

# LAW OF GEORGIA

## ON MARTIAL LAW

### Article 1

Martial law means the declaration of special rules throughout the territory of Georgia in the case of armed attacks against Georgia, which shall be consistent with the defence interests of the country. Martial law shall be declared according to the Constitution of Georgia and this Law and shall aim to ensure the territorial integrity of the country, state security and the protection of public order.

### Article 2

1. Martial law shall be declared by the President of Georgia throughout the territory of Georgia.
2. The President of Georgia shall, through mass media, notify the population about the declaration of martial law throughout the territory of the country, and present this decision to the Parliament of Georgia for approval within 48 hours after its declaration. If the Parliament of Georgia does not approve the decision of the President of Georgia on the declaration of martial law, the martial law shall be considered cancelled from that moment.
3. The President of Georgia shall issue during martial law decrees having the force of law that shall be submitted to the Parliament of Georgia within 48 hours.
4. The Parliament of Georgia shall approve the decrees issued by the President of Georgia during martial law that restrict the rights and freedoms listed in Articles 18, 20, 21, 22, 24, 25, 30, 33 and 41 of the Constitution of Georgia. The text of the decree shall be broadcast on the radio and television of Georgia at least once in every two hours for one day after it is signed.

### Article 3

1. The motive for making such decision and the validity period shall be specified in an edict of the President of Georgia on the declaration of martial law.
2. The President of Georgia may, with the consent of the Parliament of Georgia, extend the validity period of declared martial law or cancel it before its validity period ends.
3. The decision on the declaration, the extension of the validity period or the cancellation of martial law shall become effective from the moment of its adoption, unless otherwise provided for by the legislation of Georgia, and shall be published immediately.
4. All decrees issued by the President of Georgia during the validity period of martial law shall become ineffective upon the cancellation of martial law.

### Article 4

1. (Deleted - 6.9.2013, No 1044).
2. During martial law, according to specific circumstances, the highest bodies of the executive authority of Georgia may, within the scope of their authority and in accordance with the requirements of the legislation, apply the following measures:
  - a) strengthen the protection of public order and facilities that ensure the activities of the population and the operation of the economy;
  - b) temporarily evacuate citizens from dangerous districts, and at the same time, re-house them in other permanent or temporary dwellings as necessary;
  - c) introduce a special regime of entry and exit for citizens in areas under martial law;
  - d) if necessary, restrict the right of free movement for citizens and stateless persons and prohibit them from leaving their places of residence or other locations without relevant permission;
  - e) temporarily seize from citizens firearms and melee weapons and ammunition owned by them, and seize also training military equipment, explosives, radioactive substances and materials, and potent chemical and poisonous substances from enterprises, institutions and organisations;
  - f) prohibit the arrangement of gatherings, meetings, street processions and demonstrations, and entertainment, sports and other mass events;
  - g) make changes to the product manufacturing and delivery plans of state-owned enterprises and organisations, and solve other issues related to their economic activities; moreover, establish a special regime of operation of state-owned and private enterprises, institutions and organisations;
  - h) based on needs related to martial law, temporarily, during the period of martial law, dismiss from office the managers of state-owned enterprises, institutions and organisations having strategic and vital importance to the population, and appoint their substitutes; and temporarily prohibit the voluntary resignation of workers and employees from such enterprises, institutions and organisations, except for resignation for a valid reason. Temporarily dismissed persons shall immediately, upon the cancellation of martial law, be reinstated in their positions if a legal basis for their dismissal from office does not exist;



i) use, in accordance with the legislation, the resources of state-owned enterprises, institutions and organisations to prevent and redress the consequences of military actions; use, for the same purposes, the property and tangible assets owned by other natural and legal persons, but only for appropriate compensation that shall be paid after the end of martial law;

j) prohibit strikes;

k) involve capable citizens in the work of enterprises, institutions and organisations with average wages, and in redressing the consequences of martial law, and, at the same time, ensure their labour safety;

l) restrict or prohibit trade in arms, potent chemical and poisonous substances, and alcoholic beverages and alcohol-containing substances;

m) introduce quarantine and carry out other mandatory sanitary and anti-epidemic measures;

n) establish control over mass media in accordance with legislation;

o) introduce special rules for the use of the means of communication;

p) restrict the movement of vehicles and check them;

q) impose a curfew;

r) prevent the creation and activities of armed groups of citizens not provided for by the legislation of Georgia;

s) check documents at the places of mass gatherings of citizens, and, if there are appropriate grounds, arrange the personal search of citizens, their things and vehicles.

*Law of Georgia No 2166 of 7 May 2003 - LHG I, No 15, 4.6.2003, Art. 101*

*Law of Georgia No 1044 of 6 September 2013 - website, 23.9.2013*

## **Article 5**

1. The highest bodies of the executive authority of Georgia may annul any decision made by subordinate bodies during martial law.

2. The National Security Council of Georgia shall coordinate the works for the prevention and elimination of the consequences of martial law.

## **Article 6**

During martial law, the heads of enterprises, institutions and organisations may, if necessary, temporarily transfer workers and employees without their knowledge to work which is not provided for by their labour contracts.

## **Article 7**

1. During a curfew, citizens may not stay in streets or other public places, and leave their premises without officially issued permits and their identity documents.

2. Persons who violate the procedure provided for by paragraph 1 of this article shall be detained by the police or patrol until the end of a curfew, and anyone who has no documents with them shall be detained until their identity is established, but for not more than 72 hours. Detained persons may be searched personally and their things may be searched as well.

## **Article 8**

The violation of the requirements established by Article 4(c), (d), (f), (j), and (l)-(p), and the requirements provided for by Article 7(1) shall result in liability in accordance with legislation.

## **Article 9**

The military forces of Georgia, which are guided by this Law and other relevant normative acts, may be used by the order of the President of Georgia and with the consent of the Parliament of Georgia to redress the consequences of martial law, protect public order and ensure the safety of citizens.

*Law of Georgia No 1044 of 6 September 2013 - website, 23.9.2013*

## **Article 10**

1. Ad hoc bodies may be established on the spot by a decree of the President of Georgia, and/or a representative of the President and/or a commandant



may be appointed on the recommendation of the National Security Council of Georgia for the coordination of the actions, management and interaction of the forces allocated to redress the consequences of the military situation.

2. The representative of the President and/or the commandant shall, in order for the normative acts issued by the President to be executed, issue orders that regulate, within the scope of this Law, issues relating to the facilitation of the regime of a state of emergency.

#### **Article 11**

Experts with the relevant education and experience may, by a decision of a governmental institution defined by an ordinance of the Government of Georgia, be invited during martial law either from Georgia or abroad to redress the consequences of martial law.

*Law of Georgia No 2166 of 7 May 2003 - LHG I, No 15, 4.6.2003, Art. 101*

*Law of Georgia No 1044 of 6 September 2013 - website, 23.9.2013*

#### **Article 12**

1. The Parliament of Georgia may establish military courts during martial law within the system of general courts.

2. The Parliament of Georgia may, during martial law, change in certain places the territorial jurisdictions established by civil and criminal laws.

#### **Article 13**

1. The State shall provide citizens affected by recovery operations carried out during martial law or to prevent martial law with dwellings, and compensate material damage they incur, and help with job placements and provide other assistance.

2. The Government of Georgia shall, under the legislation of Georgia, define the conditions and the procedure for giving dwellings, compensating damage and providing other necessary assistance.

*Law of Georgia No 1044 of 6 September 2013 - website, 23.9.2013*

#### **Article 14**

1. If state authorities cannot ensure the relevant performance of their functions in places under martial law, the President of Georgia may, in accordance with the legislation of Georgia, establish a provisional government by a decree before the cancellation of martial law, with which the President imposes an obligation on the Government of Georgia to form, by an ordinance, an ad hoc body to carry out governance, or appoint an official and determine his/her powers.

2. In cases provided for by paragraph 1 of this article, the power of relevant state authorities shall be suspended temporarily, and the power to perform their functions shall be transferred to the body established or an official appointed by an ordinance of the Government of Georgia, which body or official may, within their powers and under the legislation of Georgia:

a) apply measures provided for by Article 4 of this Law;

b) temporarily perform the functions of local self-government bodies;

c) submit proposals on state, economic and social construction to the highest state authorities of Georgia;

d) subordinate, as provided for by the legislation of Georgia, state-owned enterprises, institutions and organisations located in respective areas in accordance with the procedure defined by the Government of Georgia.

*Law of Georgia No 1044 of 6 September 2013 - website, 23.9.2013*

#### **Article 15**

The Ministry of Foreign Affairs of Georgia shall immediately notify the Secretary-General of the United Nations of the declaration and cancellation of martial law.

#### **Article 16**

1. This Law shall enter into force upon its promulgation.

2. The Law of the Republic of Georgia of 24 December 1992 on Martial Law (the Parliamentary Gazette of Georgia, 1992, No 2, Art. 103) shall be considered repealed.



President of Georgia

Eduard Shevardnadze

Tbilisi

31 October 1997

No 1032\_იბ

