

Chapter I - General Provisions

**Article 1 - Scope of the Law**

This Law determines basic guiding principles for the activities of the State Security Service of Georgia, its functions and authority, procedures for the performance of services by public servants of the Service, including by persons with special military or state rank ('an employee') and their legal and social protection guarantees, the forms of controlling and overseeing activities of the State Security Service of Georgia and other matters.

**Article 2 - The State Security Service of Georgia**

1. The State Security Service of Georgia ('the Service') is a system of special-purpose institutions of executive authority subordinate to the Government of Georgia, which ensures state security within its authority.
2. The Service consists of structural subdivisions and territorial bodies.
3. The statute of the Service shall be approved by the Government of Georgia.
4. The Service and its officials are authorised to use the state coat of arms of Georgia in its entirety on the legal acts, letterheads, seals and stamps of the Service.
5. When exercising the authorities granted under this Law, the Service shall be entitled to draw up, accept and store any document (including archive material) in printed and/or electronic form and also to use the Electronic Document Flow System, integrated automatic means of management, and an electronic signature, and to put a signature by electronic and/or technical means. Electronic documents and their printed forms shall have the same legal force as physical documents. Electronic signatures on a document, as well as a signature using electronic and/or technical means, shall have equal legal force as a personal signature made on the physical document.

**Article 3 - Legal basis for the activities of the Service**

The legal basis for the activities of the Service shall be: the Constitution of Georgia, the international agreements of Georgia, this Law, other laws of Georgia, legal acts of the Parliament of Georgia, the Government of Georgia and of the Head of the Service, and other normative acts.

**Article 4 - Fundamental guiding principles for the activities of the Service**

The activities of the Service shall be guided by the following fundamental principles:

- a) lawfulness
- b) abidance by and respect for human rights and fundamental freedoms
- c) a combination of open and closed forms of activities
- d) unity and centralisation
- e) non-discrimination
- f) proportionality and implementation of discretionary power
- g) political neutrality.

**Article 5 - Areas of activity of the Service**

The areas of activities of the Service for ensuring state security include the following:

- a) protecting constitutional order, sovereignty, territorial integrity and military capabilities of Georgia from unlawful acts of foreign special services and individuals;
- b) identifying unconstitutional and forceful changes of the constitutional order and state government of Georgia and ensuring the protection thereof;
- c) ensuring economic security of the country;
- d) combating terrorism;



- e) combating transnational organised crime and international crime threatening the state security;
- f) carrying out measures for preventing, identifying and eliminating corruption;
- g) protecting state secrets and carrying out measures to ensure the protection of state secrets under procedures provided for by the legislation of Georgia and ensuring the monitoring of the implementation of such measures;
- h) protecting the country from external threats.

## **Chapter II - Composition of the Service; Appointment and Early Termination of Authorities of the Head of the Service**

### **Article 6 - Head and deputy heads of the Service**

1. The areas of activity of the Service are administered and the Service is managed by the Head of the Service.
2. The Head of the Service shall:
  - a) regulate matters within the authority of the Service;
  - b) issue subordinate normative acts only for the implementation of legislative acts and directly determined by this legislative act;
  - c) issue individual administrative-legal acts;
  - d) appoint and dismiss the employees of the Service, including heads and deputy heads of the structural subdivisions of the Service and determine their authority;
  - e) nominate to the Prime Minister of Georgia candidates for the First Deputy Head and Deputy Heads of the Service;
  - f) award special military and state ranks to the employees of the Service within his/her authority;
  - g) administer incentives and impose disciplinary liabilities on the employees of the Service, and nominate them for state awards as provided for by the legislation of Georgia;
  - h) establish commissions and working groups;
  - i) represent the Service in the relationship with international and other organisations;
  - j) approve the text of the oath for the employees of the Service;
  - k) approve the Code of Ethics for the employees of the Service;
  - l) determine the state security protection regime for the institutions posing a high risk to the state security as determined by an ordinance of the Government of Georgia;
  - m) exercise other powers granted under the legislation of Georgia.
3. The Head of the Service has a First Deputy and Deputy Heads.
4. The First Deputy Head and other Deputy Heads shall be appointed or removed by the Prime Minister of Georgia upon the recommendation of the Head of the Service. 5. The authority of the First Deputy Head and Deputy Heads of the Service shall be determined by the internal regulations of the Service, legal acts of the Head of the Service and other normative acts.
6. The authority of the First Deputy Head and Deputy Heads of the Service shall be terminated upon the appointment of a new Head of the Service.

### **Article 7 - Appointment of the Head of the Service**

1. Not earlier than two months and not later than eight weeks before the expiration of the term of office of the Head of the Service, the Prime Minister of Georgia shall nominate to the Government of Georgia a candidate for Head of the Service for review. The Government of Georgia shall nominate the candidate for Head of the Service to the Parliament of Georgia for appointment.
2. The Government of Georgia, within one week after the nomination of the candidate for Head of the Service by the Prime Minister of Georgia, shall review the candidate and adopt an ordinance on the nomination of the candidate to the Parliament of Georgia under procedures provided for by the regulations of the Government of Georgia.
3. If the Government of Georgia fails to adopt an ordinance on the nomination of the candidate for Head of the Service to the Parliament of Georgia, the Prime Minister of Georgia shall repeatedly nominate the same or another candidate to the Government of Georgia within three calendar days, after which the Government of Georgia shall follow the procedures determined by paragraph 2 of this article.
4. If the Government of Georgia repeatedly fails to adopt an ordinance on the nomination of the candidate for Head of the Service to the Parliament of Georgia, the procedures provided in paragraph 3 of this article shall be repeated.



5. The same candidate may be nominated to the Government of Georgia only twice.
6. The Parliament of Georgia, within two weeks after the nomination of the candidate for Head of the Service by the Government of Georgia, shall review the candidate and appoint the Head of the Service by a majority of the members, by secret ballot, under procedures provided for by the Rules of Procedure of the Parliament. If the last day of the above term coincides with a day when the scheduled plenary session of the Parliament is not held, the votes shall be cast during the next nearest plenary session.
7. If the candidate for Head of the Service fails to obtain the appropriate number of votes, the Prime Minister of Georgia shall nominate the candidate for Head of the Service to the Government of Georgia within one week, after which the procedures provided in paragraphs 2 through 6 of this article shall be followed.
8. If the Head of the Service still fails to be appointed, the procedures provided in paragraph seven of this article shall be repeated. The process shall continue until a Head of the Service is appointed.
9. The same candidate may be nominated to the Parliament of Georgia only twice.
10. If a legal successor to the Head of the Service is not appointed before the expiration of his/her term of office, the First Deputy Head of the Service or one of the Deputy Heads of the Service appointed as an acting Head of the Service by an ordinance of the Government of Georgia, shall perform the duties of the Head of the Service from the day of expiration of the term of office of the Head of the Service before the appointment of a new Head of the Service. If a new Head of the Service is appointed before the expiration of the term of office of the current Head of the Service, he/she shall start performing official duties upon the expiration of the term of office of the current Head of the Service.
11. The term of office of the Head of the Service is six years. The term of office shall start on the day following the date of the expiration of the term of office of the previous Head of the Service.
12. The same person may not be appointed as the Head of the Service for two consecutive terms. A person who has been appointed as the Head of the Service, may not be reappointed as the Head of the Service within six years after the expiration or early termination of his/her term of office.
13. A legally capable citizen of Georgia with higher education who is at least 35 years old and who has at least two years of working experience in the law enforcement bodies and who knows the official language of Georgia, may be appointed as the Head of the Service. A citizen of Georgia, who is at the same time a citizen of a foreign country, may not hold the position of the Head of the Service.

#### **Article 8 – Incompatibility of offices of the Head of the Service**

The office of the Head of the Service is incompatible with any other position at private or public services. The Head of the Service may not be engaged in any other paid activities except for scientific, pedagogical or creative ones. The Head of the Service may not be a member of a political party or may not otherwise participate in political activities.

#### **Article 9 – Accountability and responsibilities of the Head of the Service**

1. The Head of the Service shall be accountable and responsible to the Parliament of Georgia. The Head of the Service, as the Head of the system of special-purpose institutions of executive authority directly subordinate to the Government of Georgia, shall also be accountable to the Government of Georgia.
2. Once a year, no later than 1 April the Head of the Service shall submit to the Parliament of Georgia a report of the activities carried out during the previous year.
3. The Head of the Service shall have the right to, and upon request, be obliged to attend the meetings of the Parliament of Georgia, its Committees and Commissions, to answer questions asked during such meetings and present reports on performed activities. Upon request, the Head of the Service shall be heard by the Parliament of Georgia, its Committees and Commissions.
4. The Parliament of Georgia shall have the right to evaluate the activities carried out by the Head of the Service and approve appropriate recommendations and proposals on the basis of an ordinance of the Parliament of Georgia.

#### **Article 10 – Early termination of the term of office of the Head of the Service**

1. The term of office of the Head of the Service shall be terminated prematurely if:
  - a) his/her citizenship of Georgia is terminated;
  - b) he/she fails to perform his/her duties for two consecutive months;
  - c) a judgement of conviction of a court against him/her enters into legal force;
  - d) a court has declared him/her missing, dead or a beneficiary of support;
  - e) he/she took or holds a position incompatible with the office of the Head of the Service or conducts activities incompatible with his/her office;
  - f) he/she resigns voluntarily;
  - g) he/she is dismissed by the Parliament of Georgia as provided for by the Rules of Procedure of the Parliament of Georgia;



h) he/she dies.

2. Information on the circumstances specified in sub-paragraphs a, c, d, f, and h of this paragraph shall be taken a note of by the Parliament of Georgia after it is verified under the Rules of Procedure of the Parliament of Georgia, as a result of which the term of office of the Head of the Service shall be prematurely terminated.

3. When there are grounds determined by paragraph 1(b) or (e) of this article, the Government of Georgia shall be authorised to issue an ordinance on the suspension of the term of office of the Head of the Service and on the submission of a request for early termination of the term of office of the Head of the Service to the Parliament of Georgia. The ordinance shall be immediately submitted to the Parliament of Georgia and the latter, within two weeks after its receipt, shall review and decide the issue of early termination of the term of office of the Head of the Service by a majority of the total number of members, under procedures provided for by the Rules of Procedure of the Parliament of Georgia. If the Parliament fails to make a decision on early termination of the term of office of the Head of the Service, the ordinance of the Government of Georgia on the suspension of the term of office of the Head of the Service shall be annulled.

4. When there are grounds determined by paragraph 1(b) or (e) of this article, the Parliament of Georgia shall be authorised to review the matter of early termination of the term of office of the Head of the Service upon its initiative and under procedures defined in the Rules of Procedure of the Parliament of Georgia, and to make a decision for early termination of the term of office of the Head of the Service by a majority of the total number of its members.

5. After hearing the report of the Head of the Service, at least one third of the members of the Parliament of Georgia on the current nominal list shall have the right to raise the issue of the dismissal of the Head of the Service, if during the hearing of the report, the necessity of making such decision arises. In this case the initiators shall specify reasons and/or grounds for raising such issue. The Parliament of Georgia shall make a decision to dismiss the Head of the Service by a majority of the total number of its members.

6. If the Parliament of Georgia fails to make a decision for early termination of the term of office of the Head of the Service in the cases determined by paragraphs 3 through 5 of this article, the issue of early termination of his/her term of office for the same reasons and/or grounds may not be raised again during the following six months.

7. In the case of suspension or early termination of the term of office of the Head of the Service, his/her duties shall be performed by the First Deputy Head of the Service, and if the first Deputy Head of the Service fails to perform such duties, one of the deputies appointed as acting Heads of the Service shall perform the duties of the Head of the Service on the basis of the ordinance of the Government of Georgia.

8. In case of early termination of the term of office of the Head of the Service, the candidate for the new Head of the Service shall be nominated by the Prime Minister of Georgia to the Government of Georgia within one month after early termination of the term of office of the Head of the Service, after which procedures for the appointment of the Head of the Service shall continue in the manner provided for by Article 7(2) through (8) of this Law.

### **Chapter III - Functions and Authority of the Service**

#### **Article 11 – Functions of the Service**

The functions of the Service are as follows:

- a) to eliminate (carry out preventive measures), identify, prevent and investigate crimes falling within the investigative jurisdiction of the Service in accordance with the areas determined by Article 5 of this Law;
- b) to analyse crimes falling within investigative jurisdiction of the Service, expected threats, risks and challenges.

#### **Article 12 – Authority of the Service**

1. The Service, within its authority, shall be entitled to exercise the following powers to perform its preventive functions:

- a) to carry out preventive measures determined by Article 13 of this Law in order to prevent threats to state security, including to check the identity (residence) card of a person in order to determine his/her identity if there are reasonable grounds to believe that the person has committed or will commit crimes falling within investigative jurisdiction of the Service, or if such check is related to the performance of official duties by an employee;
- b) to take urgent measures to protect human life and health and to provide first medical aid;
- c) to warn state authorities, natural and legal persons about the possible actions that pose a threat to the state security;
- d) within the scope of its authority and on the basis of the international agreements of Georgia, and jointly with appropriate agencies to take appropriate measures for ensuring personal safety and the protection of the property of the representations of foreign countries and international organisations on the territory of Georgia, and for ensuring the security of the citizens of Georgia and Georgian institutions abroad;
- e) to contribute to ensuring security of international events;
- f) to ensure security and readiness of state mobilisation and conscription locations and operative and command headquarters during a state of emergency or martial law;
- g) to ensure full readiness of the Service for mobilisation;



- h) to receive and register reports on crimes falling within the investigative jurisdiction of the Service and register persons committing those crimes;
- i) to notify the Prime Minister of Georgia, the Chairperson of the Parliament of Georgia, higher authorities of the State and interested agencies of expected threats;
- j) to obtain information from open and secret sources and perform analytical procession and generalisation of information obtained;
- k) to ensure nuclear, radiation, chemical and biological safety at the border crossing points of Georgia in coordination with the Ministry of Internal Affairs of Georgia;
- l) to prevent, identify and eliminate illegal circulation of weapons of mass destruction.

2. In order to respond to threats posed to state security of Georgia, the Service shall have the right within its authority:

- a) to carry out investigation and search for and arrest persons accused or found guilty of committing a crime under the legislation of Georgia;
- b) to take criminal intelligence measures and carry out investigative and covert investigative activities in accordance with procedures established by law.

Note: The state authority determined by Article 3(32) of the Criminal Procedure Code of Georgia, which is directly subordinated to the Head of the Service, shall carry out covert investigative activities specified in Article 1431 (1)(a, b) of the same Code only on the basis of a judgement rendered by a court in accordance with established procedures, and in urgent cases on the basis of a reasonable decision of the prosecutor;

c) to take part in the measures for combating organised crimes, corruption and drug dealing together with the Chief Prosecutor's Office, the Ministry of Internal Affairs of Georgia, the bodies of the Special State Protection Service of Georgia and with other state authorities of Georgia;

d) to use in urgent cases the following means owned by the state authorities, natural and legal persons (except for diplomatic representations and consulates of foreign countries):

- d.a) means of communication - to establish necessary communication with appropriate state authorities, and natural and legal persons;
- d.b) vehicles - to visit the scene, to prevent crime and/or arrest a person who has committed a crime or who has been accused of committing a crime.

Note: In the cases determined by sub-paragraph (d) of this paragraph the Service shall be obliged to compensate for damages incurred to the owners of the means of communication and vehicles;

e) to ensure expert and forensic examination of computer data and technical equipment.

3. In terms of counter intelligence activities the Service shall be authorised within its scope of authority:

- a) to carry out counter intelligence activities for the elimination, detection and prevention of intelligence activities performed by foreign special services and organisations against Georgia, and to take necessary measures for ensuring state security;
- b) to carry out counter intelligence activities in the military forces of Georgia for ensuring state security.

4. The Service shall be authorised within its scope of authority:

- a) to take appropriate measures together with the authorities determined by law for ensuring security of the state borders of Georgia;
- b) to ensure operative protection of entities with high risk to state security and to ensure the protection of high officials of state authorities and of high officials of foreign countries and the representatives of international organisations visiting Georgia, the heads of diplomatic representations in Georgia and other important persons in coordination with the Special State Protection Service of Georgia and the Ministry of Internal Affairs of Georgia;
- c) to make in its own name interagency international agreements.

5. In order to provide structural divisions of the Service with technical equipment, to control the use of technical means and circulation of electronic surveillance means, the Service shall be authorised within its authority:

- a) to ensure appropriate interdepartmental communication with the divisions of the Service;
- b) to install and/or place automated photo and video surveillance cameras across roads and outside the perimeter of facilities and border crossing points, also to use previously installed photo and video surveillance cameras owned by the Service and/or others, as provided for by the legislation of Georgia.

6. The forms, methods and mechanisms for carrying out the activities of the Service shall be determined by the legislation of Georgia, including by the normative acts of the Head of the Service. The applied methods and mechanisms shall not damage human life and health, abuse honour and dignity of a person and/or have negative impact on the environment.

### **Article 13 – Taking preventive measures by the Service**

1. If there are reasonable grounds to believe that state security may be at risk, the Service shall take the following preventive measures within its scope of authority:

- a) questioning a person
- b) identifying a person



- c) summoning a person
- d) carrying out frisk and examination of a person
- e) carrying out special frisk and examination of a person
- f) ordering to leave a place and prohibiting entrance to a certain territory;

2. In addition to the preventive measures determined by paragraph 1 of this article, the Service may carry out other preventive measures without interfering with fundamental rights and freedoms of a person.

3. The reasonable grounds to believe, determined by this Law refer to a fact and/or information that would be sufficient for an impartial observer to draw conclusions in view of circumstances.

4. The threat determined by this Law refers to a condition when there are reasonable grounds to believe that in the case of an unhindered course of expected developments there is a high probability that the property item, to be protected by the Service, would be damaged.

5. Before taking preventive measures determined by paragraph 1 of this article, an employee shall be obliged to present to a person a document certifying his/her official authority.

#### **Article 14 – Questioning a person**

1. For carrying out functions of the Service an employee shall have the right within his/her authority to openly and directly request a person to identify himself/herself, for which the employee may stop, inquire personal data from a person and ask a person to present his/her identity documents, if:

- a) a person's appearance is similar to the appearance of a person missing or wanted for committing a crime which falls within the investigative jurisdiction of the Service;
- b) there are reasonable grounds to believe that a person has committed or will commit a crime falling within the investigative jurisdiction of the Service;
- c) a person is in the territory or in a facility specified in Article 18(2) of this Law;
- d) a person is on the scene of a crime falling within the investigative jurisdiction of the Service;
- e) the appearance of a person or physical characteristics of a vehicle, or a person's actions indicate to his/her possible involvement in a crime falling within the investigative jurisdiction of the Service.

2. An employee, defined in paragraph 1 of this article, shall have the right to question a person if there are reasonable grounds to believe that the person has information necessary for the performance of the functions of the Service. Provision of information by a person to the employee is voluntary. The person under the age of 14 may be questioned only in the presence of his/her parent or legal representative.

3. The grounds for conducting measures determined by this article shall be explained to the person unless it hinders performance of the functions of the Service prescribed by this Law. When questioning a person under paragraph 2 of this article, the person, before this measure is conducted, shall be explained that participation in the process of questioning is voluntary.

#### **Article 15 – Identification of a person**

1. For carrying out functions of the Service an employee shall have the right within his/her authority to identify a person in the cases determined by Article 14(1) of this Law, if identification of a person by applying preventive measures provided for in the same paragraph is impossible or is especially difficult, and if identification of a person is necessary to prevent a crime falling within the investigative jurisdiction of the Service, or if there are reasonable grounds to believe that the person is directly related to a crime falling within the investigative jurisdiction of the Service.

2. The measures for the identification of a person are as follows:

- a) taking fingerprints and palm prints
- b) taking photos
- c) recording physical characteristics
- d) measuring height
- e) recording voice;
- f) recording other biometric data.

3. Before carrying out identification measures, a person shall be given an opportunity to prove his/her identity voluntarily within a reasonable period of time.

4. When conducting measures for the identification of a person an authorised employee shall prepare a protocol on the identification of a person. The protocol shall include the grounds for conducting such measures as well as all essential factual circumstances. The employee conducting such measures and a person in relations to whom such measures are taken shall sign the protocol. If a person in relations to whom such measures are taken refuses to sign the protocol, an appropriate record thereon shall be made in the protocol. A person in relations with whom such measures are conducted shall have



the right to add a note to the protocol, which shall be endorsed by his/her signature.

#### **Article 16 – Summoning a person**

1. Within his/her authority an employee may summon a person to the Service by serving a notification for the purposes of interviewing him/her , if:
  - a) there are reasonable grounds to believe that the person possesses information necessary for the performance of the functions of the Service;
  - b) it is necessary for conducting measures for the identification of another person.
2. When notified the person shall be explained the grounds for his/her summoning.
3. When notified on summoning the person shall be explained that arriving at and leaving the Service is voluntary.
4. When summoning a person the specifics of his/her official duties and interests of his/her personal life shall be taken into account.
5. A minor may be summoned only together with his/her parent or legal representative.
6. Duration of the stay of a summoned adult at the Service shall not exceed four hours, and the stay of a minor shall not exceed two hours.
7. In the case of an interview of the summoned person a protocol of the interview shall be drawn up. The protocol shall be signed by an authorised employee drawing up the protocol and by the person who has been summoned and if the summoned person is a minor, the protocol shall also be signed by his/her accompanying parent or a legal representative. The protocol shall contain the name of the addressee of the interview and the grounds for the interview, whether the rights have been explained to the summoned person, and other factual circumstances. If the summoned person refuses to sign the protocol an appropriate entry shall be made in the protocol. The summoned person may add a note to the protocol that shall be endorsed by his/her signature.

#### **Article 17 – Frisk and examination**

1. Frisk of a person means patting down the surface of the clothing of an individual with hands or with a special device or an instrument.
2. An employee may within his/her authority stop a person for frisk if:
  - a) there are reasonable grounds to believe that a person has an item, carrying of which poses threat to his/her or others' lives and health;
  - b) a person is near or within 20 meters of the territory or facility determined by Article 18(2) of this Law;
  - c) there are reasonable grounds to believe that a person, wanted for the crime falling within investigative jurisdiction of the Service, is hiding at the place where the person is, or the crime falling within the investigative jurisdiction of the Service may be committed at that place.
3. Frisking shall be conducted by an authorised employee of the same sex. In urgent cases frisking may be conducted by any authorised employee only with a special device or an instrument.
4. Within his/her authority an employee shall have the right to conduct frisk and search of an item or a vehicle, if:
  - a) he/she conducts a frisk of an actual owner of the item or the vehicle;
  - b) there are reasonable grounds to believe that a person, who has committed a crime falling within investigative jurisdiction of the Service, is in the vehicle;
  - c) there are reasonable grounds to believe that there is an item in the vehicle that has to be seized;
  - d) there are reasonable grounds to believe that the item or the vehicle is at the place where a crime falling within the investigative jurisdiction of the Service may be committed, for the prevention of which it is necessary to frisk a person. .
5. Search of an item or a vehicle includes visual examination of the item and/or vehicle; in the case of a vehicle this also includes visual examination of luggage boots.
6. The actual owner or a family member of the owner of the item or vehicle shall attend visual examination of the item or vehicle.
7. An authorised shall explain to the person the right to appeal the lawfulness of the measure determined by this article.
8. The period during which a person may be stopped by an employee, shall not exceed 30 minutes from the moment that the person has been stopped.
9. An authorised employee shall draw up a protocol in the event he/she conducts measures determined by this article. The protocol shall be signed by the authorised employee, who draws up the protocol and by the person against whom the measure is conducted; if a person against whom the measure is conducted, does not attend search and/or examination of an item or a vehicle, the protocol shall be signed by his/her family member, or in case of his/her absence his/her neighbour shall sign the protocol. The persons participating in the measure and the factual circumstances shall be specified in the protocol. If a person in relation to whom the measure is applied refuses to sign the protocol, appropriate record thereof shall be made in the protocol. A person signing the protocol may add a note to the protocol that shall be endorsed by his/her signature. If the owner of an item or a vehicle subject to search and/or examination cannot be identified, an authorised employee shall apply the measures determined by this article without the presence of the persons specified in this paragraph.



10. If the grounds for search originate during a frisk, an authorised employee shall conduct the search under procedures determined by the Criminal Procedure Code of Georgia.

#### **Article 18 – Special frisk and examination**

1. A special frisk and examination implies the search and examination of a person, an item or a vehicle on the territory or at a facility determined by paragraph 2 of this article, which is necessary to find and identify the item.

2. Within its authority the Service shall conduct special frisk and examination of a person only:

a) at the premises of the Service;

b) at the premises of an institution posing high risk to the state security.

3. Within its authority, the Service shall conduct a special frisk and examination of a person only if there are reasonable grounds to believe that a person carries an item, the possession of which violates the rules applicable to the premises determined by paragraph 2 of this article.

4. A special frisk and examination of a person shall be conducted by an authorised employee of the same sex, except if conducting special frisk and examination of a person by an authorised employee of the same sex requires special efforts. An authorised employee of a different sex may conduct a special frisk and examination of a person only with a special device or means.

5. Within its competence, the Service shall conduct a special frisk and examination of an item or a vehicle in the cases determined by Article 17(4) of this Law.

6. An actual owner or a family member of the actual owner of an item or a vehicle shall attend a special search and examination of the item or vehicle.

7. In the case determined by paragraph 4 of this article an authorised employee shall be obliged to explain to the person the right to appeal the lawfulness of the measure.

8. If the grounds for a search originate during special frisk and examination, an authorised employee shall perform the search as provided for by the Criminal Procedure Code of Georgia.

#### **Article 19 – Ordering to leave a place and prohibiting the entrance onto a particular territory**

1. Within his/her authority, an employee shall have the right to order a person to leave a particular place for a specific period of time or to prohibit a person from entering a certain territory if it is necessary to prevent a threat.

2. The restriction determined by paragraph 1 of this article may last until the threat is eliminated.

3. Application of the measures determined by this article shall not result in long-term restriction of a person's right to use his/her own place of residence.

#### **Article 20 – Relations with a person assisting the Service**

1. The Service may accept voluntary confidential assistance from citizens of Georgia, foreign citizens and stateless persons, and for that purpose establish open or covert relations with them.

2. To ensure state security protection a person may voluntarily cooperate with and assist the Service.

3. A person assisting the Service shall have the right:

a) to conclude an agreement with the Service on confidential cooperation;

b) to be provided by an authorised employee with explanations regarding his/her assignments, rights and obligations;

c) to use encrypted identity documents for conspiracy;

d) to be paid in the cases determined by an agreement and to be compensated for damages incurred to his/her health or property when assisting the Service.

4. A person assisting the Service on the basis of an agreement shall be obliged:

a) to perform lawful assignments of the Service for solving its issues;

b) to comply with provisions of the contract made with the Service;

c) not to intentionally provide the Service with false or defamatory information .





## **Article 21 – Protecting state secrets**

1. To ensure the protection of state secrets the Service shall within its authority:

- a) participate, in accordance with procedures established by the legislation of Georgia, in the development and implementation of measures for the protection of state secrets and monitor the performance of those measures at the organisations, institutions and enterprises (irrespective of their status of ownership), where activities related to state secrets are performed ;
- b) check a person in terms of his/her access to state secrets;
- c) control communication and electronic means of information at the organisations, institutions and enterprises (irrespective of their status of ownership) that are used for creating, processing, storing and forwarding information containing state secrets in order to ensure the protection of state secrets in accordance with procedures established by the legislation of Georgia;
- d) inspect state authorities, bodies of the autonomous republics and local self-government bodies, as well as natural and legal persons for documenting appropriate permits granting the right to carry out activities related to state secrets in accordance with procedures established by the legislation of Georgia.

2. Measures for classifying and protecting information containing state secret shall be financed from the budget of the relevant state body, organisation, institution or enterprise (irrespective of its legal form) and/or under a contract made with the contractor for the performance of works related to state secret.

## **Article 22 – Ensuring state security at entities posing a high risk to state security**

1. In order to ensure state security the Service shall have the right:

- a) to establish a security protection regime, under an ordinance of the Government of Georgia, for entities posing a high risk to state security, depending on their specifics, and provide them with appropriate consultations on matters related to the protection of state security;
- b) to create an effective system of exchanging information with entities posing a high risk to state security in accordance with procedures for exchanging information in the area of state security, as approved by an ordinance of the Government of Georgia;
- c) to monitor the compliance with security protection regime at entities posing a high risk to state security, and give such entities appropriate instructions where threats posing a high risk to state security are identified;
- d) to conclude a cooperation agreement determined by this article with the entity posing a high risk to state security upon the written request thereof.

2. The security protection regime is a confidential document that is binding on entities determined by this article, which shall determine the following:

- a) a list of measures necessary for ensuring the security protection regime;
- b) material and technical conditions, including hardware and software, appropriate devices and equipment necessary for ensuring security;
- c) minimum number of personnel required for ensuring security, the places of their necessary location and their working schedule (including number of shifts and other matters);
- d) a list of officials responsible for the protection of security at entities posing a high risk to state security, and whose appointment requires special inspection and agreement with the Service in accordance with procedures determined by an order of the Head of the Service for ensuring state security;
- e) rules and procedures for the monitoring of compliance with conditions established by the security protection regime at entities posing a high risk to state security.

3. The agreement specified in paragraph 1(d) of this article may determine the following:

- a) the types and scope of cooperation between the Service and entities posing a high risk to state security, including the issue of appointing a representative of the Service for the monitoring of compliance with the security protection regime;
- b) matters related to the compensation of expenses for the implementation of measures determined by the security protection regime.

4. Entities posing a high risk to state security shall observe and follow conditions determined by the security protection regime at their own expenses.

## **Chapter V - Coercive Measures**

### **Article 23 – Coercive measures**

1. Coercive measures include the use of physical force, special equipment and firearms by authorised divisions and employees of the Service for the purposes determined by this Law.



2. To perform his/her functions an employee may use proper and proportionate coercive measures only in the case of necessity and to such extent that ensures achievement of legitimate objectives.
3. An employee shall be authorised to use firearms and special equipment only if he/she has undergone special training.
4. Before using physical force, special equipment and firearms, an employee shall warn a person and give a reasonable period of time to carry out the lawful order of the employee, except if the delay may cause encroachment on life and health of a person and/or of the employee or other severe consequences, or if such warning is unjustifiable or impossible in a given situation.
5. The form and extent of a coercive measure shall be determined on the basis of a given situation, the nature of an offence and individual peculiarities of the offender. Also, where a coercive measure is applied, the employee shall try to cause minimal and proportionate damage.
6. An employee shall be obliged to provide first aid to a person injured as a consequence of applying coercive measures.
7. An employee may not use means that cause severe injury to a person, pose an unjustifiable risk or that are prohibited by the legislation of Georgia.
8. Physical force, special equipment, and firearms may not be used against persons who have distinct signs of pregnancy, are minors, or have the signs of disabilities or are elderly, except if they are armed or carry out a group attack or an armed resistance to an employee, thus endangering lives and health of other persons or the employee of the Service, and if such attack or resistance may not be repelled by any other means and methods.
9. An exception to paragraph 8 of this article is a case where non-application of physical force and special equipment makes it impossible to carry out the functions determined by this Law.
10. A person, who believes that his/her rights and freedoms have been violated by an action of an employee, shall have the right to appeal such action to a superior official, the Prosecutor's Office, or to the court in accordance with procedures determined by the legislation of Georgia.

#### **Article 24 – Right to use physical force**

1. An employee shall have the right to use physical force, including special holds of martial arts, to ensure his/her safety and/or safety of other persons, to prevent crimes, to arrest criminals who commit a crime if the use of non-violent methods cannot ensure performance of the functions of employees as provided for by law.
2. An employee shall be obliged to inform his/her immediate superior and the prosecutor in case a person is injured as a result of the use of physical force.
3. If physical force is used against an unspecified number of people, a senior official, superior to the employee who used physical force, shall inform his/her immediate superior and the prosecutor.

#### **Article 25 – Right to use special equipment**

1. An employee shall use passive and active special equipment to ensure state security.
2. Passive special means ensure the protection of life and health of an employee and/or of a person to be protected by the employee. Passive special means are the following: bulletproof vests, helmets, riot shields, gas masks and other special body protective equipment.
3. Active special equipment disables a person to resist an employee for a short period of time and/or assist the employee to perform his/her functions. Active special means are the following: handcuffs and other means of restraint, rubber batons, tear gas, pepper spray, sonic weapons, non-lethal weapons (including non-lethal shells), flash-bang device of psychological effect, a device to stop a vehicle by force, barrier demolition equipment, water cannons, an armoured car and other special vehicles, special paint, service dogs and horses, electroshock devices and a capturing net. The above special means shall be used in the following cases:
  - a) handcuffs and other means of restraint are used against a person who has committed a crime and who resists or may resist an employee, or tries to escape; or during escorting an arrested or a detained person; if a person may injure himself/herself and others as a result of his/her dangerous action;
  - b) special batons are used to repel an attack on a person, an employee and/or a protected facility; to arrest a person who has committed a crime if he/she refuses to obey a lawful order of an employee;
  - c) tear gas, pepper spray, sonic weapons, and non-lethal weapons (including non-lethal shells) are used to repel an attack on a person, an employee and/or a protected facility; to detain a person who has committed a crime or force such person to leave an occupied territory, a vehicle or a building and facility that the person is using as a shelter;
  - d) flash-bang device of psychological effect is used to repel an attack on a state and/or public facility, on a person and/or an employee, to detain a person who is engaged in an armed resistance; to expel a criminal who has broken into buildings and facilities, plots of land, and vehicles and to release a person who has been unlawfully deprived of liberty;
  - e) a device to stop a vehicle by force is applied to stop a vehicle by force that is driven by a person who does not obey the lawful demand of an employee to stop and where there are reasonable grounds to believe that a person, who plans to commit or commits the crime falling within investigative jurisdiction of the Service, drives or is inside the vehicle, if the use of such means is necessary to protect proportionate lawful good;
  - f) a barrier demolition equipment is used to arrest a criminal and to release a person unlawfully deprived of liberty from a closed space;
  - e) water-cannons, armoured cars and other special vehicles are used to repel a group attack on the state and/or public facilities, to stop a vehicle by force if the driver does not obey the lawful demand of an employee to stop and there are reasonable grounds to believe that a person, who plans or commits



the crime falling within investigative jurisdiction of the Service, drives or is inside the vehicle, if use of such means is necessary to protect proportionate lawful good, to detain an armed criminal;

h) special paint is used to identify a person who has committed a crime;

i) service dogs are used to chase and arrest a person who has committed a crime, to escort an arrested or detained person, to repel an attack on a person and/or an employee;

j) electroshock device is used to repel an attack on a person, an employee and/or a protected facility, to arrest a criminal;

k) binding net is used to chase an offender, to repel an armed attack, or to arrest an attacker.

4. An employee shall be obliged to inform his/her immediate superior and the prosecutor in case of wounding or injuring a person as a result of the use of special equipment.

5. If special equipment is used against an unspecified number of people, a senior official, superior to the employee who used the special equipment, shall inform his/her immediate superior and the prosecutor.

6. The rules for keeping, carrying, and using special equipment of the Service shall be regulated by normative acts of the Head of the Service.

## **Article 26 – Right to use firearms**

1. An employee may keep, carry, and use a service firearm, as well as an additional service firearm as determined by the procedure of the Head of the Service.

2. The procedure for keeping and carrying firearms at a disposal of an employee shall be determined by the Head of the Service.

3. Passive use of a firearm refers to the demonstration of a firearm by an employee for achieving a legitimate objective.

4. Active use of a firearm refers to an intentional shot from a firearm.

5. An employee may use a firearm as a last resort:

a) to defend himself /herself and/or others from an actual, direct and immediate threat to their lives and/or health;

b) to release a person who has been unlawfully deprived of liberty;

c) based on prior information, to prevent the escape of a person who has been detained for committing a violent act or extremely grievous crime;

d) to prevent a violent crime if a person resists an employee;

e) to repel an attack on a protected facility, state body and/or civic organisation;

f) to defend a person from the attack of a dangerous animal;

g) to damage a vehicle to stop it, if the action of a driver poses actual threat to human life and/or health and the driver does not obey multiple lawful demands of an employee to stop the vehicle, except shooting from a moving vehicle at another moving vehicle.

6. The active use of a firearm against a person shall be preceded by the verbal warning followed by a warning shot. In the case of necessity a warning shot may not be fired.

7. A firearm may be used without prior warning:

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

b) based on the prior knowledge of an employee, in the case of an escape using a vehicle of a person detained or arrested for committing extremely grievous crime;

c) in the cases of armed resistance by a person;

d) to give an alarm signal or to request support forces;

e) to stop deprivation of an employee of a firearm;

f) to kill a deadly injured or diseased animal if it is obvious that the problem cannot be solved otherwise.

8. Firearm may be used in a situation where it may cause deadly injury, only in the case of self-defence and/or emergency.

9. An employee may not use a firearm in the areas where others may be injured, as well as in inflammable and combustible areas, except for the cases of necessary self-defence and/or emergency.

10. An employee shall immediately notify his/her immediate superior and the prosecutor about the active use of firearms.

11. The list of firearms and ammunition in the arsenal of the Service shall be approved by an order of the Head of the Service.



## Chapter VI - Procedure for Service

### Article 27 – Procedures for service

1. Procedures to serve at the Service shall be determined by a normative act of the Head of the Service.
2. An employee may not:
  - a) go on strike;
  - b) be a member of a political party and/ or political association;
  - c) disclose state, professional, commercial secrets and confidential information, information containing work-related data, personal data and the investigation materials, except for in the cases determined by law.

### Article 28 – Work incompatibility and carrying out entrepreneurial activities

1. An employee of the Service having special military or state rank may not:
  - a) perform any paid work, except for scientific, pedagogical or creative work;
  - b) hold any position at other institutions, foreign bodies and/or institutions.
2. An officer of the Service, except for the person referred in paragraph 1 of this article, may concurrently hold another position or perform other paid work only within the same institution.
3. Non-staff employees and support staff of the Service may hold another position or perform another paid work within the same or another institution, on the basis of a written agreement with the Head of an appropriate structural sub-division or territorial body of the Service.
4. The officers of the Service, including the officers having special military or state ranks may not carry out entrepreneurial activities. They may only hold shares or stocks in an enterprise.

### Article 29 – Recruitment procedure

1. A citizen of Georgia who has attained the age of 18 and who has a command of the official language of Georgia and who, based on his/her personal and business character, education, physical training and health status is capable of performing the imposed functions, may be recruited to the Service.
2. The Human Resources (HR) Department of the Service and a special commission, which examines the health status, physical fitness, education and professional aptitude of a candidate, shall select candidates to be recruited to the Service.
3. A candidate to be recruited for a certain position at the Service shall take special educational training programmes or courses in relevant fields at the Academy of the Ministry of Internal Affairs of Georgia before or after recruitment.
4. Procedures for the recruitment of and serving by conscripts in the Service shall be determined by legal acts and other normative acts of the Head of the Service.
5. A candidate who is recruited to the Service shall be specially examined, procedures for which shall be determined by an order of the Head of the Service. After recruitment to the Service, an employee shall be included in open or secret staff of the Service in accordance with the staff list of the Service.
6. A legal act for recruitment and/or appointment or dismissal and/or discharge may be issued via an Electronic Document Flow System, the legal act issued under such procedure shall be considered delivered from the moment of sending it via the Electronic Document Flow System to the person to whom the legal act of recruitment and/or appointment or dismissal and/or discharge, including on removal from a position, directly concerns.

### Article 30 – Limitations for recruitment

The following persons shall not be recruited to work at the Service:

- a) a person with a previous conviction;
- b) a person who is subject to criminal prosecution;
- c) a person who is declared by a court decision as a beneficiary of support, unless otherwise determined by a court decision;
- d) a person who is deprived by the court of the right to occupy a relevant position;
- e) a person whose state of health, based on the conclusion of a medical examination, fails to meet the necessary requirements determined for the



position;

f) a person who is ill with alcoholism, drug addiction, mental and/or other disease. The list of diseases shall be determined by the Minister of Labour, Health and Social Affairs of Georgia in coordination with the Head of the Service;

g) a person who, as a result of holding the position, will directly supervise or be supervised by a parent, spouse, sister, brother, child or a sister, brother, or parent of the spouse;

h) an applicant for obtaining citizenship of a foreign country, except for the cases determined by law or international agreements of Georgia.

### **Article 31 – Temporary suspension of an employee from the office**

1. An employee may be temporarily suspended from office from the moment of being accused of committing a crime to the moment of rendering a final decision on the case by order of the Head of the Service, on the basis of a court judgement, a substantiated written request of the investigative body, an appropriate opinion of the General Inspectorate of the Service, or on the basis of the request of the Head of an appropriate division of the Service.

2. If an employee, whose office was temporarily suspended, is acquitted, he/she shall be restored to the same position, and if it is impossible, to an equivalent position.

### **Article 32 – Procedures for dismissing an employee**

1. An employee may be dismissed from the Service:

a) on the basis of a personal application (report);

b) due to lay off or reorganisation that is followed by staff reduction;

c) due to the liquidation of a structural subdivision;

d) due to the expiration of the term of placement in temporary assignment to the HR Department;

e) due to reaching an age limit;

f) due to the expiration of the term set for service, in the case of his/her consent;

g) due to disciplinary misconduct or a judgement of conviction entered into legal force against him/her;

h) due to incompatibility of offices;

i) due to change of citizenship;

j) due to moving to another institution;

k) due to the state of health based on the opinion of a medical examination commission;

l) due to being declared missing or dead by a court;

m) due to death;

n) on other grounds directly determined by the legislation of Georgia.

2. The decision to dismiss an employee shall be made by the Head of the Service or an authorised person.

### **Article 33 – Placement of an employee in temporary assignment to the HR Department**

1. By an order of duly authorised person, an employee of the Service, including the employee having special military or state rank, may be dismissed from the occupied position and placed in temporary assignment to the HR Department for not more than four months:

a) on the basis of a personal application (report);

b) due to lay off or reorganisation;

c) due to the liquidation of a structural subdivision or a territorial body.

2. An employee placed in temporary assignment to the HR Department may be assigned to temporarily perform his/her duties.

3. An employee of the Service placed in temporary assignment to the HR Department shall be considered as notified about possible dismissal from the office from the moment of his/her placement in temporary assignment to the HR Department.



#### **Article 34 – Ranks established at the Service**

1. Appropriate special military and state ranks are established at the Service. The grounds and procedures for awarding the ranks to the employees of the Service shall be determined by this Law and other acts.
2. An employee shall be awarded a special military or state rank if he/she is holding a position for which an equivalent or a higher rank is determined.
3. An employee may not be awarded a special military or state rank by skipping over the rank sequence. An employee may be awarded ranks only on the basis of rank sequence unless otherwise determined by law.

#### **Article 35 – Term of service for awarding a rank**

1. A term of service shall be determined for awarding any special military or state rank at the Service (except for special lower state ranks).
2. There shall be no term of service for awarding special highest military and state ranks at the Service. The ranks shall be awarded to the employees of the Service by the President of Georgia upon the recommendation of the Head of the Service.
3. The Head of the Service or a person duly authorised by the Head of the Service shall have the right to award a special military or state rank to an employee earlier than the due term of office on the basis of extraordinary achievements or certification results.

#### **Article 36 – Incentives for employees**

1. The following incentives shall be determined for an employee for his/her exemplary performance of official duties, long and faithful service, and for the performance of extremely difficult or significant assignments:

- a) commendations
- b) pecuniary bonus
- c) rewarding a valuable gift
- d) awarding a Service diploma
- e) awarding badges
- f) awarding a Service medallion
- g) awarding a Service medal
- h) early award of a higher rank
- i) early lift of a disciplinary punishment
- j) awarding civilian or service guns
- k) nominating for the state award.

2. Several forms of incentives may be applied to an employee at a time.

3. A duly authorised person shall have the right to award incentives to an employee.

4. The forms of incentives determined by paragraph 1 (except for sub-paragraphs e, h, i) of this article may be applied to an employee who assists the Service.

5. Procedures for the application of incentives to and imposition of disciplinary liabilities on an employee shall be determined by the Head of the Service.

#### **Article 37 – Responsibilities of an employee**

1. An employee shall be liable for committing an administrative offence or a crime as provided for by the legislation of Georgia.

2. An employee who is detained, arrested, or convicted of committing a crime shall be placed or shall serve the sentence in isolation from other special contingents.

3. The following disciplinary punishments shall be applied against employees of the Service for the violation of work-related discipline:

- a) rebuke
- b) reprimand
- c) severe reprimand



- d) deprivation of the Service badge
- e) demotion of a special military or state rank by one level
- f) demotion to a lower a position
- g) dismissal from the Service.

4. Procedures for the imposition of an administrative punishment on an employee and for his/her removal shall be determined by the Head of the Service.

#### **Article 38 – Uniform of the employee of the Service**

- 1. An employee shall wear the uniform as provided for by the legislation of Georgia.
- 2. A personal identification card and/or a special badge shall be awarded to an employee to confirm his/her authority.

#### **Article 39 – Working hours of an employee**

- 1. Irregular working hours shall be determined for an employee.
- 2. A special working regime may be declared for a specific period of time and in particular cases at the Service or its individual structural units on the basis of an individual administrative act of the Head of the Service. In the case of a special working regime, employees of the Service shall stay at their usual working places. An employee may leave the working place only with the permission of his/her direct superior.
- 3. The Service shall shift to a special working regime if martial law or a state of emergency or other extreme circumstance are declared.

### **Chapter VII - Legal and Social Protection of an Employee**

#### **Article 40 – Legal protection of an employee**

- 1. When performing official duties an employee represents the state authority and is protected by the State.
- 2. No one shall have the right to interfere with the official activities of an employee, except for in cases determined by law.
- 3. Impeding, violating honour and dignity, resisting, threatening, demonstrating violence and infringing upon the life, health or property of an employee when performing his/her official duties shall result in liabilities as provided for by the legislation of Georgia.
- 4. No liability shall be imposed on an employee, who refuses to carry out an obviously unlawful order or instruction, while a person, who gives an obviously unlawful order or instruction, shall be held liable as provided for by law.
- 5. An employee shall have the right to apply directly to a court to defend his/her rights and freedoms.
- 6. The length of annual paid leave of an employee shall be 30 calendar days.
- 7. The length of annual paid leave shall be 35 calendar days for an employee with working experience of more than five years in the Service, and 40 calendar days for an employee with working experience of more than 10 years.
- 8. The leave of an employee may be suspended and he/she may be summoned to continue his/her work in the case of Service needs.
- 9. Salary (monetary remuneration) of an employee shall consist of remunerations for the position occupied and for the rank awarded.
- 10. In addition to his/her salary an employee may be granted a sum in addition to the salary (monetary remuneration) and compensation.
- 11. The Government of Georgia shall determine the amount, procedures, and conditions for paying salaries (remuneration for the position occupied and for the rank awarded) and the sum in addition to salaries (monetary remuneration) and compensation of the Head of the Service, first Deputy Head and Deputy Head of the Service and of an employee of the Service.

#### **Article 41 – Social protection of an employee**

- 1. The State shall ensure social protection of an employee.
- 2. State mandatory health and life insurance of an employee shall be ensured.
- 3. During the period of being in temporary assignment to the HR Department, an employee of the Service shall retain his/her salary (remuneration) determined for the last occupied position for two months.



4. Damages incurred by an employee of the Service during the performance of his/her official duties, shall be fully compensated from the State Budget of Georgia as provided for by the legislation of Georgia.
5. An employee shall be provided with pension under the legislation of Georgia.
6. Procedures and conditions for providing medical service to an employee and his/her family member (members) shall be determined by the statute of the Legal Entity under Public Law Healthcare Service of the Ministry of Internal Affairs of Georgia.
7. A lump sum allowance, other additional measures of social protection and benefits may be allocated for an employee from the State Budget by an order of the Head of the Service.
8. A state-owned apartment, house, auxiliary facilities and land attached to them, which represent the property of the Service, may be transferred to an employee to live in under an individual administrative act of the Head of the Service.
9. If an employee is killed or dies from the wounds suffered when performing his/her official duties, except for the cases determined by paragraph 10 of this article, a lump sum allowance of not more than GEL 15 000 (fifteen thousand) and GEL 500 (five hundred) for burial (grave decoration) expenses shall be provided to the family (heir) of the employee from the assignments allocated to the Service from the State Budget of Georgia on the basis of an act of the Head of the Service. Burial expenses of an employee shall be covered by the State.
10. If an employee is killed or dies from the wounds suffered when performing his/her official duties, in particular when taking preventive measures, and when preventing an offence, arresting a criminal, combating crime and/or when taking attacks during hostilities, and attacking in connection with his/her official activities or when saving lives, health and/or property of people, a lump sum allowance of GEL 100 000 (one hundred thousand) and GEL 500 (five hundred) for burial (grave decoration) expenses shall be provided to the family (heir) of the employee from the assignments allocated to the Service from the State Budget of Georgia on the basis of an act of the Head of the Service. Burial expenses of an employee shall be covered by the State.
11. If an employee is killed or dies from the wounds suffered when performing his/her official duties, a state compensation shall be granted to his/her family members under the Law of Georgia on State Compensation and State Academic Scholarships.
12. Within the limits of budget allocations for the Service, and in the case of budget savings, based on a legal act of the Head of the Service, additional financial aid may be granted to a family member (heirs) or to an immediate dependant of an employee who died when performing his/her official duties.
13. In the case of injury to the health of an employee when carrying out official duties, based on an individual administrative act of the Head of the Service, the employee shall be granted a lump sum allowance in the following amounts depending on the severity of the injury:
  - a) in the case of severe injury to health – GEL 7 000 (seven thousand);
  - b) in the case of less severe injury to health – GEL 4 000 (four thousand);
  - c) in the case of light injury to health – GEL 2 000 (two thousand).
14. If injury to the health of an employee when carrying out official duties makes it impossible for the employee to duly carry out his/her official duties, the Service shall ensure the employment of the employee at the Service at a position relevant to his/her personal and professional skills, education, and health status.
15. If in the case determined by paragraph 14 of this article the Service cannot provide employment for the employee due to objective reasons, the employee shall receive monthly compensation in the full amount of the sum set for the last occupied position, during the unemployment period but not exceeding one year.
16. The degree of severity of health injury of an employee shall be determined in accordance with procedures established by law.

## **Chapter VIII - Financial and Logistical and Informational and Analytical support of the Service**

### **Article 42 – Financial and logistical support of the Service**

1. The Service shall be financed from the State Budget of Georgia.
2. If an employee uses a state or personal vehicle for carrying out official duties, fuel for the vehicle shall be provided by the Service under an individual administrative act of the Head of the Service.

### **Article 43 – Operational and technical equipment of the Service**

1. Within the authority granted by this Law and other normative acts, the Service shall develop and use operational and technical equipment and ensure its protection.
2. Operational and technical equipment used by the Service and methods of their use shall not violate honour and dignity of a person and fundamental human rights and freedoms recognised by the Constitution of Georgia, shall not pose a threat to human life and health and damage the environment.
3. Operational and technical equipment shall be used as provided for by the legislation of Georgia.





#### **Article 44 – Informational and analytical support of the Service**

1. Informational and analytical support shall be provided to the Service by the development and use of information systems.
2. Grounds and procedures for the registration of crimes committed against state security and information on the activities of special services and organisations of foreign countries shall be determined by an order of the Head of the Service.

### **Chapter IX - Control and Supervision over the Activities of the Service**

#### **Article 45 – Parliamentary control**

1. The types of parliamentary control over the activities of the Service shall be determined by the Constitution of Georgia, this Law, the Law of Georgia on Trust Group, the Rules of Procedure of the Parliament of Georgia and other normative acts.
2. Members of the Parliament of Georgia may receive information protected by law in accordance with the procedure established by the legislation of Georgia.

#### **Article 46 – Government control**

The Service shall be accountable to the Government of Georgia.

#### **Article 47 – Judiciary control**

Investigative and procedural activities limiting human rights and freedoms recognised by the Constitution of Georgia may be carried out on the basis of a reasonable court decision under the procedure provided for by law.

#### **Article 48 – Supervision carried out by the State Audit Service**

The use and spending of funds of the State Budget of Georgia and other state material assets by the Service shall be supervised by the State Audit Service of Georgia.

#### **Article 49 – Prosecutorial Supervision**

Accurate and uniform observance of law by the Service as by an investigation authority when carrying out its activities shall be supervised by the Chief prosecutor of Georgia and his/her subordinated prosecutors in accordance with procedures determined by Law.

#### **Article 50 – Internal control of activities of the Service**

1. The activities of the Service shall be controlled by the General Inspectorate of the Service.
2. The General Inspectorate of the Service is independent. Other structural sub-divisions or officials of the Service may not interfere in the activities of the General Inspectorate of the Service. The General Inspectorate of the Service shall be accountable directly to the Head of the Service who performs official supervision over the Inspectorate under procedures determined by the legislation of Georgia.
3. The authority of the General Inspectorate of the Service shall apply to the structural subdivisions and territorial bodies of the Service.
4. The General Inspectorate of the Service shall:
  - a) identify and appropriately respond to the facts of violations of disciplinary regulations and the commission of unlawful acts by the employees of the Service in accordance with procedures established by the legislation of Georgia;
  - b) control financial and economic activities of the divisions of the Service, examine the lawfulness and expediency of the management of material and financial resources by the divisions;
  - c) identify and prevent reasons facilitating violation of the legislation of Georgia by the employees of the Service, identify violations and shortcomings in the activities of the divisions of the Service, and prepare appropriate recommendations to eliminate the identified shortcomings and their reasons;
  - d) perform other functions determined by an order of the Head of the Service.
5. If elements of a crime are identified when carrying out activities determined by paragraph 4 of this article, the General Inspectorate of the Service shall immediately submit appropriate materials to the Chief Prosecutor's Office of Georgia.



**Article 51 – Transitional provisions**

1. Before 1 August 2015 the Government of Georgia shall carry out appropriate organisational and legal measures related to the establishment of the State Security Service of Georgia.

2. The Ministry of Finance of Georgia shall include the amendments derived from this Law in the draft Law of Georgia on Amending the Law of Georgia on 2015 State Budget of Georgia during its preparation, and before amending the Law of Georgia on 2015 State Budget of Georgia the State Security Service of Georgia shall be financed by the assignments allocated to the Ministry of Internal Affairs of Georgia under the Law of Georgia on 2015 State Budget of Georgia.

3. The Prime Minister of Georgia shall nominate to the Government of Georgia a candidate for Head of the State Security Service of Georgia not later than five days after the entry into force of this article. The Government of Georgia shall review the candidate for Head of the Service immediately but not later than five days after his/her nomination, and nominate the candidate to the Parliament of Georgia in the case of receiving an ordinance on the nomination of the candidate to the Parliament of Georgia. The Parliament of Georgia shall appoint the Head of the Service in accordance with procedures established by this Law and the Rules of Procedure of the Parliament of Georgia. If the Parliament of Georgia fails to appoint the Head of the Service, procedures for the appointment of the Head of the Service under this paragraph shall be repeated. The Head of the Service appointed by the Parliament of Georgia before 1 August 2015 shall start exercising official duties as of 1 August 2015. If the Head of the Service is not appointed before 1 August 2015, the Prime Minister of Georgia shall have the right to appoint acting Head and Deputy Heads of the Service. The authority of the acting Head and Deputy Heads of the Service shall be terminated upon the appointment of the Head of the Service by the Parliament of Georgia.

4. The Government of Georgia shall:

a) approve the following before 1 August 2015:

a.a) the internal regulations of the State Security Service of Georgia;

a.b) procedures for determining the amounts of salary (remuneration for the position occupied and for the rank awarded) and the sum additional to salaries (monetary remuneration);

a.c) procedures for providing social protection and financial support to the employees of the State Security Service of Georgia;

b) approve the following before 1 January 2016:

b.a) procedures for exchanging information in the area of state security;

b.b) the list of the institutions posing high risk to the state security.

5. The Head of the Service shall:

a) approve the following before 1 September 2015:

a.a) procedures for serving for the State Security Service of Georgia;

a.b) the text of oath of an employee of the State Security Service of Georgia;

a.c) the Code of Ethics of the employees of the State Security Service of Georgia;

a.d) procedures for providing incentives and imposing disciplinary punishments on the employees of the State Security Service of Georgia;

a.e) procedures for recruiting conscripts and serving for the State Security Service of Georgia;

a.f) the rules for keeping, carrying and using special equipment in the arsenal of the State Security Service of Georgia;

b) approve the following before 1 January 2016:

b.a) uniforms and attributes of the employees of the State Security Service of Georgia;

b.b) samples of and procedures for awarding employees with badges, medallions and medals of the State Security Service of Georgia;

b.c) the rules for keeping and carrying firearms at the disposal of the employees of the State Security Service of Georgia;

b.d) the list of firearms and ammunition in the arsenal of the employees of the State Security Service of Georgia.

6. Before 1 September 2015 the State Security Service of Georgia shall establish the Commission (the 'Commission'), which shall ensure registration and inventory of the property transferred by and/or received from the Ministry of Internal Affairs of Georgia (including immovable property, material and technical base and other property) and official documents (including appropriate archive materials and other documents) as provided for by the legislation of Georgia.

7. As of 1 August 2015 the State Security Service of Georgia shall be the Buyer in the state purchase agreements entered into by the State Security Agency (Department) and the Counter Intelligence Department of the Ministry of Internal Affairs of Georgia in 2015.

8. Before the issuance and/or adoption of appropriate legal acts the activities of the State Security Service of Georgia shall be regulated by appropriate



legal acts regulating the activities of the Ministry of Internal Affairs of Georgia.

9. The Minister of Justice of Georgia shall determine the investigative jurisdiction of the State Security Service of Georgia before 1 August 2015.

#### **Article 52 – Final Provisions**

1. This Law, except for Articles 1 through 50, shall enter into force upon promulgation.

2. Articles 1 through 50 of this Law shall enter into force as of 1 August 2015.

3. The Law of Georgia on Public Security Service of 18 February 1998 (the bulletin of the Parliament of Georgia, №11-12, 14.03.1998, p. 5) shall be declared void as of 1 August 2015.

**President of Georgia**

**Giorgi Margvelashvili**

**Kutaisi,**

**8 July 2015**

**No 3921-6b**

