LAW OF GEORGIA

IMPRISONMENT CODE

GENERAL PART

Chapter I – General Provisions

Article 1 – Purpose and principles of the legislation of Georgia on the enforcement of detention and imprisonment

1. The purpose of the legislation of Georgia on the enforcement of detention and imprisonment is to enforce detention and imprisonment, prevent new crimes and re-socialise convicted persons.

2. The enforcement of detention and imprisonment in Georgia is carried out under the principles of legality humanity, democracy, equality before the law and individualisation of punishment.

Article 2 – Legislation of Georgia on the enforcement of detention and imprisonment

1. The legislation of Georgia on the enforcement of detention and imprisonment is based on the Constitution of Georgia, treaties and international agreements of Georgia, this Code, other laws and subordinate normative acts.

2. The legislation of Georgia on the enforcement of detention and imprisonment complies with the universally recognised principles and norms of international law.

3. (Deleted – 1.5.2015, No 3523).

4. The Minister of Justice of Georgia ('the Minister') may issue orders on the issues provided for by this Code.

Law of Georgia No 1787 of 13 December 2013 – website, 28.12.2013

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 3 – Scope of application of the Code

1. This Code defines the procedure and conditions for enforcing a sentence of imprisonment delivered by a court in a criminal case, and guarantees of legal protection of accused and convicted persons. This Code also governs activities of detention and imprisonment enforcement agencies, and determines the procedure and conditions for the participation of state bodies, social organisations and citizens in the enforcement of detention and imprisonment.

2. Final court judgments, rulings, resolutions and judicial orders related to detention and imprisonment, also relevant decisions of the International Criminal Court shall be enforced under this Code.

3. Detention in Georgia comprises detention and imprisonment.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 4 – Application of the legislation of Georgia on the enforcement of detention and imprisonment in territory and over persons involved

1. The legislation of Georgia on the enforcement of detention and imprisonment applies over the entire territory of Georgia.

2. The legislation of Georgia on the enforcement of detention and imprisonment applies to Georgian citizens, aliens and stateless persons in accordance with the legislation and international agreements of Georgia.

Article 5 – Grounds for the enforcement of detention and imprisonment

1. The grounds for enforcing detention is a court decision on remanding the person in custody.

2. The grounds for enforcing imprisonment is a final judgment of conviction delivered by a court in a criminal case, on the basis of which the person is sentenced to imprisonment.

Chapter II – System of Enforcement of Detention and Imprisonment

Article 6 – Organising the enforcement of detention and imprisonment

1. The Special Penitentiary Service ('the Service') is a sub-agency institution within the system of the Ministry of Justice of Georgia, which exercises its powers within the scope defined by the legislation of Georgia.

2. The Service and its subordinate penitentiary institution shall be the bodies for the enforcement of detention and imprisonment.

3. The Ministry of Justice of Georgia ('the Ministry') shall ensure implementation of a unified policy in the area of enforcement of detention and imprisonment.

4. The Advisory Council shall be established to ensure participation of the public representatives in the development and implementation of a unified policy in the area of enforcement of detention and imprisonment.The procedure for staffing and operation of the Advisory Council shall be defined by an order of the Minister.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 7 – Ensuring the functioning of penitentiary institutions

1. The Service shall ensure enforcement of detention and imprisonment through special and civil divisions.

2. The special divisions of the Service shall combine penitentiary institutions and the structural subdivisions activities of which are directed at ensuring the unified management of penitentiary institutions, the exercise of the rights of accused/convicted persons in penitentiary institutions, re-socialisation of convicts, compliance with the legal regime, protection of safety, conduct of special security measures, removal/transfer and extradition of accused/convicted persons, maintenance of personal files and registers of accused/convicted persons, and the processing and analysis of appropriate data.

3. The civil divisions of the Service shall combine the structural subdivisions of the Service, which, within the scope of their authority, provide a unified logistical, medical, financial, organisational and legal support of the Service, carry out control and inspection of, and provide system monitoring of the human rights protection within the area of administration of the Service, of the compliance by the servants (including by the compulsory military servants) with official duties and requirements established

by the legislation of Georgia, of the quality of medical service within the Service.

4. Organisation, functions, rights and duties of the Service and the rules of service therein shall be defined by the Law of Georgia on the Special Penitentiary Service.

5. The Law of Georgia on Public Service shall apply to employees of the Service, unless otherwise provided for by the Law of Georgia on Special Penitentiary Service and a subordinate act issued on its basis.

Law of Georgia No 1787 of 13 December 2013 – website, 28.12.2013

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 1942 of 23 December 2017 – website, 29.12.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 7^1 – The Service

1. Powers of the Service shall be as follows:

a) enforcement of detention and imprisonment under the procedure established by the legislation of Georgia;

b) protection of penitentiary institutions and accused/convicted persons;

c) for the resocialisation of convicted persons, development and implementation of appropriate programmes;

d) processing of the data on accused/convicted persons and administration of the databases;

e) management of a crisis situation in penitentiary institutions;

f) organisation and control of the activities of medical aid stations/medical units of penitentiary institutions, and implementation of departmental, state and international health care programmes in penitentiary institutions;

g) inspection of sanitary and hygienic, and epidemiological condition in a penitentiary institution;

h) conducting of operative-investigative activities under the procedure established by the legislation of Georgia;

i) implementation of legal support and law-making activities within the area of its administration;

j) exercising of other powers defined by the legislation of Georgia.

2. The statute of the Service and structural subdivisions/unit shall be approved by the Minister.

3. The staff list of the Service shall be approved by the General Director with the agreement of the Minister.

4. The General Director of the Service shall develop proposals for funding and logistics support of the Service and shall submit them to the Minister. The Service shall be funded by the allocations from the State budget of Georgia. Expenses of the Service shall be provided for in the State budget of Georgia under a separate programme code(s), which shall be implemented by the Service under the procedure established by the legislation of Georgia.

5. The Service shall be accountable to the Minister. The General Director of the Service shall submit an activity report to the Minister at least biannually.

6. The General Director of the Service shall, at the request of the Minister, submit him/her an extraordinary report of the work

he/she has performed.

7. The Service shall be headed by the General Director of the Service, who is appointed to and dismissed from the post by the Minister. The General Director of the Service may transfer individual powers under this Law to the first deputy/deputy on the basis of an individual administrative-legal act.

8. To respond to challenges before the penitentiary system in the area of enforcement of detention and imprisonment, and to perform individual tasks, the General Director of the Service shall set up the Board of Directors of the Service, which usually consists of the heads of a structural subdivision and a penitentiary institution of the Service.

9. The General Director of the Service shall have the first deputy and two deputies, who are appointed to and dismissed from the post by the Minister upon recommendation of the General Director of the Service.

10. In the absence of the General Director of the Service, his/herfirst deputy shall act as the General Director of the Service, and if the first deputy is unable to exercise the powers, one of the deputies shall act as the General Director of the Service. Areas of supervision of the first deputy /deputy of the General Director of the Service shall be defined by his/her appointment order.

11. The General Director of the Service shall appoint employees of the Service and penitentiary institutions to the post and dismiss them from the post.

12. The General Director of the Service may, in the cases provided for by this Code and other legislative and subordinate normative acts of Georgia, issue an individual legal act.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 8 – Penitentiary institutions and their management; types of penitentiary institutions

1. A penitentiary institution shall be an independent organisation established under a legal act of the Minister; it is not a legal person and operates within the system of the Service. A penitentiary institution, in exercising certain functions assigned to it by this Code, acts as an administrative agency.

2. A penitentiary institution is established or shut down by the Minister.

3. The powers, structure and the rule of management of a penitentiary institution,and other matters provided for by Article 52 of this Code shall bedetermined by the internal regulations of the penitentiary institution, which shall be approved by the Minister upon recommendation of the General Director of the Service.

4. A penitentiary institution is headed by the director of the penitentiary institution. The director of a penitentiary institution shall be appointed to and dismissed from the post by the General Director of the Service in agreement with the Minister.

5. Types of penitentiary institutions are as follows:

a) detention facility;

b) prison facility;

c) treatment facility for accused/convicted persons.

6. Where necessary, the Minister shall establish and shut down a mixed-type penitentiary institution.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 9 – Detention facilities

1. A detention facility is a closed, specially protected, cell-type facility, which is intended to isolate accused persons for the purpose of enforcement of the measure of restraint.

2. Accused persons are placed in a detention facility, except as provided for by the legislation of Georgia and/or except where there is a mixed-type facility. In a mixed-type facility, accused persons shall be isolated from convicted persons at least by living spaces separated from one another.

3. In a detention facility accused persons are placed in special cells, where it is possible to carry out visual and/or electronic supervision and control according to Article 54 of this Code.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 10 – Prison facilities

1. A prison facility is a facility for the enforcement of the sentence under Article 40(1)(g) and (h) of the Criminal Code of Georgia.

2. The prison facilities are:

a) a pre-release facility;

b) a low risk prison facility;

c) a semi-open prison facility;

d) a closed prison facility;

e) a special risk prison facility;

f) a juvenile rehabilitation facility;

g) a special facility for women.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 10^1–Pre-release facilities

1. A pre- release prison facility is a protected facility, with armed security guards, surrounded by a special protective fence, where convicted persons are under permanent surveillance.

2. In a pre-release prison facility, convicted persons are placed in a dormitory where it is possible to carry out visual and/or electronic surveillance and control in accordance with Article 54 of this Code.

3. In a pre-release prison facility, convicted persons may independently move throughout the facility according to the established procedure.

4. In a pre-release prison facility, convicted persons may leave the premises of the facility under the conditions and the period defined on the basis of the General Director of the Service.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 10^2– Low risk prison facilities

1. A low risk prison facility is a protected facility, with armed security guards, surrounded by a special protective fence, where convicted persons are under permanent surveillance.

2. In a low risk prison facility, convicted persons are placed in a dormitory where it is possible to carry out visual and/or electronic surveillance and control according to Article 54 of this Code.

3. In a low risk prison facility, convicted persons may independently move throughout the facility according to the established procedure.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 11 – Semi-open prison facilities

1. A semi-open prison facility is a specially protected facility, with armed security guards, surrounded by a special protective fence, where convicted persons are under permanent surveillance.

2. In a semi-open prison facility, convicted persons are placed in a dormitory where it is possible to carry out visual and/or electronic surveillance and control according to Article 54 of this Code.

3. In a semi-open prison facility, convicted persons may independently move throughout the facility according to the established procedure.

4. (Deleted – 16.4.2012, No 2241).

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 12 – Closed prison facilities

1. A closed prison facility is a specially protected facility, with armed security guards and an alarm system, surrounded by a special protective fence, and where convicted persons are under permanent surveillance.

2. In a closed prison facility convicted persons are placed in special cells where it is possible to carry out visual and/or electronic surveillance and control according to Article 54 of this Code.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 12^1– Special risk prison facility

1. A special risk prison facility is a specially protected facility, provided with armed security guards, surrounded by a special protective fence, and where special security measures are in place and convicted persons are under permanent surveillance.

2. In a special risk prison facility, convicted persons are placed in special cells where it is possible to carry out their visual and/or electronic surveillance and control. The audio surveillance and control shall be permitted only in the cases provided for by the legislation of Georgia.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 12^2– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 12^3– Special facilities for women

1. A special facility for women is a specially protected facility, provided with armed security guards, surrounded by a special protective fence, and where convicted persons are under permanent surveillance.

2. Convicted women, including those of minor age, are placed in a special facility for women.

3. In a special facility for women convicted persons are normally placed in a dormitory where it is possible to carry out visual and/or electronic surveillance and control according to Article 54 of this Code.

4. A special facility for women is treated as equivalent to a semi-open prison facility, except as provided for by this Code.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Chapter II^1– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12^4– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12[5]– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12[6]– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12[7]– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Chapter II[2]– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12[8]–(Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12[9]–(Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12[10]–(Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 12[11]–(Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Chapter III – Legal Status of Accused and Convicted Persons

Article 13 – Grounds for the legal status of the accused and convicted persons

1. The State protects lawful rights and freedoms of accused and convicted persons, their legal, social and personal safety, and ensures the enforcement of detention and imprisonment.

2. During the detention of accused persons and imprisonment of convicted persons, they are guaranteed the rights and freedoms recognised under the Constitution of Georgia, treaties and international agreements of Georgia, this Code, and other legislative and subordinate normative acts.

Article 14 – Rights of the accused and convicted persons

1. An accused/convicted person has the right to:

a) be provided, as established by the legislation of Georgia, with:

a.a) a living space, food, personal hygiene, clothes, job, and work and personal safety;

a.b) medical services;

a.c) a meeting with close relatives (visitations), with a defence lawyer, with representatives of a diplomatic mission or a consular office, and with other diplomatic representatives (in the case of an alien);

a.d) telephone conversations and correspondence;

a.e) the possibility to receive and send parcels and money;

a.f) free legal aid and legal consultations;

b) receive general and vocational education;

c) participate in sports, cultural, educational and religious events;

d) receive information through the press and other mass media, and have access to fiction and other literature;

e) carry out individual activities under the supervision and with the permission of the director of the penitentiary institution and have the inventory necessary for those activities, and to sell the items (manufactured articles) produced as a result of individual activities with the support of a penitentiary institution;

f) file a claim or a complaint;

g) stay in the open air at least one hour a day (enjoy the right to walk in the open air);

h) leave the penitentiary facility for a short period of time in connection with special personal circumstances.

2. As provided by the legislation of Georgia, convicted persons additionally have the right to:

a) participate in rehabilitation programmes;

b) leave the prison facility for a short period of time;

c) receive education at the first and the second stage of academic higher education (Bachelor's degree, Master's degree) – at a pre-release facility, a low risk prison facility, and at the first stage of academic higher education (Bachelor's degree) – at a juvenile rehabilitation facility.

d) professional training and re-training.

3. An accused/convicted person has the right to participate in religious ceremonies and meet with clergymen, have in immediate possession and use religious literature and objects of worship.

4. The Minister defines the procedure for the participation of an accused/convicted person in religious ceremonies and for his/her meeting with clergymen.

5. The procedures for selling the items (manufactured articles) produced as a result of individual activities and for this purposes the procedures for providing such individual activities shall be approved by the Minister.

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

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 5015 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 5280 of 1 November 2019 – website, 4.11.2019

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 15 – Living conditions

1. The premises allocated to an accused/convicted person shall comply with hygienic and sanitary norms established by a joint order of the Minister and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, and shall ensure the preservation of the health of an accused/convicted person.

2. A living space standard per a convicted person in medical treatment and prison facilities of accused/convicted persons shall not be less than 4 m^2.

3. A living space standard per an accused person in a detention facility shall not be less than 3 m^2.

4. The living space of an accused/convicted person shall have a window providing daylight. An accused/convicted person shall also be provided with heating. The living space of an accused/convicted person shall have natural and/or artificial ventilation.

5. Pregnant women, nursing mothers, sick persons, persons with severe disability, elderly persons (females over 60 years of age and males over 65 years of age) shall be provided with improved living conditions as compared to other accused/convicted persons.

[5. Pregnant women, nursing mothers, sick persons, persons with disabilities, elderly persons (females over 60 years of age and males over 65 years of age) shall be provided with living conditions adapted to their specific needs. ***(Shall become effective from 1 January 2021)***]

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 6836 of 14 July 2020 – website, 28.7.2020

Article 16 – Correspondence rights of accused/convicted persons

1. An accused/convicted person has the right to send and receive an unlimited number of letters as provided for by the legislation of Georgia, except for the cases provided for by this Code. Correspondence between the accused/convicted persons placed in the penitentiary institution shall not be permitted.

1^1. An accused/convicted person for violence against women and/or for domestic violence shall be restricted to have correspondence with a victim based on the written application of the victim.

2. A penitentiary institution shall ensure the delivery of incoming letters to an accused/convicted person, and sending his/her letters to the addressees. Letters of personal nature shall be sent to an addressee at the expense of an accused/convicted person.

3. A penitentiary institution shall, at the request of an accused/convicted person, provide him/her with writing means and paper.

[3. A penitentiary institution shall, at the request of an accused/convicted person, provide him/her with writing means and paper, and an accused/convicted person with disabilities – with appropriate means of correspondence. ***(Shall become effective from 1 January 2021)***]

4. The correspondence of an accused/convicted person is subject to inspection. Inspection includes visual inspection, without reading its content, andin cases of extreme necessity, when there is a well-grounded belief that the dissemination of information will pose a threat to public order, public security or rights and freedoms of other persons, the relevant employee of the penitentiary institution may read the correspondence and, if necessary, not send it to the addressee. The sender shall be immediately notified of this action.

5. Correspondence received in a sealed envelope shall be opened in the presence of the accused/convicted person. Such correspondence is subject to visual inspection, without reading its content.

6. The penitentiary institution is prohibited from stopping and/or inspecting the correspondence of an accused/convicted person if the addressee or sender of the correspondence is the President of Georgia, the Chairperson of the Parliament, the Prime Minister of Georgia, a Member of Parliament, a court, the European Court of Human Rights, an international organisation established under an international human rights agreement ratified by the Parliament of Georgia, a ministry of Georgia, the Service, the Public Defender of Georgia, a defence lawyer, a prosecutor, or a local council of the Service.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 1295 of 24 September 2013 – website, 8.10.2013

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 5029 of 20September 2019 – website, 1.10.2019

Law of Georgia No 6836 of 14 July 2020 – website, 28.7.2020

Article 17 – Visitation rights of accused/convicted persons

1. Complete isolation of accused/convicted persons is prohibited.

2. Based on a written application of an accused/convicted person, he/she may be granted the right to a short visit to meet with close relatives (child, spouse, a partner with whom he/she has a common child, parent (adoptive parent), step-parent, spouse's parent, stepchild, adopted child and his/her descendants, grandchild, sister, brother, nephew/niece and their children, grandmother, grandfather, great grandparents (from the side of both parents), uncle (mother's and father's brother), aunt (mother's and father's sister), cousin, as well as the person with whom he/she lived and ran a common household for the most recent one year before being placed in a penitentiary institution). The consent/reasoned refusal of the director of the penitentiary institution to the visitation of the above persons shall be communicated to the accused/convicted person in writing.

2^1. On the recommendation of the director of the penitentiary institution and with the consent of the General Director of the Service, an accused/convicted person may be granted, as a form of incentive, the right to meet with the persons who are not specified in paragraph 2 of this article.

3. The interaction of an accused/convicted person with persons specified in paragraph 2 and 2^1 of this article shall be monitored without degrading his/her honour and dignity.

4. The meeting with an accused/convicted person shall take place in the case of his/her consent.

5. The director of the penitentiary institution shall be provided with an application for a short visit in written form. Persons specified in paragraph 2 of this article shall provide the director of the penitentiary institution with a document certifying their close relationship with the accused/convicted person.

6. Not later than five days after receipt of a written application for a short visit, the penitentiary institution shall organise a short visit, except when there are reasonable grounds for refusal, of which the applicant shall be notified on the same day.

7. A short visit shall be held for one to two hours. A short visit shall take place under visual and/or electronic surveillance by a representative of the penitentiary institution, without listening. The accused/convicted person and the person interestedin a short visit with the accused/convicted person shall be warned in advance, except as otherwise provided for by the legislation of Georgia.

7^1. A convicted woman may be granted the right to a family visit according to Article 17^3 of this Code.

8. A convicted person may be granted the right to a long visit according to Article 17^2 of this Code.

9. (Deleted).

10. An accused person only has the right to a short visit, according to the requirements of the legislation of Georgia.

11. Upon a written application of an accused person, a short visit may be substituted by a telephone conversation. The procedure for the substitution of a short visit by a telephone conversation is defined by the internal regulations of the detention facility.

12. Upon a written application of a convicted person, the right to leave a prison facility for a short period of time may be substituted by the right to a short visit; the right to a short visit and the right to leave a prison facility for a short period of time may be substituted by a telephone conversation. The procedure for the substitution of a visit is defined by the internal regulations of the prison facility.

13. An accused/convicted person, who is an alien, has the right to an unlimited number of meetings with a representative of a diplomatic mission or a consular office of his/her country, or with an authorised diplomatic representative of the country who protects his/her country's interests in Georgia. Accused/convicted persons, who are aliens or stateless persons, may have relationship with diplomatic missions and consular offices of their countries. Citizens of those countries that do not have diplomatic missions or consular offices in Georgia may have relationship with diplomatic missions and consular offices of the countries that undertook to protect their interests, or with inter-state bodies that protect interests of these persons.

14. In addition to the number of meetings defined by this Code, an accused/convicted person may be granted the right to an additional short meeting as an incentive, with the consent of the General Director of the Service and by decision of the director of the penitentiary institution, in accordance with the procedure established by the legislation of Georgia. An accused/convicted

person may be granted the right to an additional short meeting with the persons who are not specified in paragraph 2 of this article.

15. The procedure and conditions for the enjoyment of the right to a short meeting are defined by the Minister.

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

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

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 17^1– Video visits

1. Convicted persons placed in a penitentiary institution, except for those placed in a special risk prison facility and those specified in Article 50(1)(f) of this Code, may enjoy a video visit (direct voice and visual teleconference) with any person.

2. A convicted person's right to a video visit is restricted during a period ofdisciplinary measures, disciplinary arrest, or introduction of special conditions, or in the period of crisis in the penitentiary institution.

3. Video visits of convicted persons, based on their written consent, are organised by the penitentiary institution; and outside the penitentiary institution video visits of convicted persons are organised by the legal entity under public law called the National Agency of Execution of Non-custodial Sentences and Probation ('the Agency) functioning within the governance of the Ministry.

4. Video visits for convicted persons shall be held free of charge.

4^1. (Deleted – 27.4.2016, No 5015).

5. (Deleted – 27.4.2016, No 5015).

6. Except as provided for by the legislation of Georgia, the representatives of the penitentiary institution and the Agency of Probation shall carry out visual and/or electronic surveillance of a video visit with a convicted person, without listening. The convicted person and the person interested in a video visit with the convicted person shall be warned in advance.

7. The penitentiary institutions where convicted persons may have video visits, and the procedure for the conduct of video visits are defined by the order of the Minister.

Law of Georgia No 4048 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 468

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 5015 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 17^2– Right to a long visit

1. A long visit is a period during which a convicted person lives with persons specified in paragraph 2 of this article in the territory of a prison facility, in a room allocated for this purpose, at the expense of the convicted person or of persons specified in paragraph 2 of this article, without presence of a representative of the prison facility. A fee for a long visit is mainly used for its purposes and functions.

1^1. A long visit may be enjoyed without paying the fee, as established by an order of the Minister.

2. Based on a written application of a convicted person, he/she may be granted the right to enjoy a long visit with his/her child, adopted child, step-child, grandchild, spouse, a person with whom he/she has a common child, parent (adoptive parent), grandmother, grandfather, sister and brother.

3. An application for a long visit shall be submitted to the director of the prison facility in writing at least two weeks prior to the visit. The person specified in paragraph 2 of this article shall present to the director of the prison facility a document certifying his/her close relationship with the convicted person.

4. Not later than two weeks after receiving a written application for a long visit, the prison facility shall organise a long visit, except when there are reasonable grounds for refusal, of which the applicant shall be informed within 10 days.

5. A long visit shall not last for longer than 23 hours.A long visit for the convicted persons may be extended once a year for not more than 47 hours based on the written request of the convicted persons, and on a petition of the director of the facility and with the consent of the General Director of the Service.

6. The right to a long visit shall not be granted to:

a) convicted persons that are placed in quarantine;

b) convicted persons upon whom disciplinary arrest has been imposed, or that are placed in a solitary cell.

7. The director of a prison facility shall decide whether or not to grant the right to a long visit.

8. A convicted person shall be notified in writing of the consent or reasoned refusal of the director of the prison facility to grant the right to a long visit.

9. A long visit may not be substituted by the right to a short leave from a prison facility, by a short visit or by a telephone conversation.

10. The conditions in a room specially allocated for a long visit must comply with the hygiene and sanitary norms established by the legislation of Georgia and must not be degrading to human dignity.

11. The Minister defines the conditions and procedure for the enjoyment of the right to a long visit in a prison facility.

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 17^3– Family visit

1. A family visit is a meeting of a convicted woman with persons specified in paragraph 2 of this article in the territory of a prison

facility, in a room allocated for this purpose.

2. Based on a written application of a convicted woman, she may be granted the right to enjoy a family visit with her child, adopted child, step-child, grandchild, spouse, the person with whom she has a common child, parent (adoptive parent), grandmother, grandfather, sister and brother on a petition of the director of aprison facility and with the consent of the General Director of the Service.

2^1. On a petition of the director of a prison facility and with the consent of the General Director of the Service, an accused/convicted woman may be granted the right to a family visit with persons who are not provided for by paragraph 2 of this article.

3. The convicted person shall submit an application for a family visit to the director of the prison facility in writing 10 days prior to the family visit. The person specified in paragraph 2 of this article shall provide the director of the prison facility with a document certifying his/her close relationship with the convicted woman.

3^1. Within five days after receipt of the application referred to in paragraph 3 of this article, the director of the prison facility shall make a petition to the General Director of the Service with regard to the conduct of a family visit, or shall inform the convicted person in writing of the grounded refusal to conduct the family visit.

3^2. Within three days after receipt of the petition referred to in paragraph 3^1 of this article, the General Director of the Service shall make a decision the consent or refusal to grant the right to conduct a family visit.

4. Not later than two days after receiving a consent of the General Director of the Service to grant the right to a family visit, the prison facility shall organise a family visit, of which the applicant shall be notified.

5. A family visit shall last for not longer than three hours.

6. A convicted person shall be notified in writing of the consent or reasoned refusal of the General Director of the Serviceto grant the right to a family visit.

7. The conditions in a room specially allocated for a family visit shall comply with the hygiene and sanitary norms established by the legislation of Georgia and shall not be degrading to human dignity.

8. The Minister defines the conditions and procedure for the enjoyment of the right to a family visit in a prison facility.

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 18 – Legal aid

1. An accused/convicted person has the right to meet with his/her defence lawyer without any limitations or interference. The staff of the penitentiary institution may monitor the meeting with a defence lawyer visually and without listening, using remote surveillance and visual recording equipment.

2. An accused/convicted person may enjoy a lawyer's services as determined by the legislation of Georgia.

3. Meetings with the persons specified in paragraphs 1 and 2 of this article do not fall under the visits defined by this Code.

4. The persons specified in paragraphs 1 and 2 of this article must be practising law as provided for by law.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 19 – Telephone conversations, receiving and sending parcels and money

1. An accused/convicted person has the right to telephone conversations as determined by this Code. Telephone conversations between accused/convicted persons placed within penitentiary facilities is prohibited.

2. Telephone conversations shall be conducted at the expense of an accused/convicted person and under the control of the penitentiary institution.

3. An accused/convicted person may receive from or send to a close relative parcels and money remittance, also, with the permission of the director of the penitentiary institution, receive from or send to other person parcels and money remittance. The money remittance received shall not be handed over to an accused/convicted person in cash, and it shall be returned to the sender.

4. An accused/convicted person for violence against women and/or for domestic violence shall be restricted to have telephone conversation with a victim and/or to send a parcel to him/her based on the written application of the victim.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 5029 of 20September 2019 – website, 1.10.2019

Article 20 – Mass media

1. Accused/convicted person may have access to the press. As a rule, radio and TV programmes are broadcast in a penitentiary facility. An accused/convicted person may also use electronic rehabilitation and educational programmes at a penitentiary institution, except for special risk prison facilities.

2. Accused/convicted persons, except for those who have been imposed disciplinary arrest and/or who are placed in a solitary cell, may be granted the right to listen to radio and watch TV programmes during non-work times, as determined by the internal regulations of the detention/prison facility.

2^1. With the consent of the director of the facility, an accused/convicted person or a group of accused/convicted persons who are placed in a prison facility, a closed prison facility, or a special risk prison facility, may be granted the right to purchase personal radio and/or TV sets, unless their use violate the requirements of the internal regulations of this facility or disturb other accused/convicted persons. Accused/convicted persons may purchase these devices at their own expense in a shop on the premises of the facility. The value of products existed in the shop on the premises of the facility shall comply with the market value of products, which shall be verified in accordance with the procedure determined by the Minister.

2^2. An accused/convicted person or a group of accused/convicted persons who are placed in a pre-release facility, a low risk prison facility, a semi-open prison facility, may be granted the right to purchase personal radio and/or TV sets in a shop on the premises of the facility, unless their use violate the requirements of the internal regulations of this facility or disturb other accused/convicted persons.

3. The conditions for using the devices specified in paragraph 2 of this article are defined by the internal regulations of a detention/prison facility. In the case of violation of the internal regulations, the administration may take the equipment from an accused/convicted person and hand it over to his/her close relative.

4. An accused/convicted person may, to a reasonable extent,subscribe to scientific, popular scientific, religious literature and fiction , newspapers and magazines at his/her own expense and receive writing supplies, except for the items prohibited by an order of the Minister.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 21 – Personal hygiene of accused/convicted persons

1. An accused/convicted person shall have the possibility to satisfy his/her natural physiological needs and maintain his/her personal hygiene without degrading his/her honour and dignity.

2. As a rule, an accused/convicted person shall be provided with possibility to take a shower twice a week, and with a barber's service at least once a month. The penitentiary institution may require an accused/convicted person to have his/her hair shaved off if so requested by the doctor or caused by hygienic necessity.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 22 – Clothes and bed linen of accused/convicted persons

1. If an accused/convicted person does not have his/her personal clothes/shoes, and/or other personal belongings required for maintaining personal hygiene, the penitentiary institution shall provide him/her with special clothes/shoes according to the season, and/or other personal belongings required for maintaining personal hygiene, the form of which shall not be degrading to human dignity.

2. If necessary, a convicted person shall be provided with a work uniform.

3. An accused/convicted person shall have a bed and bed linen for personal use, which must be delivered to him/her clean and undamaged. The penitentiary institution shall ensure cleanliness of bed linen.

4. The penitentiary institution may provide an accused/convicted person with special clothes/shoes, the form of which shall not be degrading to human dignity. An accused/convicted person is obliged to wear special clothes/shoes.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 23 – Food for the accused/convicted persons

1. In a penitentiary institution, the food shall contain all the components essential for human life and health. Reduction of the calorific value of food as a punishment of an accused/convicted person is prohibited.

2. The nutritional standards for accused/convicted persons are determined by a joint order of the Minister and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

3. The penitentiary institution shall provide accused/convicted persons with three meals a day.

4. Women, pregnant women, nursing mothers, ill persons, and persons with severe disability, elderly persons (females over 60 years of age and males over 65 years of age) shall be provided with nutritional conditions corresponding to their status.

[4. Women, pregnant women, nursing mothers, ill persons, and persons with disabilities, elderly persons (females over 60 years of age and males over 65 years of age) shall be provided with nutritional conditions corresponding to their status. ***(Shall become effective from 1 January 2021)***]

5. An accused/convicted person may purchase additional food products and articles of prime necessity in the shops available in the territory of a penitentiary institution, with the money that he/she earned while working in the detention/prison facility or that was transferred to his/her personal account by close relatives or other persons. Spending of personal money to purchase food products and articles of prime necessity is allowed within the limits defined by an order of the Minister and only by cashless settlement.

6. With the permission of the General Director of the Service, an accused/convicted person may receive additional food products and articles of prime necessity in the form of a parcel.

7. An accused/convicted person shall be provided with safe drinking water in unlimited quantity.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 6836 of 14 July 2020 – website, 28.7.2020

Article 24 – Right of an accused/convicted person to health care

1. An accused/convicted person has the right to use necessary medical services. If necessary, an accused/convicted person shall have access to medicinal products allowed in the penitentiary institution. If so requested, an accused/convicted person may purchase at his/her own expense medicinal products with similar properties or more valuable medicinal products than those procured by the penitentiary institution. In the case of a reasonable request, with the permission of the General Director of the Service, an accused/convicted person may invite a personal physician at his/her own expense.

2. Upon admission to a penitentiary institution, an accused/convicted person shall undergo a medical examination and the relevant report shall be prepared and kept in his/her personal file.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 25 – Spending time in the open air

1. An accused/convicted person has the right to stay in the open air for at least one hour each day.

2. An accused/convicted person shall stay in the open air during the daytime within the space allotted for this purpose by the penitentiary institution. Spending time in the open air may be terminated earlier if an accused/convicted person violates the internal regulations of the penitentiary institution.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 26 – Temporary leave of aconvicted person from a healthcare facility of accused/convicted persons and from prison facility in connection with special personal circumstances

1. The General Director of the Service may allow a convicted person to temporarily leave the healthcare facility of accused/convicted persons andthe prison facility:

a)if reliable information is received on the death or life-threatening illness of a close relative;

b) for carrying out a social activity;

c) in connection with other special circumstances.

1^1. If it is necessary for a convicted person to participate in an investigative or other procedural action, an appropriate structural division of the Serviceshall, based on the application of an authorised body, ensure the participation of a convicted person in an investigative or other procedural action.

2. To acquire the right to a temporary leave from a prison facility in connection with special personal circumstances, a convicted person, his/her defence lawyer/legal representative or close relative shall file a petition with the director of the prison facility. The petition shall contain the reason for a temporary leave from a prison facility and indicate the place where a convicted person will spend the time allotted for staying outside the prison facility ('the destination').

3. The period of a temporary leave from a prison facility shall not exceed three days. The period includes the time of travel of a convicted person to the destination place.

4. The period of a temporary leave from a prison facility shall be counted towards the total term of the sentence.

5. By decision of the General Director of the Service, a convicted person shall be granted the right to a temporary leave from a prison facility on the recommendation of the director of the facility, taking into account the person of the convicted person and gravity of the crime committed. If the right to leave is granted, the number of escorting officers shall be determined by an order of General Director of the Service. Escorting is conducted from the prison facility to the destination place and back.

6. Expenses for a temporary leave of a convicted person from the prison facility shall be covered by the convicted person or his/her family, except for expenses associated with the transportation of the convicted person to participate in an investigative or other procedural action. The right of a convicted person to temporarily leave a healthcare facility of accused/convicted persons and a prison facility in accordance with the procedures determined by the Minister, may be exercised without covering relevant expenses.

7. The Minister determines the procedure and conditions for a temporary leave of a convicted person from a prison facility.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 27 – Short leave of a convicted person from a prison facility

1. A convicted person who serves his/her sentence in a low risk prison facility or a semi-open prison facility and on whom has not been imposed a disciplinary measure or disciplinary arrest, may enjoy the right to a short leave outside the prison facility twice a year. Pregnant women and women with children under the age of three may enjoy the right to a short leave outside the prison facility three times a year. The period of a short leave outside the prison facility shall not exceed five days, which includes the time of travel of a convicted person to the destination place.

1^1. A convicted person who enjoys the right specified by Article 14 (2)(c) of this Code and on whom has not been imposed a disciplinary measure or disciplinary arrest, by the decision of the General Director of the Service, may be additionally granted a short leave outside the prison facility twice a year for the purpose of facilitating the exercise of the right to obtain higher education. The requirements determined by paragraph 2 of this article shall not apply to the case of the exercise of the right under this paragraph.

2. A short leave of a convicted person from a prison facility shall be based on an order of the General Director of the Service. A convicted person shall be granted the right to a short leave from prison facility after he/she has actually served:

a) at least half of the term of the sentence of imprisonment imposed for committing a crime of little gravity;

b) at least two thirds of the term of sentence of imprisonment imposed for committing a grave crime;

c) at least three fourths of the term of sentence of imprisonment imposed for committing an especially grave crime.

3. A convicted minor shall be granted the right to a short leave form a prison facility after he/she has actually served:

a) at least one third of the term of sentence of imprisonment imposed for committing a crime of little gravity;

b) at least half of the term of sentence of imprisonment imposed for committing a grave crime;

c) at least two thirds of the term of sentence of imprisonment imposed for committing an especially grave crime.

3. (Deleted – 12.6.2015, No 3711).

4. A convicted person serving his/her sentence in a closed prison facility is granted the right to a short leave from the facility by the General Director of the Service if the provisions of paragraphs 1 and 2 of this article are met, and if the convicted person has been placed in a closed prison facility due to:

a) enrolment in upkeep and maintenance services;

b) personal safety purposes;

c) detection of contagious infectious disease.

5. In special cases, by decision of the General Director of the Service, irrespective of the terms specified in paragraph 2 of this article, a convicted person may be granted the right to a short leave from a prison facility.

6. To acquire the right to a short leave from a prison facility, a convicted person, his/her defence lawyer/legal representative or close relative shall file a petition with the General Director of the Service. The petition shall contain the reason for a short leave from a prison facility and indicate the place where the convicted person will spend the time allotted for staying outside the prison facility ('the destination').

7. The following shall be taken into consideration during the review of the petition:

a) the personal of the convict;

b) the family status;

c) gravity of the crime committed by the convicted person;

d) the destination;

e) other important circumstances that characterise a convicted person positively or negatively.

8. During the review of the petition for a short leave from a prison facility, the General Director of the Service may resort to the following assurance measures:

a) a bail of not less than GEL 2 000;

b) a personal guarantee;

c) electronic control (monitoring) means.

9. Assurance measures for a short leave from a prison facility may be applied all together.

10. The period of a short leave from a prison facility shall be counted towards the total term of the sentence.

11. If a convict takes a short leave from a prison facility, he/she shall appear at the territorial body of the Agency – Bureau of Crime Prevention, Execution of Non-custodial Sentences and Probation (the Probation Bureau) on the very first day, where he/she will enter the time of the beginning of the short leave. If due to objective reasons a convicted person fails to return within the specified period, the Bureau of Probation shall be authorised to extend his/her leave for not more than two days.

12. The expenses for a short leave from a prison facility, except for those associated with the using of an electronic control (monitoring) mechanism, shall be covered by the convicted person or his/her close relative.

13. If the petition of a convicted person for a short leave from a prison facility is rejected, the reasoned refusal of the General Director of the Service may be appealed to a court.

14. The Minister defines the procedure for a short leave from a prison facility, the procedure for the application of assurance measures to secure a short leave from a prison facility and for the execution of a short leave from a prison facility.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 28 – Assurance measures, bail and a personal guarantee, to secure a short leave from a prison facility

1. Bail is a monetary sum. Based on a written undertaking regarding the proper behaviour and timely appearance of the convicted person at the prison facility, the defence lawyer/legal representative, member of the convicted person's family or other person on his/her behalf shall deposit the monetary sum to the account of the prison facility as an assurance measure to secure a short leave of the convicted person from the prison facility. A deed shall be drawn up on the receipt of bail, one copy of which shall be handed over to the guarantor.

2. The General Director of the Service shall take into account the character of the guarantor and his/her financial condition.

3. If a petition for a short leave of the prison facility is granted by the General Director of the Service, bail shall be deposited to th account of the Service within three days after the petition is granted.

4. Before depositing the bail, the guarantor shall be warned about the consequences of non-fulfilment of the conditions defined by the written undertaking.

5. If a convicted person, being on a short leave from a prison facility, fails to return to the prison facility without a valid reason after a short leave expires or has committed a new crime, the measures provided for by the legislation of Georgia shall be applied to him/her, and the amount of bail shall be transferred to the State Budget of Georgia.

6. If a convicted person meets the time limits for a short leave from the prison facility, fulfils undertaken obligations precisely and in good faith, the amount of bail shall be returned to the guarantor within two weeks.

7. In the case of a personal guarantee, the defence lawyer/legal representative, close relative of the convicted person or other person on his/her behalf, shall assume a written obligation to ensure the proper behaviour and timely appearance of the convicted person at the prison facility.

8. The General Director of the Service defines the number of guarantors. In exceptional cases, only one, exceptionally reliable person may act as a guarantor.

9. The personal guarantee may be used only based on the petition or consent of the guarantors, and based on the consent of the convicted person. Each guarantor shall make a signed statement on the guarantee, which is attached to the personal file of the convicted person.

10. If a guarantor fails to fulfil the undertaken obligation, he/she may not justify such failure by his/her inability to control the behaviour of the convicted person, except when he/she proves the existence of force majeure.

11. If a convicted person commits an action for the prevention of which the guarantee was applied, on each guarantor shall be imposed a fine in the amount of not less than GEL 10 000, as established by the legislation of Georgia.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 29 – Material liability of accused/convicted persons

1. An accused/convicted person who, while in a penitentiary institution, causes material damage to the State, or to a legal or natural person, shall have material liability imposed:

a) in the amount provided for by labour legislation if the damage is caused in the course of fulfilment of labour obligations;

b) in the amount provided for by civil legislation if the damage is caused by other actions.

2. In the case of self-injury or damage caused to other persons due to wilful or gross negligence, an accused/convicted person shall cover medical treatment expenses and compensate damages caused to the penitentiary institution and the expenses related to the suppression of his/her escape from the relevant facility.

3. If an accused/convicted person fails to voluntarily compensate the damage, the matter will be considered through civil proceedings. Wrongly collected amounts shall be returned to the accused/convicted person and deposited to his/her personal account.

4. If an action of an accused/convicted person causes damage to the health of another person in the territory of a penitentiary institution, urgent medical treatment shall be provided at the expense of the State.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 30 – Obligations of accused/convicted persons

1. An accused/convicted person shall comply with the procedures and conditions for the enforcement of detention and imprisonment as established by the legislation of Georgia, fulfil his/her obligations and the lawful requests of the employees of the Service.

2. An accused/convicted person shall:

a) adhere to the internal regulations of the penitentiary institution and fulfil the lawful requests of the employees of the Service;

b) maintain personal hygiene, keep his/her clothing, bed and living space clean and tidy;

c) if he/she so desires, work only at the workplace allocated by the director of the penitentiary institution, under the procedures and conditions established by the legislation of Georgia.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter IV – Monitoring of the Enforcement of Detention and Imprisonment

Article 31 – Inspection and Monitoring the Enforcement of Detention and Imprisonment

The Monitoring Department of the Service shall checkhow the employees of the Service observe human rights and comply with the requirements of the legislation of Georgia; and shall carry out system monitoring of penitentiary institutions.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 32–Special preventive group

The activities carried out in the Service and at a penitentiary institution in order to combat and prevent torture, inhuman treatment and punishment shall be supervised by a special preventive group, as provided by the Organic Law of Georgia on the Public Defender of Georgia.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter V – Procedure for Admitting Accused/Convicted Persons and Maintaining their Personal Files

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Article 33 – Grounds for placing an accused/convicted person in a penitentiary institution

1. To place an accused person in a detention facility, a court decision remanding the person in custody and the identity card of the accused person or other identification document with a photo and the detention report, if such report is provided for by the legislation of Georgia, is required.

2. To place a convicted person in a prison facility, a court's judgment of conviction, under which the person was sentenced to imprisonment, the identity card of the convicted person or other identification document with a photo and, a detention report, if such report is provided for by the legislation of Georgia, is required.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 34 – Notice of the admission of an accused/convicted person into the place of enforcement of detention/the place of enforcement of imprisonment

1. The penitentiary institution shall, immediately or not later than one working day after admitting an accused person into a place of detention, notify the investigator, prosecutor, court and a close relative of the accused person, or, at the request of the accused person, another person and/or his/her lawyer.

2. The penitentiary institution shall, immediately or not later than one working day after admitting a convicted person into the place of imprisonment, notify the sentencing court and a close relative of the convicted person, or, at the request of the convicted person, another person or his/her lawyer.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 35 – Registers of accused/convicted persons

1. An accused person who has been admitted to a detention facility according to this Code shall be entered in the register of accused persons. A convicted person who has been sent to a prison facility according to this Code shall be entered in the register o convicted persons. The Minister determines the procedure for maintaining the registers of accused/convicted persons.

2. An accused person shall be photographed and fingerprinted upon admission to a detention facility. The photos and their negatives, as well as the fingerprint card and the verbal portrait according to the fingerprint card shall be kept in the personal file of an accused person. The file is forwarded to the relevant prison facility in the case of conviction of the accused person.

Article 36 – Personal files of accused/convicted persons

1. A personal file of an accused/convicted person shall be maintained from the moment of his/her detention until release. After release of the accused/convicted person, the personal file shall be kept in the archives of the Service. The Minister shall determine the procedure for maintaining personal files, the list of documents to be attached to personal files of the accused/convicted person and the period of the storage of personal files in the archive.

2. A personal file of an accused/convicted person shall contain data about the incentives and disciplinary measures applied to him/her.

3. An appropriate structural unit of the Service shall control and supervise the completion of personal files of accused/convicted persons.

4. If an accused/convicted person is transferred to another penitentiary institution, his/her personal file shall be forwarded to the given institution.

5. An accused/convicted person has the right to review his/her personal file. An authorised person also has the right to review the personal file of an accused/convicted person. The list of the authorised persons is approved by the Minister.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter VI – Release from Sentence

Article 37 – Grounds for releasing a person from a prison facility

1. Convicted persons shall be released from a prison facility if:

a) they have served their sentence;

b) they have been granted parole;

c) the outstanding part of the sentence has been commuted to a less severe sentence;

d) the sentence has been changed or reversed as determined by law;

e) they have been granted amnesty or pardon;

f) they are ill or of old age, in cases provided for by the legislation of Georgia;

g) the court defers the enforcement of the judgment.

2. The list of those serious and incurable diseases that represent grounds for the release of convicted persons from the sentence shall be approved by the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 38 – General procedures for release

1. A released convicted person shall be released according to this Code on the day before the term of sentence expires. If the day o release coincides with a public holiday or a Saturday or Sunday, a convicted person shall be released on the preceding working day. Upon release, he/she is issued an appropriate certificate.

1^1. In the case under this article, dactylography of a convicted person must be conducted in accordance of Article 35(2) of this Code at the time of his/her release.

2. Personal belongings and clothes/shoes kept by the penitentiary institution shall be returned to a released convicted person.

3. If a released convicted person does not have personal clothes/shoes or if they are not appropriate for the season, the penitentiary institution shall provide him/her with clothes/shoes suitable for the season free of charge.

4. Upon release, a convicted person shall acquire the right to freely dispose of the amount accumulated in his/her personal account.

5. (Deleted – 19.6.2012, No 6504).

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 6504 of 19 June 2012 – website, 2.7.2012

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 39 – Release of a convicted person from the remaining sentence due to illness

1. To release a convicted person from the remaining sentence due to his/her illness, the convicted person, his/her lawyer/legal representative or the director of the penitentiary institution shall, as established by law, apply to the Joint Standing Commission of the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, or a court, and request the release of the convicted person on the basis of a medical report.

2. In the case provided for by paragraph 1 of this article, a court shall deliver its judgment on the release of the convicted person from the remaining sentence in accordance with Article 74(1) of the Criminal Code of Georgia.

3. The Joint Standing Commission of the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make a decision on the release of the convicted person from the remaining sentence when there are circumstances provided for by Article 74(2) of the Criminal Code of Georgia, on the basis of the assessment of the council of physicians.

4. During the review of the matter referred to in paragraph 2 of this article, the court shall take into account the appropriateness o the imposed imprisonment, personal characteristics, the facts of crime committed in the past, the nature, grounds, purpose of the crime, and the outcome of the crime, the risk of committing repeated crime, behaviour of the convicted person in the process of serving his/her sentence, and other circumstances which may affect the decision of the court.

5. The procedure for setting up the Joint Standing Commission of the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, and the rules of operation and powers of the Commission, also the procedure for setting up a council of physicians and their powers shall be defined by a joint order of the Minister and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 40 – Release on parole

1. A convicted person may be released on parole only if he/she has actually served:

a) at least half of the term of the sentence of imprisonment imposed for committing a crime of little gravity;

b) at least two thirds of the term of the sentence of imprisonment imposed for committing a grave crime;

c) at least three fourths of the term of the sentence of imprisonment imposed for committing an especially grave crime;

d) three fourths of the term of the sentence imposed on a person who was previously released on parole, and the release on parole was revoked based on paragraph 5 of this article;

e) three fourths of the term of the sentence imposed on a person whose previous term of sentence which had not been actually served by him/her, was changed by less severe sentence, and whose changed sentence was set aside on the basis of Article 73(10) of the Criminal Code of Georgia.

2. (Deleted – 12.6.2015, No 3711,).

3. The term of imprisonment actually served by a convicted person shall not be less than six months.

4. The conduct of a convicted person released on parole is monitored by the designated probation bureau, and the conduct of a convicted military servant is monitored by the administration of the relevant military unit.

5. If during the unserved term of the sentence a convicted person:

a) regularly and/or grossly avoids fulfilment of the obligations imposed on him/her upon release on parole, the court shall be authorised to revoke the parole and order the enforcement of the remaining term of the sentence;

b) committed a crime by negligence, the court shall decide whether to revoke or keep the parole in force;

c) committed an intentional crime, the court shall impose on him/her a sentence, as provided for by Article 59 of the Criminal Code of Georgia. Punishment for a negligent crime shall be imposed under the same procedure if the court revokes the parole.

6. (Deleted – 1.6.2017, No 943).

7. For a convicted person who is released on parole from the community service sentence provided in Article 73(3) of the Criminal Code of Georgia, the actually served term of the community service sentence shall be counted towards the term specified in paragraph 1 of this article according to the following calculation: five hours of community service is equal to one day of imprisonment.

Law of Georgia No 6504 of 19 June 2012 – website, 2.7.2012

Law of Georgia No 2758 of 31 October 2014 – website, 11.11.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 41 – Local Council of the Service

1. The Local Council of the Service ('the Council') is a body that reviews issues related to the release on parole and commutation of sentences. The number and territorial jurisdiction of the Councils and the procedure for discussing and deciding the release on parole are determined by an order of the Minister.

2. The Council consists of five members:

a) one employee of a structural subdivision within the civil division of the Service;

b) one employee of the Agency;

c) one representative from the High Council of Justice of Georgia;

d) one representative from non-governmental organisations;

e) one representative from general and higher educational institutions.

3. A member of the Council may be a person who has relevant education and experience and whose working and moral qualities enable him/her to perform the membership duties. A person defined in paragraph 2(a) of this article shall be selected and shall be appointed as a member of the Council by the General Director of the Service. A person defined in paragraph 2(b) of the same article shall be appointed as a member of the Council by the General Director of the Service upon recommendation of the Head of the Agency. A person defined in paragraph 2(c) of the same article shall be appointed as a member of the Council by the General Director of the Service upon recommendation of the High Council of Justice of Georgia. Persons defined in paragraph 2(d) and (e) of the same article shall be appointed as members of the Council by the General Director of the Service upon recommendation of the Coordination Council of the Service. The Coordination Council of the Service shall be created in accordance with the procedure established by the legislation of Georgia in order to select and nominate for the Council membership the representatives from non-governmental organisations and from general and higher educational institutions. The rights and duties of the Coordination Council of the Service and its rules of procedure shall be determined by an order of the Minister.

4. A member of the Council shall be independent in exercising his/her powers and shall adhere only to the Constitution of Georgia, treaties and international agreements of Georgia and this Code.

5. A member of the Council shall be appointed for one year. The same person may be re-appointed as a member of the Council. A member of the Council shall be dismissed from office by an order of the General Director of the Service on any of the following grounds:

a) personal written request;

b) court's decision declaring the person as a person with limited legal capacity, a beneficiary of support or missing;

c) entry into legal force of a judgment of conviction against the person;

d) expiration of the term of office defined by this paragraph;

e) death;

f) failure to attend three consecutive Council meetings without valid reason;

g) change of or dismissal from the position held at the time of appointment as a member of the Council;

h) dishonest and/or improper performance of his/her duties;

i) liquidation/reorganisation of the Council in accordance with the legislation of Georgia.

6. Council meetings may be conducted at the facility located within the territorial jurisdiction of the Council with the use of videc communication.

7. One Member of the Parliament of Georgia designated for this purpose in accordance with the rules of procedure of the Parliament of Georgia may participate in Council meetings. When attending a Council meeting, he/she shall have the same voting rights as Council members. The Member of Parliament is not a member of the Council and when determining the quorum of the Council meeting he/she shall be taken into account only if he/she is present at the meeting. The chair of the Council shall notify a Member of the Parliament of Georgia designated for this purpose in accordance with the rules of procedure of the Parliament of Georgia of the Council meeting not later than 5 days before the meeting and provide him/her with appropriate case materials.

8. Organisational and legal support for the Council's activities shall be provided by an appropriate respective structural unit within the civil division of the Service. The structural subdivision shall represent the Council in a court. The relevant structural subdivision may, in order to discuss issues related to release on parole and commutation of the outstanding part of a sentence, process and store personal data of accused persons (including special category data) in accordance with the procedure established by the legislation of Georgia.

9. A person participating in a Council meeting shall, in compliance with the legislation of Georgia, keep confidential the personal data that became known to him/her as a result of his/her participation in the meeting.

Law of Georgia No 3525 of 21 July 2010 – LHG I, No 46, 4.8.2010, Art. 288

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 6504 19 June 2012 – website, 2.7.2012

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 42 – Decision of the Council on the release on parole

1. If a convicted person, except for a high risk convicted person, has actually served the term established by law for the release on parole, the penitentiary institution shall immediately file a relevant application with the Council and notify the convicted person about it. If an additional time is required to obtain and process the necessary information, the penitentiary institution may file this application within seven days.

2. A convicted person, his/her defence lawyer/legal representative and close relatives may submit additional information to the Council.

3. The Council reviews a case by oral hearing and/or without oral hearing, in compliance with administrative procedures. The decision to deny a parole, or to admit the case for oral hearing or to release a convicted person on parole is taken by the Council without oral hearing, according to the assessment criteria determined by the Minister. The decision shall include the main circumstances of the case and details of the convicted person.

4. When reviewing an application, the Council takes into account the conduct of the convicted person during his/her imprisonment, the criminal acts committed by him/her in the past, his/her character family status, the nature of the crime committed and other circumstances that may influence the decision of the Council.

5. The Council shall conduct an oral hearing if it considers that it is necessary to obtain additional information from the convicted person to decide his/her release on parole. By oral hearing, the Council shall decide to deny or grant parole to the convicted person.

6. The decision of the Council denying parole to the convicted person may be administratively appealed to a court.

7. If the Council decides to deny parole to the convicted person, an application with the same request may be considered only after six months, except when the outstanding sentence does not exceed six months and/or there is a special circumstance. The issue of the release on parole of convicted persons shall be considered every six months. If the outstanding sentence does not exceed six months, the Council shall review the matter with regard to a parole to the convicted person on the basis of the written application.

8. In the case of releasing a convicted person on parole, the Council shall be authorised to apply to the Agency in accordance with the procedures determined by the order of the Minister, with the recommendation to determine additional conditions for the convicted person.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 6504 19 June 2012 – website, 2.7.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 43 – Decision of the Council on commuting a sentence

1. A convicted person, his/her defence lawyer/legal representative (except for a highly dangerous convicted person, his/her defence lawyer/legal representative) may, as established by law, submit to the Council the documents necessary to review the issue of commuting the outstanding sentence of the convicted person and the relevant application.

2. A convicted person, his/her defence lawyer/legal representative and close relative may submit additional information to the Council.

3. The Council reviews a case by oral hearing and/or without oral hearing, in compliance with administrative procedures. The decision to deny the application or to admit the case for oral hearing is made by the Council without oral hearing, according to the assessment criteria determined by the Minister.

4. When reviewing the relevant application, the Council shall take into account the conduct of the convicted person during his/her imprisonment, the criminal acts committed by him/her in the past, his/her personality, family status, the nature of the crime committed by him/her, and other circumstances that may influence the decision of the Council.

5. The decision on commuting the sentence of the convicted person is made by the Council only by oral hearing. The decision shall include the main circumstances of the case and details of the convicted person.

6. The Council shall decide on the substitution of the outstanding sentence of the convicted person with community service or house arrest if the convicted person consents.

7. The decision of the Council refusing to commute the sentence of the convicted person may be administratively appealed to a court.

8. If the Council refuses to commute the sentence, an application with the same request may reviewed only after six months, except when the outstanding sentence does not exceed six months and/or if there are special circumstances.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 6504 19 June 2012 – website, 2.7.2012

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 44 – (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 45 – Obligations of a penitentiary institution when releasing a convicted person from the penitentiary institution

1. A penitentiary institution shall, not later than three months before the term of imprisonment of a convicted person expires, notify the municipality bodies according to the place of residence of the convicted person about the release from the penitentiary institution of the convicted person, about his/her place of residence, capacity for work and qualification.

2. A penitentiary institution shall notify the release of a convicted person to the appropriate structural subdivision of the Ministry of Internal Affairs of Georgia in the manner prescribed by an order of the Minister.

3. When leaving a penitentiary institution by a person convicted for committing crime against sexual freedom and inviolability under the Law of Georgia on Combating Crime against Sexual Freedom and Inviolability, a penitentiary institution is obliged to explain the restrictions (deprivation of rights) under the Law of Georgia on Combating Crime against Sexual Freedom and Inviolability.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 5759 of 17 March 2020 – website, 23.3.2020

Law of Georgia No 6944 of 15 July 2020 – website, 28.7.2020

Article 45^1– Obligations of a penitentiary institution when releasing a person convicted for violence against women and/or for domestic violence from the penitentiary institution

In the case of release of a person convicted for violence against women and/or for domestic violence from a penitentiary institution, or in the case of his/her escape, or in the case of a short leave from a penitentiary institution under Article 27 of this Code, and also in the case of the leave from the pre-release facility, in line with the procedures determined by Article 71^6(3) of this Code, the penitentiary institution shall immediately notify the Ministry of Internal Affairs of Georgia.

Law of Georgia No 2701 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 770 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 45^2 – Obligations of a penitentiary institution when releasing a person convicted for committing crime against sexual freedom and inviolability

When releasing a person convicted for committing crime against sexual freedom and inviolability under the Law of Georgia on Combating Crime against Sexual Freedom and Inviolability, also in the case of the escape of such person, or a short leave under procedures provided for by Article 27 of this Code, and in the case of preparing such person for release under Article 71^6(3) of this Code, a penitentiary institution is obliged to immediately send the written notification on the above mentioned to the

Ministry of Internal Affairs.

Law of Georgia No 5759 of 17 March 2020 – website, 23.3.2020

Chapter VII – Enforcement of Imprisonment as a Measure of Punishment

General Provisions

Article 46 – A place of the enforcement of imprisonment

1. A convicted person shall serve his/her sentence in a prison facility located in the territory of Georgia, except as provided for by international agreements of Georgia.

2. The General Director of the Service shall determine the type of a prison facility for a convicted person according to the procedure established by the legislation of Georgia.

3. A convicted person shall, as a rule, serve his/her sentence in a prison facility of a relevant type, located closest to the place of his/her residence or to the place of residence of his/her close relative, except as provided for by paragraph 4 of this article.

4. By decision of the General Director of the Service, a convicted person may be transferred for further service of the sentence to anotherpenitentiaryinstitution in the following cases:

a)when risk of danger ('risk') from a convicted person is taken into account, or for the purposes of preparing a convicted person for release;

b) the Regulations of the penitentiary institution are systematically violated;

c) for the purposes of ensuring security of a convicted person and other persons, or the penitentiary institution;

d) when a convicted person is ill;

e) when a penitentiary institution is reorganised;

f) when a penitentiary institution is liquidated;

g) when a penitentiary institution is overcrowded;

h) where circumstances specified in Article 58(1) of this Code exist;

h^1) where there are circumstances specified in Article 191^1 of the Criminal Procedure Code of Georgia, if the General Director of the Service is assigned, under a judge's ruling, to take extraordinary measures necessary to provide security of a convicted person concerned, and when application of such ameasure is required for the security of a convicted person;

i) where there is consent of a convicted person;

j) in other important and reasonable circumstances.

4^1. A risk assessment team ('the team') shall assess and periodically re-assess the risks of a convicted person. The risk types, risk assessment criteria, the risk assessment and re-assessment procedure, the procedure for the transfer of a convicted person to another prison facility, and the composition and powers of the team shall be defined by an order of the Minister.

4^2. Organisational and legal support of the team shall be ensured by an appropriate structural unit of the Service, which shall be authorised, in accordance with the procedures determined by the legislation of Georgia, to process and keep personal data of convicted persons (including the data falling under the special category) for the purposes of reviewing the matters related to the determination of risk.

5. When transferring a convicted person to another penitentiary institution on the grounds provided for by paragraph 4 of this article, he/she shall be subject to the rules that are established for convicted persons of this risk and that can be observed in another penitentiary institution.

6. A convicted person transferred to another penitentiary institution on the grounds specified in paragraph 4(c-j) of this article, shall be returned to the penitentiary institution, from which he/she has been transferred, upon the elimination of these grounds.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 3278 of 21 July 2018 – website, 9.8.2018

Law of Georgia No 4252 of 27 December 2018 – website, 29.12.2018

Law of Georgia No 4897 of 28 June 2019 – website, 28.6.2019

Article 47 – Sending a convicted person to serve sentence

1. Not later than 20 days after the court imposes a sentence of imprisonment, the General Director of the Service shall decide on the type of prison facility in which the convicted person is to serve the sentence.

2. An appropriate structural unit of the Service shall send the convicted person for serving the sentence not later than 20 days afte receiving the copy of the decision of the General Director of the Service.

2^1. Within 60 days after receiving the convicted person for serving the sentence on the basis of paragraph 2 of this article, the director of the relevant penitentiary institution is obliged to submit information to the team as provided for by the legislation of Georgia for the purposes of determining the risk of the convicted person.

2^2. The General Director of the Service shall be authorised to transfer the convicted person whose behaviour and attitude has been changed to radically negative behaviour and attitude in the penitentiary institution, and/or whose leaving in the same penitentiary institution is unjustifiable, to a closed prison facility for the purposes of reassessing the risk; such transfer shall be temporary, but no more than 20 working days. Within the mentioned period the team shall ensure reassessment of the convicted person as provided for by the legislation of Georgia. In such case the rights and obligations determined for a convicted person placed in the closed prison facility shall apply to the convicted person concerned.

3. The Minister defines the procedure and conditions for transferring a convicted person to a prison facility.

4. (Deleted – 16.4.2012, No 2241).

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 48 – Keeping a convicted person in a detention facility

1. A convicted person who is to serve his/her sentence in a prison facility may be kept in the detention facility to perform general upkeep duties based on his/her written consent and as determined by an order of the Minister. In this case, the convicted person shall have the same rights that are defined for the type of aprison facility where he/she would have been placed based on the risks, and that can be exercised in the detention facility. The Minister determines the procedure and conditions for the movement of a convicted person throughout the territory of the detention facility.

2. Keeping of a convicted person in a detention facility for the performance of general upkeep duties shall be approved by an order of the director of the facility.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 49 – Procedure for admitting convicted persons to a prison facility

1. The admission of convicted persons to a prison facility shall be ensured by an authorised employee/authorised employees of the prison facility, as established by the internal regulations of the facility.

2. A convicted person shall be immediately informed in writing, in a language understandable to him/her, of his/her rights and the rules of treatment of convicted persons by the staff, the procedures for obtaining information and filing complaints, disciplinary and other requirements.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 50 – Placement of convicted person separately

1. As a rule, the following persons shall be placed separately in a prison facility:

a) women;

b) minors;

c) persons convicted for the first time;

d) persons recognised as victims of crimes under Article 143^1 and/or Article 143^2 of the Criminal Code of Georgia;

e) persons whose life and health may be under threat due to past official activities;

f) especially dangerous persons whose personal qualities, criminal influence, motive of crime, consequences of unlawful actions or behaviour demonstrated in the detention facility poses a serious threat to the security of the facility and others.

2. Persons suffering from uncontrollable infectious diseases shall be separately placed in the medical unit of a penitentiary institution.

3. The Minister may, in agreement with the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, establish a different procedure for placing convicted persons separately.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 51 – (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Chapter VIII – Penitentiary Institution

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 52 – Internal regulations of a penitentiary institution

1. The internal regulations of a penitentiary institution shall contain the following requirements:

a) isolation and protection of accused/convicted persons;

b) permanent surveillance of accused/convicted persons;

c) fulfilment by accused/convicted persons of obligations imposed on them;

d) protection of the rights and lawful interests of accused/convicted persons;

e) personal security of accused/convicted persons and the staff of the institution;

f) separate placement of different categories of accused/convicted persons, as established by this Code;

g) the procedure for admitting accused/convicted persons to the institution;

h) the rules of conduct for accused/convicted persons during working and rest hours;

i) the list of jobs and positions for which convicted persons may not be employed;

j) the list and number of items that accused/convicted persons are allowed to keep;

k) the procedure for seizing items that accused/convicted persons are not allowed to use;

l) the procedures for conducting searches and checks, for arranging visits, sending and receiving correspondence and parcels;

m) the list of food products, articles of prime necessity, hygiene products and other items that may be purchased by accused/convicted persons in the shop available on the territory of the penitentiary institution;

n) the list of food products, articles, items, substances and documents that accused/convicted persons are not allowed to purchase, keep, carry, use and/or utilise and that gives rise to a criminal liability;

o) the procedure and conditions for entering the penitentiary institution.

p) the list of those individual activities that accused/convicted persons may lead;

q) procedures for the distribution of accused/convicted persons in a penitentiary institution.

2. In order to observe the internal regulations of a penitentiary institution, accused/convicted persons and their living area may be searched and their belongings may be inspected. Bodily search of an accused/convicted person shall be conducted by a person of the same sex as the accused/convicted person.

3. An appropriate structural sub-division of the Service shall inspect the belongings, clothes and means of transport of the persons entering or leaving the penitentiary institution.

4. Money or other valuables seized from an accused/convicted person shall be transferred for storage to the penitentiary institution, as established by the internal regulations of the penitentiary institution.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 5015 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 53 – Daily routine of a penitentiary institution

The General Director of the Service shall approve the daily routine of the institution upon recommendation of the director of the penitentiary institution.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 54 – Surveillance and control of accused/convicted persons through visual and/or electronic means

1. In the case of a reasonable belief, by decision of the director of the penitentiary institution, based on security and other lawful interests of accused/convicted or other persons, to prevent suicide, self-injury, violence against accused/convicted or other persons, damage to property, and to avert other crimes and offences, surveillance and control through visual and/or electronic means may be conducted. Electronic surveillance shall be conducted with audio and video devices and/or other technical means of control. The Service may, through electronic means, record the process of surveillance and control, and the information received as a result of this process.

2. The penitentiary institution shall warn the accused/convicted person about the conduct of surveillance and/or of audio and video recording through electronic means, except as provided for by the legislation of Georgia.

3. In the case specified in paragraph 2 of this article, anorder on the conduct of surveillance of an accused/convicted person shall be introduced to the accused/convicted person, which shall be certified by the signature of the accused/convicted person. If the accused/convicted person refuses to sign the order, relevant record shall be made.

4. The decision to conduct surveillance and control through visual and/or electronic means is made if other means are inefficient. The decision shall be substantiated and proportionate to the purpose.

5. No visual and/or electronic surveillance shall be conducted in the rooms allocated for long visits, except when the surveillance is conducted as determined by the legislation of Georgia and in cases provided for by law.

6. An appropriate structural sub-division of the Service may conduct visual surveillance of the meeting of an accused/convicted person with persons defined in Article 60(1) of this Code and in the order of the Minister, using remote surveillance and recording equipment, but without listening.

7. If electronic surveillance is conducted in the territory of a penitentiary institution and its adjacent territory, the penitentiary institution shall place an appropriate warning sign in a prominent place, except as provided for by the legislation of Georgia.

8. Upon elimination of the circumstances specified in paragraph 1 of this article, the director of the penitentiary institution shall make a decision on ceasing electronic surveillance. No electronic and/or visual surveillance and control shall be conducted of an accused/convicted person for the purpose of punishment.

8^1. The material archived in accordance with this article shall be reviewed by an accused/convicted person in a penitentiary institution under the procedure established by the legislation of Georgia, and the aforementioned material may be transferred to an accused/convicted person and/or his/her defence lawyer/legal representative only in cases provided for in the Criminal Procedure Code of Georgia and/or on the basis of a court judgment.

9. The Minister defines the procedure for conducting surveillance and control through visual and/or electronic means, and for storing, deleting and destroying recordings.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 55 – Carrying out of operational-Investigativemeasures in penitentiary institutions

1. Operational-investigative measures may be carried out in a penitentiary institution within the scope of information and analytical support of the management of penitentiary institutions and/or within the scope of operational-investigative support of a criminal investigation.

2. Information and analytical support of the management of penitentiary institutions shall mean the collection, processing and analysis of information and data within the scope of protection of safety in a penitentiary institution for one of the following purposes:

a) detection and prevention of crimes and other offences in a penitentiary institution;

b) identification and assessment of criminal connections and influences;

c) identification and assessment of other types of internal risks and threats that may pose immediate danger to the safety of employees of the system of the Service, the safety of accused/convicted persons or of other persons, or to the legal and/or security regime in a penitentiary institution and thereby disturb normal functioning of the penitentiary institution.

2^1. The power defined in paragraph 2 of this article shall be exercised by the operative divisions of the Service.

3. Within the scope of information and analytical support of the management of penitentiary institutions,a division defined in paragraph 2^1 of this article may obtain information and data in a penitentiary institution from open and secret sources as a result of conducting operational-investigative measures provided for in Article 7(2)(a),(b),(e),(f),(g) and (j) of the Law of Georgia on Operative-Investigative Activities. In addition, the operative-investigative measure specified in sub-paragraph (g) of the same paragraph must be carried out as prescribed by this Code.

4. The information and analytical support of the management of penitentiary institutions shall commence on the basis of an order of the General Director of the Service. This order shall be issued in an exceptional case, on a written petition of the head of an appropriate structural subdivision of the Service and/or the director of the penitentiary institution. The petition shall justify the necessity, purpose and scope for the conduct of the relevant activity.

5. If elements of an alleged crime are detected in the information and data obtained by a division defined in paragraph 2^1 of this article for the purpose under paragraph 2 of this article, an appropriate structural subdivision of the Service shall, in the manner established by the legislation of Georgia, notify the relevant investigation division, and if elements of an official misconduct are detected, it shall notify the Monitoring Department of the Service.

6. An appropriate structural subdivision of the Service and the security division of a penitentiary institution shall, in the manner prescribed by the legislation of Georgia, provide investigation with operational and operational-technical support within the limits of the penitentiary institution.

7. Operational-investigative measures conducted in a penitentiary institution shall be subject to prosecutorial supervision and judicial control in accordance with the legislation of Georgia.

8. The procedure for processing, storing, reviewing and destroying the information and data obtained for the purposes specified in paragraph 2 of this article shall be determined by an order of the Minister.

9. The procedure for exchanging information between the Ministry and the Ministry of Internal Affairs of Georgia within the

scope of operational-investigative activities shall be determined by a joint order of the Minister and the Minister of Internal Affairs of Georgia.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 55[1] – Investigation of crimes committed in penitentiary institutions

1. Crimes committed in a penitentiary institution shall be investigated in accordance with the Criminal Procedure Code of Georgia.

2. A person accused of committing a crime in a prison facility shall be transferred to a detention facility.

3. The rights and conditions determined for convicted persons of relevant risk shall apply to those convicted persons who have been transferred to a detention facility as provided for by paragraph 2 of this article, taking into account infrastructure existed in the facility. On the basis of the grounded decision of an investigator/prosecutor, the rights to a visit, telephone conversation and correspondence of a convicted person may be restricted.

4. (Deleted – 29.11.2019, No 5392).

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 56 – Protection of penitentiary institutions

1. A penitentiary institution shall be protected by an appropriate structural subdivision of the Service.

2. Employees of the exterior guard services are persons with a status of military servant. A conscript may be enlisted in the exterio guard services. His/her term of service is defined by the Law of Georgia on Military Duty and Military Service.

3. Service of a conscript in the exterior guard services is treated as compulsory military service and is carried out according to the Law of Georgia on Military Duty and Military Service. The procedure for selecting recruits for the exterior guard services and the rules of service in the exterior guard services are defined by an order of the Minister.

3[1]. The powers of the exterior guard services do not extend to the internal security system.

4. Social and legal protection guarantees of the employees of the exterior guard services are defined by the Law of Georgia on the Status of Military Servant.

5. In individual cases, the General Director of the Service may form reinforced security groups within an appropriate structural subdivision of the Service or a penitentiary institution.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 57 – Security measures

1. To avoid self-injury, or damage to other persons and property, to prevent crimes and other offences in the penitentiary institution, to prevent the non-compliance by an accused/convicted person of a lawful demand of an employee of the Special Penitentiary Service, to repel attacks, to suppress collective disobedience and/or mass unrest, the following security measures may be applied, on the basis of a justified decision, to accused/convicted persons:

a) use of special means;

b) separation from other accused/convicted persons;

c) temporary transfer to another penitentiary institution;

d) placement in a solitary cell for not more than 24 hours.

2. The application of security measures shall cease immediately after the threat, due to which this measure has been applied, is eliminated.

3. Other conditions and circumstances for applying security measures in a penitentiary institution or at the time of extraditing or removing/transferring an accused/convicted person are defined by an order of the Minister.

4. After a security measure has been applied, the management of the penitentiary institution concerned shall conduct medical examination of the accused/convicted person with the help of the medical personnel. A relevant report is drawn up after the medical examination. The form of the report is approved by an order of the Minister.

5. Security measures may not be applied to punish an accused/convicted person.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 57^1 – Special means and the procedure for using them

1. The following special means may be used against an accused/convicted person:

a) handcuffs;

b) a strait jacket;

c) a restraining chair;

d) a restraining bed;

e) a baton;

f) tear gas;

g) pepper gas;

h) a non-lethal weapon;

i) an acoustic device;

j) a flash bang device of psychological effect;

k) a water cannon;

l) a police dog.

2. During performance of official duties, for implementing a security measure, special meansshall beused in the following cases:

a) handcuffs shall be used against a person who, by his/her actions,offers resistance to an employee of the Special Penitentiary Service and/or does not obey his/her lawful demands; poses a threat to his/her own and/or another person's life and/or health; causes or attempts to cause damage to other person's/state property; attempts to escape; if there is a reasonable suspicion that acircumstance specified in this paragraph will occur;

b) a strait jacket, a restraining chair and a restraining bed shall be used against a person who injures or attempts to injure himself or another person; who damages or attempts to damage other persons'/state property; also, whose action is strongly aggressive. This special means shall be used under the observation of a doctor;

c) a baton shall be used to prevent an accused/convicted person from injuring himself/herself and other persons, to prevent crime and other offences in the penitentiary institution or at the time of removing/transferring an accused/convicted person, to repel an attack, and to suppress disobedience and/or mass unrest;

d) tear gas, a non-lethal weapon and an acoustic device shall be used to repel an attack of an accused/convicted person against other persons and/or against a protected facility; to prevent mass unrest and/or collective violation of the requirements of the legislation of Georgia;

e) pepper gas shall be used to suppress a crime, attack, escape, mass disobedience and/or mass unrest, to repel an attack on a protected facility, to prevent collective violation of the requirements of the legislation of Georgia, and to apprehend an armed person;

f) a flash bang device of psychological effect shall be used to repel an attack of an accused/convicted person on other persons and/or on a protected facility, to apprehend an armed person, to force a person to leave an area that the person is using as a shelter;

g) a water canon is used to suppress mass unrest and/or breach of order, to repel a group attack, and to apprehend an armed person;

h) a police dog shall be used when an accused/convicted person escapes or attempts to escape; it shall be also used to detect prohibited items and repel an attack.

3. Special means shall be used in extreme cases, when other means are ineffective. Use of special means shall be proportionate to the threat and shall cause less damage to the addressee of this measure while achieving the legitimate purpose.

4. Special means may be used by a specially authorised person of the Special Penitentiary Service who has completed the appropriate training.

5. A person authorised to use special means shall notifyan appropriate person about the use of special means and give that person a reasonable time to comply with the lawful demand, except when the delay may cause damage to human life and health, property or may cause other grave consequences, or when such notification is unjustified or impossible under the existing circumstances.

6. The liability for the use of special means shall rest with the person who makes a decision to use the special means.

7. The director and a doctor or a nurse of the penitentiary institution concerned shall be immediately notified of the use of special means, except when the special means are used under paragraph 1(a) of this article. An accused/convicted person shall, as soon as possible, undergo medical examination after special means have been used against him/her.

8. A relevant report shall be prepared on the use of special means. The report shall specify the type of the special means used, grounds for using them and other information. The form of the report is approved by an order of the Minister.

9. After the grounds for the use of special means are eliminated, the director of the penitentiary institution concerned shall prepare and immediately submit a report to the General Director of the Service.

10. The head of the unit or convoy shall immediately notify the authorised person and a doctor or a nurse of the Special Penitentiary Service about the use of special means against an accused/convicted person to ensure safety and/or to prevent his/her escape during the removal/transfer or extradition of the accused/convicted person, except for using special means under paragraph 1(a) of this article.

11. The use of special means, except for those under paragraph 1(b-d) of this article, may also be allowed to repel an attack on a penitentiary institution from outside.

12. Special means specified in paragraph 1(g) of this article shall be used in extreme cases, when special means defined in paragraph 1(a-f) and (h-l) of this article are ineffective to eliminate the existing threat. The special means specified in paragraph 1(g) of this article may not be used in enclosed spaces, in medical facilities for accused/convicted persons and against those persons who already are under control of a relevant authorised person.

13. An accused/convicted person may not be handcuffed to a hard surface, except for the extreme cases when the legitimate purpose defined by this article cannot be achieved by other means.

14. Special means that cause severe injuries to accused/convicted persons and are associated with unjustified risk or are prohibited by international agreements of Georgia and international acts, may not be used in penitentiary institutions or at the time of removing/transferring accused/convicted persons.

15. Only the special means specified in paragraph 1(a) of this article may be used against women, and for preventing collective disobedience and/or mass unrest, repelling an attack and apprehending the armed person, the special means specified in paragraph 1(e), (f), (k) of this article may also be used.

16. As a rule, a person having the right to use special means shall not knowingly use against pregnant women the special means specified in paragraph 1 of this article, except for the special means specified in paragraph 1(a) of this article.

17. When using special means, a person's health status and limited capacities shall be taken into account, as far as possible.

18. The types of special means available in the Special Penitentiary Service, and the procedure and conditions for storing, carrying and using thesemeans are established by the Minister.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 57^2– Procedure for using firearms

1. If an accused/convicted person carries out an attack or commits other intentional action that directly, immediately and at that very moment poses a threat to the health and/or life of an employee of the Special Penitentiary Service or of another person, the employee of the Special Penitentiary Service may use firearms if the action cannot be eliminated by other means. The force used shall be proportionate to the legitimate purpose and the threat that the accused/convicted person poses to the employee of the Special Penitentiary Service or to others.

2. If an accused/convicted person escapes from a penitentiary institution or during his/her removal/transfer, or if there is an attack on the special vehicle, an employee of the Special Penitentiary Service may use firearms, due to extreme necessity, if this action cannot be eliminated by other means. The force used must be proportionate to the legitimate purpose and existing threat. Only that minimum amount of force that is necessary to stop the escaped accused/convicted person must be used. In the case of an escape of women, firearms may not be used.

3. The following shall be considered as an escape:

a) crossing of the protective barrier of a penitentiary institution by an accused/convicted person;

b) crossing of the security line determined under the procedure definedby an order of the Minister by an accused/convicted person whenremoving/transferring him/her from the penitentiary institution.

4. Persons authorised to use firearms shall warn the relevant person of their intent to use firearms, give him/her a reasonable time to comply with the lawful demand, and fire a warning shot, except when the delay may cause damage to human life and health,

property or may cause other grave consequences, or when such warning is unjustified or impossible in the existing circumstances.

5. Employees of the Special Penitentiary Service who are in direct contact with accused/convicted persons may not carry and/or store firearms in the territory of a penitentiary institution.

6. No firearms shall be brought into the territory of a penitentiary institution, except when the circumstances specified in paragraphs 1 and 2 of this article exist or when the guard services are carried out under Article 56(1) of this Code.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 57^3 – External prohibited area of a penitentiary institution

1. An external prohibited area of a penitentiary institution shall be an outer perimeter of the external protective barrier of the institution.

2. The radius of the external prohibited area of the penitentiary institution, considering the external infrastructure of the relevant penitentiary institution, shall be individuallydefined by an order of the Minister. Several radiuses of the external prohibited area may be determined for a penitentiary institution.

3. The radius of the external prohibited area of the penitentiary institution shall be fenced and/or appropriate prohibition signs shall be placed at the border of the external prohibited area.

4. It shall be prohibited to break the regime determined by the legislation of Georgia within the external prohibited area of a penitentiary institution, particularly, to stay within this area and/or enter this area on a vehicle (except when performing official duties), to take and/or use pyrotechnics, fireworks, poisonous, highly inflammable and/or other items/substance, to incite/call for the violation of requirements determined by law, to incite/call for unrest/disobedience, as well as to provide information unlawfully to persons placed in the penitentiary institution from the external prohibited area of the penitentiary institution, or from its vicinity. It shall be also prohibited to bring into the penitentiary institution and/or to hand over to the persons placed in the penitentiary institutions items and/or substance by evading the procedure determined by the legislation of Georgia.

5. Violation of the requirements of paragraph 4 of this article shall entail responsibility as provided for by the legislation of Georgia.

6. If in committing an offence under this paragraph, an offender fails to obey the lawful instructions of an employee of the Service and/or if an offender cannot be identified, an authorised person may apply to the police in order to prevent or reveal the offence. The police shall immediately appear on the place of offence and carry out actions as provided for by the Administrative Offences Code of Georgia and other legislative and subordinate normative acts of Georgia.

7. It shall be prohibited to hold meetings or manifestations within the external prohibited area of a penitentiary institution and in the territory within 20 meters radius from this area.

8. Any construction in the territory within 100 meters radius from the external prohibited area of a penitentiary institution shall be agreed upon with the Service. In addition, infrastructural works may be conducted within the external prohibited area of the penitentiary institution with the consent of the General Director of the Service for proper operation of the penitentiary institution.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 58 – Special conditions in penitentiary institutions

1. Special conditions may be introduced in a penitentiary institution in the case of natural disasters, state of emergency or martial law in the country, epidemics of life threatening diseases or mass unrest, or if the penitentiary institution has been damaged and is not suitable for the purposes provided for by law.

2. Special conditions are introduced by the General Director of the Service in written agreement with the Minister, for not more than 15 days. If necessary, the period may be extended for a reasonable period, with the consent of the Minister, until the elimination of circumstances specified in paragraph 1 of this article.

3. If the life and health of accused/convicted persons, of employees of the facility and of other persons are clearly at risk, the director of the facility may independently introduce special conditions specified in paragraph 1 of this article.

4. The director of a penitentiary institution shall immediately notify the General Director of the Service of the independent introduction of special conditions specified in paragraph 1 of this article. Within 24 hours after receiving the notification, the General Director of the Service shall decide whether to maintain or cancel special conditions, based on the written approval of the Minister.

5. If during the regime of special conditions it is impossible to otherwise bring the situation under control or if the security service of a penitentiary institution is unable to carry out large-scale operational and preventive measures in the institution for the seizure of prohibited items, substances and food products because of a serious risk of collective disobedience and mass unrest, or if public security is under threat, security of the institution may be enhanced with the Special Forces of the Ministry of Internal Affairs of Georgia and/or the State Security Service of Georgia, based on a relevant request of the Minister and/or decisions of the Minister of Internal Affairs of Georgia and/or the Head of the State Security Service of Georgia.

6. The procedure and conditions for the introduction of special conditions is defined by an order of the Minister.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3939 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 58^1 – Management of crisis situations in penitentiary institutions

1. A crisis situation in a penitentiary institution is a situation when the violation of the legal and/or security regime poses clear danger to the normal functioning of the penitentiary institution and such violation cannot be eliminated by the penitentiary institution with its own forces within the limits of the measures defined under this Code.

2. A situation shall be assessed as a crisis situation by the director of the penitentiary institution. He/she shall immediately notify the General Director of the Service. If the General Director of the Service, after proper processing and analysis of the information, deems the situation to be a crisis, he/she shall notify the Minister.

3. In order to manage the crisis situation,officers of special intervention squads of the Service may carry out actions in the territory of the penitentiary institution. They may use the equipment specified in Articles 57^1 and 57^2 of this Code in accordance with the procedure established by the legislation of Georgia.

4. A decision on the involvement of special intervention squads of the Service into the crisis situation management process shall be made by the General Director of the Service with the consent of the Minister.

5. In the management of a crisis situation, the Service shall ensure close coordination with the Ministry of Internal Affairs of Georgia.

6. The crisis management procedure shall be determined by an order of the Minister.

7. In the management of a crisis situation, the Service shall, with the observance of security requirements, provide public with appropriate information.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 59 – Plan of additional security measures

To prevent attacks, escapes from penitentiary institutions, other crimes and offences during mass unrests, and during a state of emergency or martial law declared in the country, and if the Service cannot manage the crisis situation with its own forces, additional security measures shall be taken in accordance with a pre-developed plan, which is approved by a joint order of the Minister and the Minister of Internal Affairs of Georgia in prior agreement with the State Security Service of Georgia.Measures to be taken by the State Security Service of Georgiamay also be determined under the plan.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3939 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 60 – Right to enter penitentiary institutions

1. The following persons may enter a penitentiary institution without a special permit:

a) the President of Georgia;

b) the Chairperson of the Parliament of Georgia or a Member of Parliament authorised by the Chairperson of the Parliament of Georgia;

b^1) the Prime Minister of Georgia;

c) authorised persons of the system of the Prosecutor's Office;

d) the Public Defender of Georgia;

e) the Minister and persons authorised by the Minister;

f) members of the Special Prevention Group.

2. The procedure for entering a penitentiary institution with a special permit is defined by the Minister.

3. No audio and video equipment or other types of recording equipment shall be brought into the territory of a penitentiary institution without a special permit, except as provided for in paragraph 7 of this article. The special permit shall be issued by the General Director of the Service.

3^1. For the purposes of the proper operation of the penitentiary institution, and/or for other important purposes, the General Director of the Service may issue a special written permit as provided for by the procedures determined by the Minister, to bring into the penitentiary institution such products, items, workmanship, substance and documents, the purchase, storage, wearing, consumption and/or usage of which are not allowed for accused/convicted persons, and which may entail criminal liability.

4. Accused/convicted persons may be photographed, filmed,and video-taped and interviewed only with their written consent.

5. The requirements of paragraph 4 of this article shall not apply to the visual and electronic surveillance provided for by this Code.

6. The requirements of paragraph 4 of this article shall not apply to video recording performed by the Service. An accused/convicted person shall be warned in advance that he/she is being recorded.

6[1]. A penitentiary institution may take a photo or video of an accused/convicted person under the procedure established by an order of the Minister.

7. The Public Defender of Georgia or a member of the Special Preventive Group with a prior written consent of the Public Defender of Georgia shall be authorised, in accordance with the procedure approved by the Minister and the requirements of the legislation of Georgia on state secrets, with the consent of accused/convicted persons, to take photos of the accused/convicted persons and/or of the conditions of their accommodations, walking areas, medical units, catering facilities, common-use shower facilities, common-use toilets and of visitation rooms.

8. An employee of a penitentiary institution shall be authorisedto demand, at any time, from a person specified in paragraph 7 of this article that he/she check for a photo recording mode of the camera to prevent it from video recording, and if the video recording mode is detected, the employee shall be authorised to immediately stop it.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 1295 of 24 September 2013 – website, 8.10.2013

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

SPECIAL PART

Chapter VIII[1]– Low Risk Prison Facility

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 60[1]– Peculiarities of the enforcement of imprisonment in a low risk prison facility

1. For the purpose of serving a sentence, a low risk prison facility is used, as a rule, for convicted persons whose personal qualities, motive of the crime, consequences of the unlawful actions and/or conduct demonstrated in the prison facility suggest that they may pose a low threat to the prison facility or to other persons, to state or public safety and/or to the law enforcement authorities.

2. A convicted person is placed in a low risk prison facility based on his/her written consent which must indicate that he/she agrees to fulfil the obligations established for low risk prison facilities, in particular, to study and/or work, and to participate in rehabilitation activities offered by the facility. The Minister defines the procedure for placing a convicted person in a low risk prison facility.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 60[2]– Conditions for serving a sentence in a low risk prison facility

1. A convicted person serving a sentence in a low risk prison facility shall be placed in the living area specially allocated for this purpose.

2. A convicted person may:

a) spend the money available on his/her personal account, within the monthly limit determined by an order of the Minister, to purchase food products, articles of prime necessity and other items in the shop located in the territory of the low risk prison facility;

b) enjoy 4 short visits a month, and 2 additional short visits a month as an incentive;

c) enjoy an unlimited number of telephone conversations during one month at his/her own expense, each lasting for not longer than 15 minutes, and telephone conversations of unlimited duration at his/her own expense as an incentive;

d) independently move throughout the territory of the low risk prison facility, as established by the internal regulations of the facility;

e) have 6 long visits a year, and 3 additional long visits a year as an incentive.

2^1. In a low risk prison facility, a convicted person may, with the permission of the director of the facility, have and use a refrigerator.

3. (Deleted – 1.6.2017, No 943).

4. It is obligatory for a convicted person placed in a low risk prison facility to study and/or work, and participate in rehabilitation activities offered by the facility.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 60^3– Incentives for convicted persons placed in a low risk prison facility

In the case of model behaviour and honest attitude to the work, the director of the facility may apply the following forms of incentives to a convicted person placed in a low risk facility:

a) expression of appreciation;

b) early lifting of an imposed disciplinary sanction;

c) granting of the right to an additional short visit;

d) granting of the right to an additional short leave from the facility;

e) granting of the right to an additional long visit;

f) granting of the right to enjoy an additional video visit;

g) granting of the right to a short visit as an exception, by decision of the director of the penitentiary institution and with the consent of the General Director of the Service;

h) granting of the right to a short meeting with a person who is not specified in Article 17(2) of this Code; by decision of the director of the penitentiary institution and with the consent of the General Director of the Service.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter IX – Semi-open Prison Facility

Article 61 – Semi-open prison facility

1. As a rule, the following persons shall serve their sentences in a semi-open prison facility: a person who is convicted of a crime of little gravity or a grave crime and whose term of sentence does not exceed 10 years; a convicted person who has been transferred from the prison facility of a different type, as determined by this Code; a woman sentenced to a fixed-term imprisonment.

2. Other convicted persons may also be placed in a semi-open prison facility taking into consideration the risk factor.

3. (Deleted – 16.4.2012, No 2241).

4. (Deleted – 16.4.2012, No 2241).

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 62 – Conditions for serving a sentence in a semi-open prison facility

1. A convicted person serving a sentence in a semi-open prison facility shall be placed in a dormitory specially allocated for this purpose.

2. A convicted person may:

a) spend the money available on his/her personal account, within the monthly limit determined by an order of the Minister, to purchase food products, articles of prime necessity and other items in the shop located in the territory of the semi-open prison facility;

b) enjoy 2 short visits a month, and 1 additional short visit a month as an incentive;

c) enjoy unlimited number oftelephone conversations during a month at his/her own expense, each lasting for not longer than 30 minutes a day, and as an incentive,limitless telephone conversations, each lasting for not longer than 15 minutes;

d) independently move throughout the territory of the semi-open prison facility, as established by the internal regulations of the facility;

e) enjoy 3 long visits a year, and 2 additional long visits a year as an incentive.

2^1. In a semi-open prison facility a convicted person may, with the permission of the director of the facility, have and use a refrigerator.

3. (Deleted – 1.6.2017, No 943).

4. (Deleted – 1.6.2017, No 943).

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 63 – Incentives for convicted persons placed in a semi-open prison facility

In the case of model behaviour and honest attitude to the work, the director of a semi-open prison facility may allow the following forms of incentives for a convicted person:

a) expression of appreciation;

b) early lifting of a disciplinary sanction;

c) an additional short visit;

d) an additional short leave from the facility;

e) an additional long visit;

f) an additional telephone conversation;

g) an additional video visit;

h) an additional family visit (for convicted women);

i) granting of the right to a short visit as an exception, by decision of the director of the penitentiary institution and with the consent of the General Director of the Service;

j) granting of the right to a short meeting with a person who is not specified in Article 17(2) of this Code by decision of the director of the penitentiary institution and with the consent of the General Director of the Service.

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter X – A Closed Prison Facility

Article 64 – A closed prison facility

1. As a rule, the following persons shall serve their sentence in a closed prison facility: a person convicted for the first time of an intentional, especially grave crime and sentenced by the court to imprisonment of more than 10 years; a person convicted for repeatedly committing an intentional crime, a person sentenced to life imprisonment or a person convicted previously who was sentenced to imprisonment; also, a convicted person transferred from a prison facility of another type, as established by this Code.

1^1. Other convicted persons may also be placed in a closed prison facility taking into consideration risk factors.

2. (Deleted – 16.4.2012, No 2241).

3. (Deleted – 16.4.2012, No 2241).

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 65 – Conditions for serving a sentence in a closed prison facility

1. A convicted person serving a sentence in a closed prison facility shall be placed in a cell. A convicted person may:

a) spend the money available on his/her personal account, within the monthly limit determined by an order of the Minister, to purchase food products, articles of prime necessity and other items in the shop located in the territory of a closed prison facility;

b) enjoy 1 short visit a month, and 1 additional short visit as an incentive;

c) enjoy 3 telephone conversations a month at his/her own expense, each lasting for not longer than 15 minutes, and as an incentive, an unlimited number of telephone conversations, each lasting for not longer than 15 minutes;

d) enjoy 2 long visits a year, and 1 additional long visit as an incentive.

2. (Deleted – 1.6.2017, No 943).

3. (Deleted – 16.4.2012, No 2241).

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 66 – Forms of incentives for convicted persons placed in a closed prison facility

In the case of model behaviour and honest attitude to the work, the director of a closed prison facility may allow the following forms of incentives for a convicted person:

a) expression of appreciation;

b) early lifting of a disciplinary sanction;

c) an additional telephone conversation;

d) the right to use a personal TV or radio set;

e) an additional short visit;

f) the right to use a personal computer;

g) an additional video visit;

h) granting of the right to a short visit as an exception, by decision of the director of the penitentiary institution and with the consent of the General Director of the Service;

i) granting of the right to a short meeting with a person who is not specified in Article 17(2) of this Code by decision of the director of the penitentiary institution and with the consent of the General Director of the Service.

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter X[1]– Special Risk Prison Facility

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 66[1]– Legal grounds for the enforcement of imprisonment in a special risk prison facility

1. This chapter determines peculiarities of the enforcement of imprisonment in a special risk prison facility.

2. Imprisonment in a special risk prison facility shall be enforced according to this Code, unless otherwise provided for by this Chapter.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 66[2]– Peculiarities of the enforcement of imprisonment in a special risk prison facility

For the purpose of serving a sentence, a special risk prison facility is used for highly dangerous convicted persons whose personal qualities, criminal influence, motive of the crime, consequences of the unlawful actions and/or conduct demonstrated in the prison facility poses or may pose a serious threat to the prison facility or to other persons, and to the state or public security and/or to the law enforcement authorities.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 66[3]– Conditions for serving a sentence in a special risk prison facility

1. A convicted person serving a sentence in a special risk prison facility shall be placed in a cell. The procedure and conditions for placing a convicted person in a cell are defined by the internal regulations of the facility.

2. A convicted person may:

a) spend the money available on his/her personal account, within the monthly limit determined by an order of the Minister, to purchase articles of prime necessity in the shop located in the territory of a special risk prison facility;

b) enjoy 1 short visit a month, and 1 additional short visit as an incentive;

b[1]) enjoy 1 long visit a year, and 1 additional long visit a year as an incentive;

c) enjoy twotelephone conversations a month at his/her own expense, lasting for not longer than 15 minutes each, and as an incentive, 1 additional telephone conversation not longer than 15 minutes at his/her own expense.

3. The telephone conversations under paragraph 2(c) of this article may be carried out only on a certain number of pre-determined telephone numbers, where telephone numbers of the hotline of the Public Defender of Georgia and of the defence lawyer of a

convicted person are not included. The procedure and conditions for carrying out a telephone conversation by a convicted personshall be defined by the internal regulations of the facility.

4. If there is a reasonable doubt, the authorised structural sub-division of the Service may listen to and record telephone conversations of a convicted person placed in a special risk prison facility. A convicted person shall be notified in advance of such listening and recording, except for the case provided for by the Criminal Procedure Code of Georgia.

5. Convicted persons placed in a special risk prison facility shall not enjoy:

a) the right to labour;

b) the right:

b.a) under Article 14(1)(h) of this Code (except when a close relative passes away);

b.b) under Article 14(2)(b) of this Code.

6. (Deleted – 1.6.2017, No 943).

7. The correspondence sent to a convicted person by the persons under Article 16(6) of this Code shall be inspected as established by paragraph 5 of the same article.

8. A convicted person placed in a special risk prison facility may receive a parcel, as established by the internal regulations of the facility.

9. The list of articles of prime necessity that may be purchased by a convicted person in the shop located in the territory of a special risk prison facility are defined by an order of the Ministry.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 66^4–Forms of incentives for convicted persons placed in a special risk prison facility

In the case of model behaviour and honest attitude toward the work, the director of the facility may allow the following forms of incentives for a convicted person placed in a special risk prison facility:

a) expression of appreciation;

b) early lifting of an imposed disciplinary sanction;

c) granting of the right to an additional telephone conversation;

d) granting of the right to an additional short visit;

e) granting of the right to a long visit;

f)granting of the right to use a personal TV or radio set;

g) granting of the right to a short visit as an exception, by decision of the director of the penitentiary institution and with the consent of the General Director of the Service;

h) granting of the right to a short meeting with a person who is not specified in Article 17(2) of this Code by decision of the director of the penitentiary institution and with the consent of the General Director of the Service.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 66^5–(Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Chapter XI – (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 67 – (Deleted)

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 68 – (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 69 – (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 70 – (Deleted)

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 71 – (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 71^1– (Deleted).

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 71^2 – (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 71^3– (Deleted)

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Chapter XI^1 – Pre-release Prison Facility

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 71^4 – Grounds for the enforcement of imprisonment at apre-release facility

1. The Chapter defines special aspects of the enforcement of imprisonment at a pre-release facility.

2. Imprisonment shall be enforced at pre-release facility in accordance with this Code, unless otherwise provided for by this Chapter.

3. Procedures and conditions for placing a convicted person in pre-release facility shall be determined by the Minister.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 71[5]– Special aspects ofthe enforcement of imprisonment ina pre-release facility

1. A convicted person of low or medium risk may be placed in a pre-release facility, who has actually served the term of the sentence envisaged in the internal regulations of the facility. A minor convict may not be placed in a pre-release facility.

2. A convicted person shall be placed in pre-release facility by the order of the General Director of the Service and on the basis of the written consent of the convicted person. In his/her written consent the convicted person shall state that he/she agrees to fulfil the obligations determined for the pre-release facility, and to study and/or work and participate in the rehabilitation activities offered by the facility.

3. During decision-making, the General Director of the Service, in the case provided for by paragraph 2 of this article, shall take into account personal qualities of a convicted person, the grounds of committing offence, the onset of unlawful consequences, and/or behaviour, risk of escape, and all those threats which the convicted person may pose to the prison facility.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 71[6] – Conditions of serving sentence at apre-release facility

1.A convicted person serving a sentence in a pre-release facility shall be placed in the living area specially allocated for this purpose.

2. The rights and obligations determined for convicted persons of relevant risk shall apply to those placed in a pre-release facility, by taking into account infrastructure of the facility.

3. An accused person placed in a pre-release facility may, by decision of the General Director of the Service, leave the pre-release facility due to one of the following conditions and period:

a) in the case of study and/or work outside the pre-release facility, in accordance with the work and/or study schedule;

b) due to rest days and public holidays as determined by the legislation of Georgia;

c) in the case of reasonable request, for no more than three days per week.

4. In the case provided for by paragraph 3 of this article, late appearance or non-appearance of a convicted person in apre-release facility, shall entail the liability defined by the Criminal Code of Georgia, except for the case, where late appearance or non-appearance was caused due to one of the following circumstances:

a) health status of a convicted person which disables him/her to fulfil the obligation undertaken by him/her, which shall be verified by an appropriate certificate issued by a doctor;

b) violation of the established regime by a convicted person due to reasons which are beyond his/her control, during the existence of force-majeure circumstances, in particular, during natural hazards, accident, fire, mass disorder, military action, quarantine, or in the case of declaring a state of emergency, and/or during the existence of such circumstances, which make it physically impossible to appear in apre-release facility, and which is certified by the document issued by an appropriate state institution.

5.A convicted person who has left a pre-release facility as provided for by paragraph 3 of this article, shall not cross the state border of Georgia.

6. The period of leaving a pre-release facility under paragraph 3 of this article shall be counted towards the total term of the sentence.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 71[7]– Forms of incentives for convicted persons placed in a pre-release facility

In the case of model behaviour and honest attitude toward the work, the director of the facility may allow the following forms of incentives for a convicted person placed in a pre-release facility:

a) expression of appreciation;

b) early lifting of an imposed disciplinary sanction;

c) granting of the right to an additional telephone conversation;

d) granting of the right to an additional short visit outside the facility;

e) granting of the right to receive in the form of a parcel or by mail such items, substance and/or workmanship, which a convicted person may not usually have in the facility, but which are not prohibited.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 71[8]– Types of disciplinary measures for convicted persons placed in a pre-release facility

1. The director of the pre-release facility may apply to a convicted person placed in a pre-release facility the following types of disciplinary measures for a disciplinary violation:

a) giving a warning;

b) declaring a reprimand;

c) restriction of the right to work for not more than a month;

d) restriction of the right to use permitted items for not more than a month;

e) restriction of the right to receive parcels and money for not more than a month;

f)placing in a solitary cell for not more than 14 days;

g) restriction of the right to telephone conversations for not more than a month;

h) restriction of the right to receive and send personal correspondence for not more than a month;

i) restriction of the right to use the shop available in the territory of the penitentiary institution for not more than a month;

j) restriction of the right to receive and send money for not more than a month;

k) restriction of the right provided for by Article 71[6](3) of this Code for not more than two month.

2. If a convicted person fails to fulfill undertaken obligation, violates the requirement determined by the penitentiary institution and/or if his/her behavior in the penitentiary institution has significantly worsened, the director of the pre-release facility shall apply to the General Director of the Service with a petition to transfer the convicted person to another penitentiary institution.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter XII – Peculiarities of Serving Imprisonment Sentences by Convicted Women

Article 72 – Peculiarities of servingan imprisonment sentence by a convicted woman

1. A convicted woman shall serve her sentence in a special facility for women, which, as a rule, is equated with a semi-open prison facility. A convicted woman shall be placed in a special facility for women in accordance with the risk, and taking into account infrastructure of the facility.

2. (Deleted – 16.4.2012, No 2241).

3. If necessary, a special unit for pregnant women and for children shall be arranged in a prison facility. If so requested by a mother, with the permission of a guardianship and custodianship authority and with the consent of the director of the facility, the mother and her child under the age of 3 may live together. A special facility for women shall create appropriate conditions.

3^1. The Service shall provide food, medical services and hygiene and sanitary conditions to children under the age of 3 in a prison facility.

3^2. The nutritional standards and hygiene and sanitary conditions for children under the age of 3 in a prison facility are defined by a joint order of the Minister and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

3^3. A convicted woman, whose child under the age of three left a special facility for women, may, by decision of the General Director of the Service, for the purposes of the relations with the child, during a year after the child has left the facility, leave the facility on rest days and public holidays provided for by the legislation of Georgia. Procedures to leave a special facility for women by a convicted woman on rest days and public holidays shall be defined by the order of the Minister.

3^4. During the review of the matter specified by paragraph 3^3 of this article, the danger which may be posed by a convicted woman to the public, shall be taken into account, as well as the fact of committing crime, the nature of the committed crime, its motive, aim, and consequence, the risk of repeated crime, behaviour of a convicted woman during serving her sentence, personal characteristics of a convicted woman, and other circumstances which may affect decision of the General Director of the Service.

3^5. In the case provided for by paragraph 3^3 of this article, late appearance or non-appearance of a convicted woman in a special prison facility for women, shall entail the liability defined by the Criminal Code of Georgia, except for the case, where late appearance or non-appearance was caused due to one of the following circumstances:

a) health status of a convicted woman which disables her to fulfil the obligation undertaken by her, and which is verified by an appropriate certificate issued by a doctor;

b) violation of the established regime by a convicted woman due to reasons which are beyond her control, during the existence of force-majeure circumstances, in particular, during natural hazards, accident, fire, mass disorder, military action, quarantine, or in the case of declaring a state of emergency, and/or during the existence of other circumstances, which make it physically impossible to appear in a special prison facility for women, and which is certifiedby the document issued by an appropriate state institution.

3^6. A convicted woman who has left a special prison facility as provided for by paragraph 3^3 of this article, shall not cross the state border of Georgia.

4. If in the case provided for by paragraph 3 of this article, a convicted woman systematically evades the fulfilment of parent's duties, or improperly fulfils parent's duties, or abuses the parent's rights, the director of a special prison facility for women shall immediately inform the guardianship and custodianship authority thereaboutin accordance with the procedure provided for by the legislation of Georgia for further response.

5. A convicted woman may enjoy 3 short visits a month, and 1 additional short visit a month as an incentive.

6. A convicted woman may enjoy 5 telephone conversations a month at her own expense, each lasting for not longer than 15 minutes, and as an incentive, an unlimited number of telephone conversations, each lasting for not more than 15 minutes.

7. A convicted woman may independently move throughout the territory of the facility for women, as established by the internal regulations of the facility.

8. A convicted woman may enjoy 1 family visit a month, and 1 additional family visit a month as an incentive, as provided for by Article 17^3 of this Code.

9. A convicted woman may enjoy 1 video visit in 10 calendar days, and 1 additional video visit a month as an incentive.

10. A convicted woman may enjoy three long visits a month, and two additional long visits a month as an incentive.

11. Procedures and conditions for leaving a prison facility by a child living with his/her mother in a special prison facility for women due to attaining the age of three, shall be determined by a joint order of the Minister and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

12. The period of leaving a special prison facility for women under paragraph 3^3 of this article shall be counted towards the total term of the sentence.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter XIII – Procedure for Enforcing Detention

Article 73 – A Place fordetention enforcement

A person, who is remanded incustody as established by the Criminal Procedure Code of Georgia, shall be placed in a detention facility.

Article 74 – Conditions in detention facilities

1. The hygiene and sanitary conditions of a detention facility shall comply with the standards established by the legislation of Georgia in force.

2. Persons in a detention facility shall be placed in cells.

3. (Deleted – 16.4.2012, No 2241).

4. Persons accused of being accomplices in the same crime shall be placed in separate cells. The penitentiary institution shall take measures to prevent their contact with each other. By decision of the investigator, prosecutor or the court, this procedure may also apply to other accused persons.

5. (Deleted).

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 559 of 19 April 2013 – website, 10.5.2013

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 75 – Admission to a detention facility

1. To place an accused person in a detention facility, it is necessary to have a court decision remanding the person incustody, the identity card of the accused or other identification document with a photograph, and a detention report if preparation of a detention report is provided for by the legislation of Georgia.

2. Upon admission to a detention facility an accused person shall be photographed and fingerprinted. The photos, their negatives, the fingerprint card and the verbal portrait according to the fingerprint card shall be kept in the personal file of the accused person.

3. The penitentiary institution shall send an accused person's fingerprint card to the central or appropriate territorial office or division of the legal entity under public law called Levan Samkharauli National Forensics Bureau within seven days after the fingerprints are taken.

4. Upon admission to a detention facility, an accused person and his/her personal belongings shall be thoroughly searched and a relevant report shall be prepared. An employee of the same sex of a detention facility shall search an accused person.

5. Upon admission to a detention facility, an accused person shall undergo a medical examination which is carried out by a doctor of the detention facility. A relevant certificate of medical examination of an accused person shall be prepared. If injuries are discovered on the body of an accused person, a doctor of the detention facility shall immediately notify the General Inspection of the Ministry.

6. An authorised person of the detention facility shall immediately inform an accused person of his/her rights and obligations in a language understandable to him/her.

7. Not later than 24 hours after the admission of an accused person to a detention facility, information related to the accused person shall be sent to the Information Bureau of the Ministry of Internal Affairs.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 5392 of 29 November 2019 – website, 10.12.2019

Article 76 – Removal and transfer of an accused person from a detention facility

1. The Minister approves the procedure for removing and transferring accused persons from a detention facility.

1^1. When there are circumstances specified in Article 191^1 of the Criminal Procedure Code of Georgia, if the General Director of the Service is assigned, under a judge's ruling, to take extraordinary measures necessary to provide security of an accused person concerned, the decision to transfer the accused person to another prison facility shall be taken by the General Director of the Service if application of the measures is necessary for the security of the accused person;

2. When transferring an accused person from the detention facility, the receiving penitentiary institution shall immediately, or not later than a working day after accepting the accused person,notify the investigator, prosecutor, court, and a close relative of the accused person notify about his/her transfer, also, at the request of the accused person, notify other person and/ora defence lawyer, if there is relevant information on him/her.

3. A doctor of a detention facility shall conduct a medical examination of an accused person in the case of his/her removal or transfer and a relevant certificate of medical examination shall be prepared.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3278 of 21 July 2018 – website, 9.8.2018

Law of Georgia No 4252 of 27 December 2018 – website, 29.12.2018

Law of Georgia No 4897 of 28 June 2019 – website, 28.6.2019

Article 77 – Visitation rights of an accused person

1. An accused person may enjoy not more than 4 short visits a month. This right may be restricted based on a resolution of the investigator or prosecutor.

2. For the purposes of investigation and safety, an employee of the facility who carries out a visual surveillance of a short visit of a accused person may immediately terminate the visit.

Article 78 – Temporary leave of an accused person from a detention facility in connection with special personal circumstances

1. If reliable information is received regarding the death or life-threatening illness of a close relative of an accused person, or if there are other special personal circumstances, or if the participation of an accused person is required in an investigative or other procedural action, the investigator or prosecutor may issue a permit for the accused person to temporarily leave the detention facility for up to two days. Expenses associated with a temporary leave from the detention facility shall be covered from the State Budget of Georgia.

2. The Minister approves the procedure for the temporary leave by an accused person of a detention facility.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 79 – Conditions regarding an accused person in a detention facility

1. In a detention facility, an accused person may:

a) purchase food products in the shop located in the territory of the detention facility with the money transferred to his/her personal account by close relatives or other persons. Spending of personal money for the purchase of food products is allowed only within the limits defined by an order of the Minister and only by cashless settlement;

b) wear personal clothes/shoes, and if he/she does not have any, wear the clothes/shoes provided by the penitentiary institution according to the season;

c) under the control of the penitentiary institution and at his/her own expense receive and send correspondence and enjoy three telephone conversations a month, each lasting not longer than 15 minutes;

d) have access to the books and the press in the library;

e) (deleted – 1.6.2017, No 943).

2. The right established by paragraph 1(c) of this article may be restricted by a reasoned decision of the investigator or prosecutor.

3. An accused person shall be released as established by the Criminal Procedure Code of Georgia.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Chapter XIV – Disciplinary Liability of Accused/Convicted Persons

Article 80 – Disciplinary violation

A disciplinary violation is an act that breaches the internal regulations of a facility, prejudices the order and safety, and does not involve elements of crime, namely:

a) violation of hygiene and sanitary standards;

b) violation of fire safety rules;

c) disobedience or other kind of resistance to employees of the facility and other authorised persons in the performance of their duties;

d) commission of an intentional act that poses a threat to another person's life and/or health; humiliation of another person's dignity and/or breach of his/her inviolability;

e) damage/destruction of the property of the facility or of other persons, including the alteration of its appearance;

f) unauthorised crossing of movement boundaries/limits, set by the facility;

g) carrying out of activities in the territory of the facility to receive profits, without the permission of the penitentiary institution;

h) interference in the functioning of devices/systems in the territory of the facility without the permission of the director of the penitentiary institution, unauthorised alteration of the design and functions of the buildings of the facility;

i) manufacturing, possession or use of prohibited items in the territory of the facility;

i^1) (deleted – 1.5.2015, No 3523);

j) making noise or other actions that disturb order and interfere with the normal operation of a facility;

k) unlawful transfer of any information from one cell to another or outside the facility;

l) violation of the internal regulations and daily routine of the facility, and of other norms established by the legislation of Georgia.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 81 – Disciplinary measures

1. A disciplinary violation causes disciplinary liability of the accused/convicted person. Measures imposed for a disciplinary violation shall be proportionate to the violation committed.

2. Disciplinary measures shall be applied to an accused/convicted person only based on disciplinary proceedings and after proving the fact of a disciplinary violation.

3. In case of violations committed by more than one person, measures shall be imposed individually against each accused/convicted person.

4. If the circumstances of a disciplinary violation provide grounds for applying the security measures under Article 57 of this Code

such measures shall be used before the commencement of the disciplinary proceedings provided for under this Chapter.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 82 – Types of disciplinary measures

1. The types of disciplinary measures are:

a) a warning;

b) a reprimand;

c) restriction of the right to work for not more than6 months;

c^1) restriction of the right to sell items (manufactured articles) produced as a result of individual activities for not more than 3 months;

d) restriction of the right to use allowed items for not more than 6 months;

e) restriction of the right to receive parcels and money remittances for not more than 6 months;

f) transfer to a cell type accommodation for up to 6 months;

g) placement in a solitary cell for up to 14 days;

h) restriction of the right to telephone conversations for not more than 3 months;

i) restriction of the right to receive and send private correspondence for not more than 3 months;

j) restriction of the right to use the shop available in the territory of the penitentiary institution for not more than 3 months;

k) restriction of the right to receive and send money for not more than 3 months;

l) disallowance of short visit privileges not more than 6 times a year.

m) restriction of the right to use personal TV or radio set for not more than 6 months.

2. The measures provided in paragraph 1(f) and (g) of this article shall not apply to pregnant women, mothers of minor children and to accused/convicted persons over 65 years of age.

3. (Deleted – 16.4.2012, No 2241).

4. The period of restriction of each right under paragraph 1(h-k) of this article shall not exceed 6 months inone year.

5. The rights under paragraph 1 (h), (i) and (l) of this article may not be restricted simultaneously.

Note: The restriction provided in paragraph 1(i) of this article for a disciplinary violation shall not apply to the correspondence the addressee or sender of which is the President of Georgia, the Chairperson of the Parliament, the Prime Minister of Georgia, a Member of Parliament, the Court, the European Court of Human Rights, an international organisation established under a human rights international agreement ratified by the Parliament of Georgia, a ministry of Georgia, the Service, the Public Defender of Georgia, a defence lawyer, a prosecutor, or a Council.

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 1295 of 24 September 2013 – website, 8.10.2013

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 5051 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 83 – Rights of an accused/convicted person charged with a disciplinary violation

An accused/convicted person charged with a disciplinary violation has the right to:

a) be informed of the essence and grounds of the violation in a language understandable by him/her;

b) have sufficient time and means to prepare a defence in the case of an oral hearing of the case;

c) use legal aid, including, as established by the Law of Georgia on Legal Aid, in the cases provided for in Article 82(1)(f) and (g) of this Code if so requested by him/her in the case of an oral hearing of the case;

d) request the attendance of witnesses during the review of a disciplinary violation and question witnesses in the case of oral hearing of the case;

e) use an interpreter's services free of charge if he/she does not understand the language of the proceedings.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Article 84 – Disciplinary proceedings

1. Cases or disciplinary violation are reviewed without oral hearing by the director of the facility or a person authorised by him/her. If the director of the facility or a person authorised by him/her considers that additional information is required to decide the matter, he/she may review the case through an oral hearing.

1^1. During the review of a disciplinary violation case without an oral hearing, an accused/convicted person may be represented by a lawyer.

2. The accused/convicted person shall be informed of his/her right to give an explanation, provide evidence, file a motion, speak in their native language, use an interpreter's services, and to appeal the order imposing a disciplinary measure.

3. An accused/convicted person shall give an explanation of the disciplinary violation committed by him/her, and in the case of his/her refusal to do so, the authorised person of the penitentiary institution shall prepare a relevant report.

4. A person who has committed a disciplinary violation, a witness or a victim may submit an explanation and/or comments in writing, which must be attached to the order on the application of a disciplinary measure.

5. During the oral hearing, an accused/convicted person shall have the right to sit and make notes.

6. In applying a disciplinary measure to an accused/convicted person, his/her person and conduct, and the circumstances in which the disciplinary violation has been committed and his/her explanation about the violation shall be taken into account. After the review of the case, the director or a person authorised by him/her shall take a relevant decision based on the assessment of the evidence.

7. An accused/convicted person may be represented by a lawyer during the review of the case by an oral hearing, which is conducted regarding the imposition of the disciplinary measures provided in Article 82(1)(f) and (g) of this Code. Prior to the oral hearing, an accused/convicted person shall be informed of the right to invite a private lawyer, and if the relevant consents are given, this right shall be exercised within three hours after informing the accused/convicted person. If the lawyer fails to appear within the specified period of time, a public lawyer shall be appointed for the accused/convicted person with his/her consent. If an accused/convicted person refuses to appear, this fact shall be recorded in writing. If this is not the case, a report shall be prepared,

which must be signed by the accused/convicted person.

8. An oral session regarding the imposition of a disciplinary measure may continue without an oral hearing and a decision may be delivered if the accused/convicted person breaches order, does not appear at the hearing or otherwise interferes with the hearing.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 85 – Order on the application of a disciplinary measure

1. The right to issue an order on the application of a disciplinary measure is vested with the director of the facility or a person authorised by him/her. The administrative act issued by the director of a facility granting the authority to another person may not be appealed separately.

2. A disciplinary measure shall be imposed not later than 10 days after the violation is detected.

3. An order applying a disciplinary measure shall contain:

a) the surname and first name of the authorised official;

b) the date, time and place of preparation of the order;

c) the registration number;

d) information on the offender (surname, first name, date of birth, etc.);

e) the place and time of the violation, the essence of the violation, and the time of detecting the violation. If the time of committing the violation cannot be determined, the time of detection of the violation shall be regarded as the time of committing the violation;

f) data on the witness, or on the victim, if any;

g) reference to other evidence, if any, that is required to decide the case.

4. Use of an interpreter's services shall be mentioned in an order on the application of a disciplinary measure.

5. An order on the application of a disciplinary measure shall be lawful, substantiated and fair and shall serve the legitimate purpose. An imposed disciplinary sanction shall be proportionate to the gravity and nature of the committed violation. An order shall be in written form and provide for an appeal procedure.

6. One copy of an order on the application of a disciplinary measure shall be delivered to the accused/convicted person or to his/her lawyer immediately after its issuance.

7. Materials of a disciplinary liability case shall be included in the personal file of an accused/convicted person.

8. The enforcement of a disciplinary measure shall commence within one month after its imposition.

9. In the case of the transfer of an accused/convicted person to another penitentiary institution, the enforcement of the imposed disciplinary sanction shall continue in accordance with the general procedures.

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 86 – Appealing disciplinary measures

1. An accused/convicted person may, on a one-time basis, appeal to a court the disciplinary measure imposed on him/her within 10 working days after the order applying a disciplinary measure is issued. The appeal process shall not suspend the enforcement of the order applying a disciplinary measure.

2. The transfer of an accused/convicted person to a medical facility due to a deteriorated health condition or other special circumstances that impede the enforcement of a disciplinary measure shall cause the postponement of the enforcement of the disciplinary measure until the accused/convicted person returns to the facility.

Article 87 – Guarantees for an accused/convicted person during the application of disciplinary measures

1. Two or more disciplinary measures may not be imposed for one disciplinary violation.

2. Disciplinary measures shall not humiliate an accused/convicted person and degrade his/her honour and dignity.

3. A disciplinary measure may not be imposed if one year has passed after the commission of a disciplinary violation.

4. A person shall be considered as not having been subjected to a disciplinary measure if he/she does not commit a disciplinary violation again within six months after serving the disciplinary measure. If an accused/convicted person is subjected to the measures provided in Article 82(1)(f) and (g) of this Code, he/she shall be considered as not having been subjected to a disciplinary measure if he/she does not commit a disciplinary violation again within one year after serving the disciplinary measure.

5. The director of a facility or a person authorised by him/her may lift a disciplinary measure ahead of time if the purpose of the measure has been achieved.

6. The director of the penitentiary institution shall be authorised to early lift from an accused/convicted person placed in the penitentiary institution subordinated to him/her, disciplinary sanction imposed by the director of another penitentiary institution.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 88 – Placement in a solitary cell

1. Placement in a solitary cell shall be imposed as a disciplinary measure only in special cases.

2. An accused/convicted person placed in a solitary cell may not enjoy short and long visits, telephone conversations, or purchase food products, also he/she may not enjoy the right to participate in the educational process. He/she shall have the right to stay in the open air for no less than one hour a day.

3. To ensure safety of an accused/convicted person in a solitary cell, he/she shall enjoy all the rights under this Code.

4. A solitary cell shall have lighting and ventilation; an accused/convicted person shall be provided with a chair and a bed. Upon request, he/she may receive reading material.

5. An accused/convicted person may not be placed in the conditions of complete sensory isolation.

6. A relevant authorised person of the penitentiary institution shall inform medical personnel about the placement of a person in a solitary cell. The person placed in a solitary cell shall be under special, daily observation of medical personnel. If necessary, duration of placement in a solitary cell may be reducedon the basis of doctor's report.

Law of Georgia No 4259 of 25 February 2011 – website, 10.3.2011

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 89 – Prevention of disciplinary violations

1. The penitentiary institution shall take relevant measures to prevent and avoid disciplinary violations.

2. The internal regulations of a facility, a detailed list of disciplinary violations and respective measures shall be accessible to all accused/convicted persons.

Chapter XV – Disciplinary Arrest of Convicted Persons

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 90 – Imposition of disciplinary arrest

1. If a convicted person repeatedly commits a disciplinary violation provided under this Code during the period of application of a disciplinary measure, he/she may be subjected to disciplinary arrest for not more than 30 days and nights. This procedure does not apply to the case under paragraph 1^1 of this article.

1^1. If a convicted person placed in a special risk prison facility commits a disciplinary violation defined in Article 80(c), (d), and/or (k) of this Code, he/she may be subjected to disciplinary arrest for not more than 60 days and nights.

2. The total period of disciplinary arrests imposed on a convicted person during one year shall not exceed 60 days and nights, and in the case provided for by paragraph 1^1 of this article, it shall not exceed 150 days and nights.

3. Disciplinary arrest shall not be imposed on a convicted woman who is pregnant or who has a child upto 3 years old in a special prison facility, and on anover 65 years old convicted person.

4. The authority to issue an order imposingdisciplinary arrestshall be vested with the director of a penitentiary institution or a person authorised by him/her. The authority under this paragraph shall be delegated based on an individual administrative act.

5. An order on the imposition of disciplinary arrest shall contain:

a) the surname and first name of the authorised official issuing the order;

b) the date, time and place of preparing the order;

c) the registration number;

d) reference to the normative act and individual administrative act, on the basis of which the authorised official exercises this authority;

e) data on the person committing disciplinary violation (surname, first name, date of birth, etc.);

f) the place, time (year, month, date, hour, minutes) of the disciplinary violation and the essence of the violation. If the time of committing the violation cannot be determined, the time of detecting the violation shall be deemed as the time of committing the disciplinary violation;

g) data on witnesses, or on victims, if any;

h) reference to other evidence, if any, that is required to decide the case;

i) the motion on the imposition of disciplinary arrest, without indicating the term of the sanction.

6. When issuing an order imposingdisciplinary arrest, the convicted person shall be informed of his/her right to read the order, give explanations, provide evidence, file motions, speak in their native language, use an interpreter's and/or lawyer's (defence lawyer's) services, and to appeal the order imposingdisciplinary arrest. The order imposingdisciplinary arrest shall indicate that the accused person has been informed of his/her rights.

7. Use of an interpreter's and/or lawyer's (defence lawyer's) services shall be indicated in an order on the imposition of disciplinary arrest.

8. The person committing disciplinary violation, witness or the victim may submit written explanations and/or comments, which must be attached to the order on the imposition of disciplinary arrest.

9. Immediately upon its issuance, a copy of an order on the imposition of disciplinary arrest shall be given to the convicted person.

10. An order imposingdisciplinary arrest shall be submitted to the competent court within 24 hours, according to the location of the penitentiary institution. The burden of proof shall rest with the official issuing the order.

11. The judge shall review an order imposingdisciplinary arrest alone in an open court session, within 48 hours after the order is submitted. A reasoned decision shall be immediately delivered after the review of the case. The delivery of a reasoned decision may not be postponed.

12. The court shall review a case as established by the Administrative Procedure Code of Georgia. Article 26^2 of the Administrative Procedure Code of Georgia shall not be applicable during the review of the case.

13. The case shall be reviewed in the court based on principles of equality of arms and of adversarial process. A convicted person shall enjoy all the rights guaranteed under the Administrative Procedure Code of Georgia. Based on the principle of equality of arms, he/she may provide evidence, participate in the examination of the evidence, call witnesses, give explanations, file a motion and recusal, and express a personal opinion on any issue related to the case. During the judicial review of the case, a convicted person may speak in their native language and use interpreter's and/or lawyer's (defence lawyer's) services. If a convicted person cannot afford a lawyer (defence lawyer), the court shall appoint a lawyer (defence lawyer) for him/her at the expense of the State.

14. The time used to present a convicted person before the court and the time used by the court of first instance to deliver a decision shall be counted towards the total term of the disciplinary arrest.

Law of Georgia No 5255 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 91 – Court decision (ruling) on the imposition of disciplinary arrest

1. A court decision (ruling) on the imposition of disciplinary arrest may not be based on presumption. The court decision (ruling) shall be delivered only if, in the course of the hearing, the commission of the disciplinary violation by the person is proved based on the solid evidence examined by the court.

2. A court decision (ruling) on the imposition of disciplinary arrest shall be lawful, reasoned and fair.

3. A court decision (ruling) shall be deemed lawful if it has been delivered in compliance with the Constitution of Georgia and the requirements of other laws.

4. A court decision (ruling) shall be deemed reasoned if its findings are based on the totality of solid evidence examined at the hearing.

5. A court decision (ruling) shall be deemed fair if the imposed disciplinary arrest is proportionate to the person committing disciplinary offence and to the gravity of the disciplinary violation committed by him/her.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 92 – Issues to be decided by the court when imposing disciplinary arrest

1. When imposing disciplinary arrest, a court shall consequently decide the following issues in the following succession:

a) whether or not the person committed an act provided for by this Code;

b) whether or not an act performed by the person is unlawful;

c) whether or not a person is to be charged with the commission of the act;

d) whether or not administrative arrest is to be imposed on the person and to what extent;

e) what will happen to the items of material evidence.

2. When reviewing a case of a person charged with the commission of multiple disciplinary violations, the court shall decide the issues referred to in paragraph 1 of this article according to each violation separately and as a whole.

3. The court may jointly review the imposition of disciplinary arrest on several persons charged with the commission of a disciplinary violation, based on the motion of the issuer of an order on the imposition of disciplinary arrest or on its own initiative.

4. In the case provided for in paragraph 3 of this article, the issues referred to in paragraph 1 of this article, shall be decided for each person separately.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 93 – Appealing the decision (ruling) of the court of first instance

1. The decision (ruling) of the court of first instance may be appealed to an appellate court by the parties or their representatives within seven days after a copy of the decision (ruling) is delivered to them as provided for by the Civil Procedure Code of Georgia. The court shall immediately forward the submitted appeal to the appellate court and to the opposite party.

2. The appellate court shall review the appeal as a panel of three judges, in an open court hearing. The appellate court shall review the case and deliver the decision (ruling) according to the procedure and within the period of time established by this Code for the court of first instance.

3. The decision (ruling) of the appellate court is final and without appeal.

Article 94 – Organisation and control of enforcement

1. The court that has delivered the decision (ruling) shall refer the decision (ruling) on the imposition of disciplinary arrest for enforcement. The Service shall organise and control an enforcement process.

2. The procedure for serving the term of disciplinary arrestshall be defined by an order of the Minister.

3. The term of disciplinary arrest shall not be counted towards the total term of the sentence to be served by the convicted person.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter XVI – Procedures for Reviewing Claims and Complaints

Article 95 – Claims and the procedure for filing claims

1. By filing a claim, an accused/convicted person may claim those rights the granting of which falls within the powers of the penitentiary institution.

2. An accused/convicted person may file a written claim either individually or collectively. A claim may be confidential.

3. A claim shall be registered with the penitentiary institution and the registration number shall be given to the accused/convicted person.

4. An accused/convicted person may submit a claim to the director of the facility or to a person authorised by him/her, who shall respond to the claim in writing within five days.

5. (Deleted – 1.6.2017, No 943).

6. A refusal of the claim must be reasoned.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 96 – Right to file a complaint

1. An action (action or omission) of an employee carrying out activities in the field of enforcement, a legal act, decision and other violations of the rights under this Code may serve as grounds for filing a complaint.

2. An accused/convicted person may file a complaint individually or collectively. A complaint may be filed in written form.

3. A complaint may be filed within one month after identifying the relevant grounds.

4. The lawyer, legal representative or close relative of an accused/convicted person may file a complaint as well if:

a) he/she reasonably believes that the rights of the accused/convicted person have been violated;

b) the health status of the accused/convicted person does not allow him/her to file a complaint in person.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 97 – Informing an accused/convicted person of the right to file a complaint

1. Immediately upon the admission of an accused/convicted person to a facility, the designated person shall allow him/her to read written information about his/her rights and obligations, including the procedure for filing complaints and appeals provided for by law.

2. An illiterate accused/convicted person shall be provided with this information verbally, after which the authorised person shall prepare a relevant report. The report shall be signed by the accused/convicted person.

3. An accused/convicted person of minor age shall be provided with information in a form understandable to him/her.

3. (Deleted – 12.6.2015, No3711).

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Article 98 – Addressee of a complaint

1. An accused/convicted person may file a complaint with the director of the penitentiary institution if the complaint concerns the activities of an employee of the penitentiary institution.

2. An accused/convicted person may appeal the rejection of the complaint by the director of the penitentiary institution to the General Director of the Service. An accused/convicted person may also file a complaint with the General Director of the Service concerning the activities of the director of the penitentiary institution.

3. An accused/convicted person may file a complaint with the Minister concerning the activities of the General Director of the Service.

4. A person against whose action, legal act or decision a complaint is filed may not participate in deciding the complaint.

5. An accused/convicted person may, at any time, file a complaint with the Public Defender of Georgia/Special Preventive Group.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 99 – Procedure for filing a complaint

1. To determine the addressee of the complaint or to solve other technical issues, an accused/convicted person may request consultation of the employees of the Social Services Department of the facility.

2. An accused/convicted person may request a consultation of a lawyer when preparing a complaint. Expenses for the lawyer shall be covered as provided for by law.

3. A complaint shall be submitted in writing in accordance with the form approved by the Minister.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 100 – Complaints boxes for accused/convicted persons

1. A complaints box shall be placed in the territory of a facility, in the place accessible to all accused/convicted persons. Several complaints boxes may be placed in the territory of a facility.

2. A sign with the inscription 'Complaints Box ' shall be attached to the box.

3. The box shall be sealed.

4. A social workerof the penitentiary institution shall open, lock and seal a complaints box at the end of each working day in the presence of the director or the deputy director of the penitentiary institution.

5. (Deleted – 1.6.2017, No 943).

6. Upon opening of a complaints box, the envelopes shall be visually examined and registered according to their numbers.

7. The social worker of the penitentiary institution shall ensure the registration and recording of complaints.

8. If a complaints box has been damaged, it shall be repaired or a new one shall be installed within the shortest possible time, but not later than three days after it is damaged.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 101 – Language of a complaint

1. An accused/convicted person who does not speak the official language of Georgia and does not understand the language of proceedings may use an interpreter's free services.

2. An accused/convicted person shall receive a reply in the official language of Georgia, and if necessary, the procedure provided in paragraph 1 of this article shall be used.

Article 102 – Procedure for forwarding complaints

1. The penitentiary institution shall forward a submitted complaint to the addressee not later than the next working day after receiving the complaint.

2. The complaints addressed to the director of a penitentiary institution or to a person authorised by him/her shall be immediately delivered to them, through an appropriate structural unit of the penitentiary institution.

3. Not later than the following day after a complaint is forwarded, the registration number of the complaint and the code of the respective envelope shall be posted near the complaints box.

4. A non-confidential complaint may not be sent for review to a person whose actions are referred to in the complaint or to a person under his/her direct subordination.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 103 – Time limits for reviewing complaints

1. The director of a penitentiary institution or a person authorised by him/her shall review a complaint within five days after receiving it. In special cases, the time limit for reviewing a complaint may be extended for not more than 10 working days and the complainant shall be immediately notified verbally or in writing.

2. The General Director of the Service shall review a complaint within 10 working days after receiving it. The General Director of the Service may extend the time limit for reviewing a complaint for not more than 10 working days and the complainant shall be immediately notified in writing.

3. A complaint shall be reviewed within the time limits established by law, except as provided for in paragraphs 1 and 2 of this article.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 104 – Confidential complaints

1. An accused/convicted person may file a confidential complaint.

2. A complaint shall be considered to be confidential if it is placed in a sealed envelope and an addressee is indicated on it.

3. The penitentiary institution shall ensure the confidentiality of the complaints.Where the addressee for the confidential complaint is not indicated, or it is impossible to identify the addressee indicated thereon, the penitentiary institution shall display information on the number of an envelope, where the complaint is placed, and on the grounds for refusing to send the complaint, near the complaints box, which is visible for everyone. An accused/convicted person shall have the right to retrieve the confidential complain back within two weeks. The penitentiary institution shall keep the complaint for no more than 10 working days, and shall destroy it immediately after the expiry of such term.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 105 – Complaints related to torture and inhuman and degrading treatment

1. Complaints related to torture and inhuman and degrading treatment fall under special cases and are reviewed immediately.

2. The director of a facility or a person authorised by him/her and/or the Special Prevention Group shall be notified within 24 hours about a complaint related to torture and inhuman and degrading treatment.

Article 106 – Outcomes of the review of complaints

1. An accused/convicted person shall be notified of the outcomes of the review of the complaint and his/her signed acknowledgement shall be obtained within five days after the decision is delivered. The outcomes of the review of the complaint shall be included in the personal file of the accused/convicted person.

2. A substantiated response shall be given to each individual request in the complaint.

3. If a complaint is rejected, the accused/convicted person shall receive a substantiated response.

Article 107 – Appealing the decision

The outcomes of the review of a complaint may be administratively appealed to a court.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Article 108 – Facilitating the filing of complaints

1. Upon request of an accused/convicted person, the penitentiary institution shall provide him/her with a sufficient quantity of items necessary to file a complaint, including writing means, paper, and envelopes for confidential complaints.

2. An accused/convicted person may not be punished for filing a complaint.

3. The penitentiary institution shall resolve an accused/convicted person's problems on site. A non-confidential complaint that may be resolved by the penitentiary institution on site shall be resolved without waiting for the outcomes of the review of the complaint by the body and person to whom the complaint was sent.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 109 – (Deleted)

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Chapter XVII – Labour of Accused/Convicted Persons

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Article 110 – General principles of labour activities of accused/convicted persons

1. Labour activities of accused/convicted persons are carried out as determined by this Code and the labour legislation of Georgia. An accused/convicted person may not be forced to perform work that degrades human honour and dignity.

2. Accused/convicted persons shall be employed on and/or outside the territory of the penitentiary institutionif the penitentiary institution is able to employ them.

3. An accused/convicted person may also be employed by a governmental or non-governmental institution operating in the territory of a penitentiary institution.

3^1. An accused/convicted person employed in the territory of a prison facility or employed by a governmental institution operating in the territory of a penitentiary institution shall not be deemed to be a public servant and the Law of Georgia on Public Service shall not apply to him/her.

4. The list of jobs for which an accused/convicted person may not be employed is defined by the internal regulations of a penitentiary institution.

5. An accused/convicted shall, according to the labour legislation of Georgia, receive a salary for the work performed. The procedure and conditions for the remuneration of an accused/convicted person are defined by the legislation of Georgia.

6. An accused/convicted person's salary shall be transferred to his/her personal bank account. An accused/convicted person shall be granted the right to fully dispose of his/her salary only upon his/her release. He/she may transfer this amount to his/her close relative or other persons.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 5051 of 27 April 2016 – website, 13.5.2016

Article 111 – Enterprises on the territory of a prison facility

1. An accused/convicted person may be employed according to the Law of Georgia on Entrepreneurs at enterprises set up on and/or outside the territory of a penitentiary institution.

2. As a rule, only accused/convicted persons shall be employed at an enterprise operating in the territory of a penitentiary institution. As an exception, an outside (not convicted) person may be invited to the enterprise on the basis of an employment contract, if the specific nature of the activity of an enterprise requires the performance of the work that an accused/convicted person cannot perform because of the lack of qualification or if an accused/convicted person may not gain such qualification through training in a short period of time, or if the work involves regularly leaving the territory of a penitentiary institution.

3. An accused/convicted person shall be employed at an enterprise as established by the legislation of Georgia, with organisational participation of the administration of the penitentiary institution. An accused/convicted person may choose the one appropriate for him/her from the types of jobs proposed by the penitentiary institution.

4. A contract shall be concluded between an enterprise and the Service, under which the enterprise undertakes to adhere, in its activity, to the requirements established by the internal regulations of the penitentiary institution on the territory of which it operates. The same obligation shall be imposed on an accused/convicted person, which shall be specified in a labour contract concluded with an enterprise.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 5051 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 112 – Working conditions

1. A penitentiary institution and an employer shall create safe working conditions for accused/convicted persons. The working hours of the accused/convicted persons, labour protection, safety and sanitary rules of an enterprise shall be established according to the labour legislation of Georgia.

2. (Deleted – 12.6.2015, No 3711).

3. Overtime work and work on public holidays shall be allowed only with the consent of an accused/convicted person. Working hours shall not exceed eight hours a day.

4. Matters related to the employment of an accused/convicted person (including the matters related to assigning to certain duties or to discarding from such duties)and the procedures for the remuneration, and a list of works that an accused/convicted person is allowed to perform, shall be determined by the Minister (small scale repair works for the penitentiary institution may be included and the procedures for the acceptance of completed works may be determined).

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 5051 of 27 April 2016 – website, 13.5.2016

Article 112^1–General maintenance duties

1. The assignment of a convicted person to general maintenance duties in a penitentiary institution shall be documented by an order of the director of the institution.

2. A convicted person shall be remunerated for performing general maintenance duties.

3. A convicted person performing general maintenance duties shall not be deemed a public servant and the Law of Georgia on Public Service shall not apply to him/her.

4. The procedure for a convicted person's assignment to/removal from general maintenance duties, the procedure for the performance of duties by a convicted person and the procedure for granting remuneration and the amount of the remuneration shall be defined by an order of the Minister.

5. The penitentiary institution shall create as safe a working environment as possible for the life and health of a convicted person.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 5051 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Chapter XVIII – Education of Accused/Convicted Persons

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Article 113 – Education of accused/convicted persons

1. The penitentiary institution shall create conditions for the general and vocational education of accused/convicted persons.

2. The penitentiary institution shall arrange a library in the institution containing both educational literature and national and international legislation on the enforcement of imprisonment, in the language understandable to accused/convicted persons.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 114 – General education of accused/convicted persons

1. An accused/convicted person shall have an opportunity to receive complete general education as determined by a joint order of the Minister and the Minister of Education, Science, Culture and Sport of Georgia.

2. (Deleted – 12.6.2015, No3711).

3. An accused/convicted person who does not speak the official language of Georgia shall be provided with conditions for learning it.

4. General education is provided in a prison facility under a programme approved by the Minister of Education, Science, Culture and Sport of Georgia, which must ensure the achievement of the goals set by the National Curriculum. The conditions for the organisation of educational environment and the hourly schedule provided under the National Curriculum do not apply to this educational programme.

5. General education in a prison facility is financed under the programme approved by the Minister of Education, Science, Culture and Sport of Georgia, in a manner different from the one established by the Law of Georgia on General Education.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 3711 of 12 June 2015 – website, 24.6.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 115 – Vocational education of accused/convicted persons

1. In a prison facility, an accused/convicted person shall be provided with the conditions for receiving vocational education.

2. In the course of vocational education of accused/convicted persons, preference is given to the professions that can be studied in the conditions of a prison facility.

3. (Deleted – 1.6.2017, No943).

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 115^1 – Higher education of convicted persons

1. Convicted persons placed in a pre-release facility, convicted persons of low risk serving their sentence in a low risk prison facility, may enjoy the right to receive education at the first and second stages of academic higher education (Bachelor's degree, Master's degree), and convicted persons placed in a juvenile rehabilitation facility may enjoy the right to receive education at the first stage of academic higher education (Bachelor's degree). Procedures and conditions for receiving education at the first and second stages of academic higher education (Bachelor's degree, Master's degree) and a list of relevant specialties shall be determined on the basis of the joint order of the Minister and the Minister of Education, Science, Culture and Sport of Georgia.

2. Higher education of a convicted person shall be financed in accordance with the procedures defined by the Law of Georgia on

Higher Education.

3. In the cases provided for by Article 47(2^2) or Article 71^8(2) of this Code, a convicted person shall be restricted the right to participate in the first and second stages of academic higher education (Bachelor's degree, Master's degree) process until relevant grounds for such restriction are eradicated.

4. Convicted persons shall be restricted the right to participate in the educational process during the period of serving disciplinary arrest, and during their placement in a solitary cell.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 5280 of 1 November 2019 – website, 4.11.2019

Chapter XIX – Rehabilitation Programmes for Convicted Persons

Article 116 – Re-socialisation of convicted persons

1. The re-socialisation of a convicted person means developing in the convicted person a sense of responsibility and respect toward society, other persons, moral standards and to established rules of human coexistence.

2. The main means for the re-socialisation of convicted persons are:

a) service of a sentence according to the established procedure;

b) implementation of rehabilitation programmes;

c) pedagogical work with juveniles;

d) employment of convicted persons;

e) provision of general, vocational and higher education;

e^1) vocational training and re-training;

f) relationship with society.

3. The means of re-socialisation of a convicted person shall be applied based on the type of the sentence, gravity of the committed crime, personality of the convicted person, his/her mental state and conduct.

4. The Service and penitentiary institutions shall ensure the re-socialisation of convicted persons through social workers and other persons who have appropriate qualifications.

5. Vocational training and retraining of convicts shall be provided by a legal entity under public law called the Centre for Vocational Training and Retraining of Convicts (the Centre for Vocational Training and Retraining of Convicts) operating under the Ministry, in accordance with the rules established by the order of the Minister.

6. The Centre for Vocational Training and Retraining of Convicts is authorised to establish an entrepreneurial legal entity and / or a non-entrepreneurial legal entity for the purposes determined by the legislation of Georgia.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 117 – Objectives of rehabilitation programmes for convicted persons

1. Rehabilitation work is conducted with a convicted person at a prison facility. The purpose of the rehabilitation work is to:

a) develop in a convicted person a sense of respect for the law, other people, labour, and to established rules and standards of human coexistence;

b) create normal psychological environment among the convicted persons at a prison facility;

c) improve the educational and professional level of convicted persons;

d) prepare a convicted person for release;

e) rehabilitate persons with different addictions.

2. The participation of a convicted person in rehabilitation programmes shall be taken into account when assessing the degree of his/her correction and when granting an incentive to him/her.

Article 118 – Organising rehabilitation programmes for convicted persons

1. The relevant authorised person shall ensure the organisation of rehabilitation programmes at a prison facility.

2. To rehabilitate convicted persons, the Service shall cooperate with state agencies and other organisations.

3. The daily routine of a prison facility shall include the time of participation of convicted persons in rehabilitation programmes.

4. Convicted persons participate in rehabilitation programmes only with their consent.

5. Rehabilitation work with a convicted person shall be conducted by taking into account his/her personal characteristics and the nature of the committed crime.

5^1. The procedure for the implementation of substitution treatment programmes for opioid-dependent persons in a penitentiary institutionshall be defined by a joint order of the Minister and the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

6. To organise rehabilitation programmes, a relevant material and technical base shall be created in a prison facility and, if necessary, specialists shall be invited.

7. To rehabilitate a person who has committed a domestic crime, compulsory training courses intended to change the person's violent attitude and behaviour shall be conducted. The Service shall ensure the organisation of these training courses through cooperation with state agencies and other interested organisations experienced in the relevant field.

Law of Georgia No 2486 of 29 May 2014 – website, 2.6.2014

Law of Georgia No 2701 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 118[1]–Criminological research in the system of the Ministry

The Service facilitates the implementation of criminological research in its system, which is intended to scientifically study re-socialisation, crime prevention and rehabilitation programmes.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter XX – Organising Medical Services

Article 119 – Providing medical services to accused/convicted persons

Medical services shall be provided to accused/convicted persons according to medical service requirements established in the country in the field of healthcare.

Article 120 – Monitoring the health status of accused/convicted persons

1. Upon admission to a detention/prison facility, an accused/convicted person shall undergo a medical examination.

2. The health status of an accused/convicted person shall be checked at least once a year. Ill accused/convicted persons shall be provided with urgent treatment.

3. Information of medical character related to an accused/convicted person shall be communicated from a preliminary detention isolator of the Ministry of Internal Affairs to a penitentiary institution in accordance with the procedure established by a joint order of the Minister of Internal Affairs of Georgia and the Minister.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 121 – Medical treatment in a detention/prison facility

1. A medical unit shall be set up in all detention/prison facilities.

2. If an accused/convicted person cannot be treated at the medical unit of the penitentiary institution/prison facility, he/she may be transferred to a medical facility for accused/convicted persons, or to a civilianhospital.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 121[1]–Conditions for accused/convicted persons in a civilianhospital

1. If an accused/convicted person is removed to a civilian hospital, a temporary guard shall be arranged in the admitting hospital.

2. A temporary guard shall be composed of the members of an escort team who will ensure protection and supervision. If necessary, the temporary guard may be enhanced with other officers.

3. During the stay of an accused/convicted person in a civilian hospital:

a) his/her close relatives (child, spouse, a partner with whom he/she has a common child, parent (adoptive parent), step-mother, step-father, spouse's parent, adopted child, stepchild and his/her descendants, grandchild, sister, brother, nephew/niece and their children, grandmother, grandfather, uncle (mother's and father's brother), aunt (mother's and father's sister), cousin, and the person with whom he/she lived and ran common household for the last one year before being placed in a penitentiary institution), on the recommendation of the doctor in charge and with the consent of the General Director of the Service, may visit the accused/convicted person according to the procedure and with the frequency established by the Minister;

b) the persons who are not named in sub-paragraph (a) of this paragraph may also visit an accused/convicted person, on the recommendation of the doctor in charge and with the consent of the General Director of the Service;

c) if the hospital cannot provide an accused/convicted person with the services of a care giver, the persons under sub-paragraph (a) of this paragraph may be allowed to care for the accused/convicted person, on the recommendation of the head of the hospital and with the consent of the General Director of the Service;

d) based on the treatment requirements, an accused/convicted person may be allowed to receive additional food products, on the recommendation of the doctor in charge and with the consent of the General Director of the Service;

e) upon request of an accused/convicted person, he/she may receive a parcel with personal hygiene products/means, clothes, bed linen and other items with the consent of the General Director of the Service.

4. If a convicted woman, who has a child under the age of three in a special prison facility for women, is removed to a civilian hospital, the child may also be removed along with the mother, on the recommendation of the doctor of the facility and with the consent of the General Director of the Service.

5. If a child under the age of three is removed to a civilian hospital on the recommendation of the doctor of the special prison facility for women and with the consent of the Director of the Department, the convicted woman shall, as a rule, be removed along with her child; this right may be restricted by a substantiated decision of the General Director of the Service.

6. During the stay of an accused/convicted person in a civilian hospital, the visiting rights provided in Articles 17-17^3 of this Code shall not apply to him/her.

7. The general conditions and procedure for removing an accused/convicted person to a civilian hospital and for his/her stay in the hospital shall be defined on the basis of this article by an order of the Minister.

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Article 122 – Providing mental health services to convicted persons

1. If a convicted person in a penitentiary institution, against whom legal proceedings have been completed, shows signs of mental disorder and the Psychiatric Commission of the Ministry considers it appropriate to provide involuntary in-patient mental treatment to the convicted person, the director of the penitentiary institution shall, based on the report of the Psychiatric Commission of the Service, apply to the competent expert institution for a forensic psychiatric examination.

2. Based on the expert opinion of the competent expert institution, by which the necessity of involuntary in-patient mental treatment is confirmed, the director of the penitentiary institution shall, within 48 hours, apply to the court and request the provision of involuntary in-patient mental treatment.

3. The powers and rules of operation of the Psychiatric Commission of the Service are defined by an order of the Minister.

Law of Georgia No 3525 of 21 July 2010 – LHG I, No 46, 4.8.2010, Art. 288

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 1787 of 13 December 2013 – website, 28.12.2013

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3128 of 5 July 2018 – website, 11.7.2018

Chapter XXI – Transitional Provisions

Article 123 – Visitation rights of accused person until 1 January 2016

Until 1 January 2016 an accused person shall enjoy not more than 4 short visits a month, by the permission of the prosecutor and investigator.

Law of Georgia No 1870 of 25 December 2013 – website, 28.12.2013

Article 124 – Correspondence and telephone conversations of accused persons until 1 January 2016

Until 1 January 2016, under the control of the administration, an accused person may, at his/her own expense, maintain correspondence and enjoy 3 telephone conversations a month, each lasting for not longer than 15 minutes, only with the permission of the investigator, prosecutor or the court.

Law of Georgia No 1870 of 25 December 2013 – website, 28.12.2013

Article 124^1–Activities associated with the exercise of the right to a long visit

In order to arrange long meetings, the Ministry, not later than 31 December 2015, shall ensure that necessary conditions are created and the rights to long visits are exercised in women's and closed prison facilities.

Law of Georgia No 6257 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 1787 of 13 December 2013 – website, 28.12.2013

Article 124^2–Legal successor of the Standing Commission of the Ministry

The Council shall be the legal successor of the Standing Commission of the Ministry under Article 44 of the revised version of 1 May 2015 of the Code, based on territorial principles.

Law of Georgia No 943 of 1 June 2017 – website, 20.6.2017

Article 125 – Measures to be implemented for the entry into force of the Code

1. Within two months after the entry into force of this Code, the Minister shall issue the normative acts provided for by this Code.

1^1. Within two months after the entry into force of this Code, the Minister shall determine persons who may enter into a detention/prison facility without a special permit.

2. Within two months after the entry into force of this Code, the Minister and the Minister of Labour, Health and Social Affairs of Georgia shall issue a joint order determining nutritional standards for accused and convicted persons.

3. Within two months after the entry into force of this Code, the Minister of Education and Science of Georgia shall approve a programme of general education in prison facilities.

4. The Local Council of the Ministry shall be the legal successor of the Standing Commission of the Ministry.

5. The Local Council of the Ministry shall execute the cases pending before the Standing Commission of the Ministry.

6. Competent state institutions shall implement measures to gradually bring the size of the living space established by this code in line with internationally established standards, taking into account the resources of the State.

7. The Ministry shall, by 1 September 2015, ensure the implementation of the activities necessary to organise and introduce compulsory training courses intended for persons who committed domestic crime and focused on changing their violent attitude and behaviour. The ministry shall also define the time limits for the completion by convicted persons of the training courses.

8. The Minister of Corrections and Legal Assistance of Georgia shall, in agreement with the Public Defender of Georgia, prepare and issue,not later than 1 August 2016,an order on the approval of the procedure specified in Article 60(7) of this Code.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 2701 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 125^1 – Liquidation, reorganisation and legal succession

1. The Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia shall be liquidated on 1 July 2015. Taking this fact into account, the Ministry of Corrections and Legal Assistance of Georgia shall be reorganised. The liquidation of the Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia shall not cause the liquidation of its subordinate detention and prison facilities.

2. The Government of Georgia shall take appropriate organisational and legal measures to for the achievement of the purposes specified in paragraph 1 of this article.

3. The Ministry of Corrections and Legal Assistance of Georgia shall, not later than 1 June 2015, create a liquidation commission, the members of which shall include representatives from the Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia.

4. The Ministry of Corrections and Legal Assistance of Georgia shall, in connection with the liquidation of the Corrections Department – a state subordinate agency operating within its system, issue appropriate legal acts and implement necessary organisational measures.

5. Detention and prison facilities shall be reorganised into penitentiary institutions. Until the completion of the reorganisation, detention and prison facilities shall retain their organisational structure existing as of 30 June 2015 and shall continue operation and exercise their rights and duties according to the rules existing as of 30 June 2015. The reorganisation of a particular detention or prison facility shall be deemed completed upon the approval by the Minister of Corrections and Legal Assistance of Georgia the internal regulations and the staff list of this facility, but not later than 1 September 2015. Before this date, the Ministry of Corrections and Legal Assistance of Georgia shall issue the legal acts necessary for the reorganisation of detention and prison facilities and implement necessary organisational measures.

6. The Minister of Corrections and Legal Assistance of Georgia shall, before 1 October 2015, ensure the conformity of the relevant subordinate normative acts with this Code and the issuance of normative acts provided for by this Code. The existing normative acts shall retain their legal force until the new acts issued by the Minister enter into force.

7. The legal acts issued by the chairperson of the Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia shall retain legal force until they are repealed in accordance with

the legislation of Georgia, regardless of their conformity with the provisions of this Code.

8. The Minister of Corrections and Legal Assistance of Georgia shall be the legal successor of the Corrections Department – a state subordinate agency operating within its system.

9. The cases on which the proceedings are carried out by the structural subdivisions ofthe Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia shall be transferred to respective structural subdivisions/units of the Ministry. The period of consideration of these cases shall begin anew if the consideration of the case cannot be completed within the current period due to objective circumstances.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Article 125^2 – Transfer of a person (employee) to another position at the time of reorganisation/liquidation

1. A person who is an employee of the system of the agencies of enforcement of detention and imprisonment as of 1 June 2015 and works in the Monitoring Office, Administrative Office, Legal Assistance Office, Human Resources Office, Financial Office or Logistics Office of the Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia, may, at the time of reorganisation/liquidation, with his/her consent, be transferred, without competition, to another position in a structural subdivision of the Civil Service of the Ministry of Corrections and Legal Assistance of Georgia, based on an order of the Minister of Corrections and Legal Assistance of Georgia. Such employee shall not be granted a military or special state rank.

2. An employee who holds an interim position as of 1 June 2015 and works in the Monitoring Office, Administrative Office, Legal Assistance Office, Human Resources Office, Financial Office or Logistics Office of the Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia, may, at the time of reorganisation/liquidation, with his/her consent, be transferred, without competition, to another interim position in a structural subdivision of the Civil Service of the Ministry of Corrections and Legal Assistance of Georgia, based on an order of the Minister of Corrections and Legal Assistance of Georgia. Such employee shall not be granted a military or special state rank. He/she shall be subject to the requirements specified in Article 30 (2) of the Law of Georgia on Public Service.

3. An employee who as of 1 June 2015 works in the social department, public reception area, logistic support department, administrative office, accounting office, human resources office of a detention or prison facility, or is a chief inspector (lawyer) of the facility, or an employee of the Social Security Office of the Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia, may, at the time of reorganisation/liquidation, with his/her consent, be transferred, without competition, to the social service of the penitentiary department, to the social service of a penitentiary institution or to such service of a penitentiary institution that provides logistical, financial, organisational or legal support, based on an order of the person authorised to appoint him/her on the respective position. Such employee shall not be granted a military or special state rank.

4. A person who holds an interim position as of 1 June 2015 works in the social department, public reception area, logistic support department, administrative office, accounting office, human resources office of a detention or prison facility, or is a chief inspector (lawyer) of the facility, or an employee of the Social Security Office of the Corrections Department – a state subordinate agency operating within the system of the Ministry of Corrections and Legal Assistance of Georgia, may, at the time of reorganisation/liquidation, with his/her consent, be transferred, without competition, to the interim position in the social service of the penitentiary department, to the social service of a penitentiary institution or to such service of a penitentiary institution that provides logistical, financial, organisational or legal support, based on an order of the person authorised to appoint him/her on the respective position. Such employee shall not be granted a military or special state rank. He/she shall be subject to the requirements specified in Article 30 (2) of the Law of Georgia on Public Service.

5. A person who as of 1 June 2015 is an employee of the Central Office of the Ministry of Corrections and Legal Assistance of Georgia and/or of the Medical Department, at the time of reorganisation/liquidation, may, with his/her consent, be transferred, without competition, to the Civil Service of the Ministry of Corrections and Legal Assistance of Georgia on the basis of an order of the Minister of Corrections and Legal Assistance of Georgia. Such employee shall not be granted a military or special state rank.

6. A person who as of 1 June 2015 holds an interim position and works in the Central Office of the Ministry of Corrections and Legal Assistance of Georgia and/or in the Medical Department, at the time of reorganisation/liquidation, may, with his/her consent, be transferred to the same or different interim position of a structural subdivision of the Civil Service of the Ministry of Corrections and Legal Assistance of Georgia on the basis of an order of the Minister of Corrections and Legal Assistance of Georgia. Such employee shall not be granted a military or special state rank. He/she shall be subject to the requirements specified in Article 30(2) of the Law of Georgia on Public Service.

7. If a person specified in paragraphs 1-6 of this article refuses to be transferred to the offered position, the person authorised to appoint him/her on the respective position may dismiss the employee due to liquidation. If an employee is dismissed due to liquidation, he/she shall be compensated according to Article 109 of the Law of Georgia on Public Service.

8. On the basis of this article, employees holding state special ranks and transferred to the civil service of the Ministry of Corrections shall be transferred to the army reserve on the basis of an order of the Minister of Corrections.

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 5051 of 27 April 2016 – website, 13.5.2016

Chapter XXII – Final Provisions

Article 126 – Invalidated normative acts

Upon entry into force of this Code, the following shall become invalid:

a) the Law of Georgia on Imprisonment of 22 July 1999 (Legislative Herald of Georgia, No 38(45), 1999, Art. 182);

b) Edict of the President of Georgia No 309 of 3 August 2004 on Granting the Right of Entry into a Correctional Facility without a Special Permit.

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Article 127 – Entry into force of the Code

1. This Code, except for Article 70(2)(b), Article 77(1), Article 79(1)(c) and Article 79(2), shall become effective from 1 October 2010.

2. Article 70(2)(b) of this Code shall become effective from1 January 2012.

3. Article 77(1) and Article 79(1)(c) and Article 79(2) of this Code shall become effective from1 January 2016.

4. (Deleted – 1.5.2015, No 3523).

Law of Georgia No 1870 of 25 December 2013 – website, 28.12.2013

Law of Georgia No 2241 of 16 April 2014 – website, 2.5.2014

Law of Georgia No 3523 of 1 May 2015 – website, 18.5.2015

President of Georgia M. Saakashvili

Tbilisi

9 March 2010

No 2696–Ib