 75, 27. 12 .20 10 , Art. 471

Law of Georgia No 3369 of 20 March 2015 – website, 31.3.2015

Article 20 – Incentives and responsibilities of military police members

Forms of incentives and responsibilities of military police members shall be determined by the Procedure for Serving in the Military Police.

Law of Georgia No 4115 of 17 December 2010 – LHG I, No 75, 27. 12 .20 10, Art., 471

Article 21 – Liability for damages of military police members

1. Military police members shall be responsible to physical and/or legal entities for harm caused by their wrongful acts in the performance of official duties.

2. Damages shall be compensated in accordance with procedures established by the legislation of Georgia.

Chapter VII – Control and Supervision of the Military Police

Article 22 – Parliamentary control

The Defence and Security Committee of the Parliament of Georgia shall, within the framework of parliamentary control over the Ministry of Defence of Georgia, exercise parliamentary control over the Military Police.

Article 23 – Prosecutorial supervision

The investigation of crimes assigned to the jurisdiction of the Ministry of Defence of Georgia under the Criminal Procedure Code of Georgia shall be supervised by the Chief Prosecutor's Office of Georgia.

Law of Georgia No 474 of 1 November 2008 – LHG I, No 30, 7.11.2008, Art., 192

Chapter VII – Transitional Provision

Article 24 – Normative acts to be issued in connection with the entry of this Law into force

In connection with the entry of this Law into force, the Minister of Defence of Georgia shall issue instructions on the activities of the patrol services of the Department of Military Police of the Ministry of Defence of Georgia.



Chapter IX – Final Provision

Article 25 – Entry into force

This Law shall enter into force upon promulgation.

President of Georgia

M. Saakashvili

Tbilisi

8 June 2007

No 4924–Ib

