

LAW OF GEORGIA
FREEDOM CHARTER

Article 1 - Purpose of the Law

This Law, in compliance with international standards and universally recognised principles and norms, intends to: eliminate the threat of crimes against the state, and terrorism and violation of the principles of state security; ensure the effective exercise of the legislative norms of Georgia and strengthen national security in accordance with modern practices; provide preventive measures against the principles of communist totalitarian and national socialist (Nazi) ideologies; remove the symbols and names of cult buildings, memorials, monuments, bas-reliefs, inscriptions, streets, squares, villages and settlements of the communist totalitarian regime, as well as prohibit the propaganda instruments and other means of communist totalitarian and national socialist (Nazi) ideologies.

Law of Georgia No 1867 of 25 December 2013 - website, 30.12.2013

Article 2 - Definition of terms

For the purposes of this Law, the terms used in this Law have the following meanings:

- a) occupied territories - territories laid down in the Law of Georgia on Occupied Territories;
- b) strategic object - an object which is within its activities related to the production of strategic products (crude petroleum, natural gas, electricity, precious metals, bakery products);
- c) object of special significance- an object which is vital for the normal living conditions of the population;
- d) collaboration with the intelligence services of the former USSR -any activity (staff or freelance) performed under the instructions and/or supervision of the intelligence services of the former USSR;
- e) communist totalitarian ideology- an ideology qualified as violation of human rights, different forms of mass physical terror, individual and mass assassinations and destructions, executions in concentration camps, starvation and deportation, torture and forced labour, ethnic and religious persecution, limitations on freedom of conscience, freedom of opinion and freedom of expression and other violations of freedom;
- f) symbols of communist totalitarian regime-symbols related to communist totalitarian ideology, and which represent the communist totalitarian regime.

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Article 3 - Scope of the Law

This Law shall apply to the entire territory of Georgia in accordance with the provisions of the Law of Georgia on Occupied Territories

Article 4 - Coordination of governmental bodies in combating terrorism

In order to effectively combat the crimes referred to in Chapter XXXVIII of the Criminal Code of Georgia, and under the subordination of the departmental investigation of the State Security Service:

- a) the Ministry of Finance of Georgia, the Ministry of Economy and Sustainable Development of Georgia and the Ministry of Defence of Georgia, and the National Bank of Georgia shall, within their competencies, submit information on activities which show signs of criminal activities as determined by Chapter XXXVIII of the Criminal Code of Georgia to the State Security Service of Georgia;
- b) the State Security Service of Georgia shall periodically submit reports on the results of the coordinated work of state bodies against terrorism and the current state of affairs in the country to the State Security and Crisis Management Council.

Law of Georgia No 3128 of 4 March 2015 - website, 23.03.2015

Law of Georgia No 3964 of 8 July 2015 - website, 15.07.2015

Article 5 - Monitoring the state borders of Georgia, strategic objects and objects of special significance and cargo

In order to prevent terrorist acts and to monitor cargo, the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia shall, within the scope of their competencies:

- a) ensure the integration of strategic objects and objects of special significance equipped with equivalent surveillance systems into a comprehensive video surveillance system on the basis of electronic surveillance system (video surveillance) of the Ministry of Internal Affairs of Georgia and State Security Service of Georgia;



b) equip airports, seaports, central and junction railway stations, underground stations, bridges, public spaces and strategic objects and objects of special significance with surveillance cameras;

c) equip border checkpoints and adjacent zones of occupied territories in order to integrate all video surveillance into a comprehensive video surveillance system;

d) ensure the monitoring of inbound and in-transit cargo entering the state border, and prevent the illegal import of arms, ammunition and explosives and carry out opening and inspection and/or monitoring of suspicious cargo in cooperation with the Revenue Service - a legal entity under public law.

Law of Georgia No 3964 of 8 July 2015 - website, 15.07.2015

Article 6 - Detection and prevention of financing of terrorism and illegal delivery of funds or other assets

Measures against money laundering and the financing of terrorism are regulated in accordance with the Law of Georgia on Support of Prevention of Legalisation of Illegal Proceeds and the International agreements of Georgia.

Article 7 - Commission

1. A Commission shall be established within State Security Service of Georgia for the purposes of preventing the crimes referred to in Chapter XXXVIII of the Criminal Code of Georgia, and of ensuring state security and the development of democracy, and of registering and accepting acknowledgements and providing a database of former secret agents of the intelligence services of the former USSR and other state officials referred to in this Law, as well as for the purpose of prohibiting totalitarian communist and national socialist (Nazi) regimes and their propaganda, and for other purposes referred to in this Law. The factions represented in the parliament of Georgia shall be granted the right to propose one candidate to the Commission. The composition of the Commission (except for members proposed by the factions represented in the parliament of Georgia) and its Code of Conduct shall be set out in regulations developed and approved by the head of the State Security Service of Georgia.

2. Members of the Commission shall be granted the first classification marking form to access a state secret (TOP SECRET) as provided for by the legislation of Georgia.

3. The Commission, in compliance with the established procedure, shall collect data and keep a database of persons, who have secretly collaborated with the intelligence services of the former USSR or who might be the subject of secret cooperation with the intelligence services of the former USSR as provided for by the legislation of Georgia. The Commission shall also collect information on the use of symbols of the communist totalitarian and/or national socialist (Nazi) regimes and the use of state or local government property by administrative bodies, as well as information on cult buildings, memorials, monuments, bas-reliefs, inscriptions, names of the streets, squares, villages and settlements and other public spaces containing elements of communist totalitarian and national socialist (Nazi) ideologies and their propaganda or the names of their ideological leaders.

4. The Commission shall deliver decisions on registration in the database of data related to persons who have secretly collaborated or had secret connections with the intelligence services of the former USSR.

5. The Commission shall keep secret any information delivered by persons who have secretly collaborated or had secret connections with the intelligence services of the former USSR, except when required by law.

6. The Commission address to the competent person in order to eliminate the symbols, memorials, bas-reliefs, inscriptions and names of communist totalitarian and national socialist (Nazi) ideologies. In the case of addressing the competent person by the Commission, the competent person shall eliminate communist totalitarian and/or national socialist (Nazi) symbols. The competent person provided for under this paragraph shall be liable for the failure to perform or the improper performance of, the instructions of the Commission under this Law.

7. The Commission shall publish personal information on the identity of and data related to a person, who has secretly collaborated or had secret connections with the intelligence services of the former USSR and who holds an official position as referred to in Article 8 of this Law only in the event that they refuse to resign from office within the period prescribed by the Law.

8. The Commission shall make decisions that are provided for in paragraph 7 of this Article in closed sessions. A person who is the subject of the decision, shall be invited into the closed session in accordance with the procedure laid down in the General Administrative Code of Georgia. The decision of the Commission shall enter into force within one month after it has been delivered. A person, against whom the decision has been delivered, shall be entitled to appeal the decision to a court. An acceptance of a claim by the court shall be bases of suspension of a decision of the Committee.

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Article 8 - Employment restrictions

The following positions and persons are subject to employment restrictions as determined by this Law:

a) members of the Government of Georgia, Deputy Ministers and the chairs of departments under the system of ministries, members of the National Security Council, the members of the State Security and Crisis Management Council, members of the Central Election Commission of Georgia, members of the Governments of the Autonomous Republics of Abkhazia and Adjara, the Auditor General of the State Audit Office and their deputies, the General Director of the National Archives and their deputies - a legal entity under public law within the Ministry of Justice of Georgia, the Head of the Administration of the President of Georgia and their deputies, the Head of the Administration of the Government of Georgia and their deputies, the Head of the Special State Protection Service of Georgia, their deputies and heads of the department, Georgia's Ambassadors Extraordinary and



Plenipotentiary, envoys and consuls, the Governor of the National Bank of Georgia and the Vice-Governors, representatives of the Executive Government of Georgia in administrative-territorial units - state representatives - governors, members of national regulatory bodies, the Executive Director of National Statistics Office of Georgia (Geostat), a legal entity under public law, and their deputies;

b) employees of the Ministry of Defence and the Ministry of Internal Affairs of Georgia, the State Security Service of Georgia and the operative departments of territorial agencies of the Ministries;

c) the judges of the Constitutional Court and the Common Courts of Georgia;

d) rectors, vice-rectors, deans and the heads of academic departments of state higher education institutions; the General Director of the Georgian Public Broadcaster, his/her deputies, and members of the Board of Trustees.

Law of Georgia No 6550 of 22 June 2012 - website, 29.06.2012

Law of Georgia No 1015 of 6 September 2013 - website, 23.09.2013

Law of Georgia No 1587 of 20 November 2013 - website, 03.12.2013

Law of Georgia No 2365 of 2 May 2014 - website, 16.05.2014

Law of Georgia No 3128 of 4 March 2015 - website, 23.03.2015

Law of Georgia No 3964 of 8 July 2015 - website, 15.07.2015

Article 9 - Time period of employment restrictions and persons subject to employment restrictions

1. No person, who has held one of the offices set forth below between 25 February, 1921 and 9 April 1991 shall be appointed or elected to any position referred to in paragraph 8 of this Article:

a) former secret agents of the intelligence services of the former USSR, who since the day of the declaration of Independence of Georgia (9 April, 1999):

a.a) have refused to cooperate with the Special Services of the independent state of Georgia;

a.b) have been dismissed from the secret intelligence agency in the interest of state security ;

a.c) have discontinued cooperation with the Special Services of the independent state of Georgia for unidentified reasons;

b) officers of the Committee for State Security of the former USSR who have refused to work for the Special Services of the independent state of Georgia since the day of the declaration of Independence of Georgia (9 April 1991) or who have been dismissed from office at the Special Services of independent state of Georgia in the interest of state security;

c) members of Central Committees of the Communist Party of the former USSR and Georgian SSR, secretaries of Regional and City Committees;

d) members of the bureaus of the Central Committees of the Leninist Young Communist League; (paragraphs (c) and (d) shall be considered void)

Judgement No 2/5/560 of the Constitutional Court of Georgia of 28 October 2015 – website, 17.11.2015

e) The chairman of the Georgia State Committee for Television and Radio Broadcasting.

2. No person, whose involvement in secret cooperation with foreign intelligence services has been detected from data obtained since 9 April 1991 as provided for by the legislation of Georgia, shall be appointed (elected) to any position referred to in paragraph 8 of this Article.

Judgement No 2/5/560 of the Constitutional Court of Georgia of 28 October 2015 – website, 17.11.2015

Article 10 - Intelligence services of the former USSR and their employees

The intelligence services of the former USSR and their employees are the following:

a) the Ministry of the Interior of the USSR; the Ministry of the Interior of the Georgian SSR, and the Ministries of the Interior of the Autonomous Republics of Abkhazia and Adjara;

b) the Committee for State Security of USSR and the Reconnaissance Units of the Border Troops of the Committee for State Security; the Committee for State Security of the Georgian SSR and the Committees for State Security of the Autonomous Republics of Abkhazia and Adjara;

c) the Special Sections of the People's Commissariat for Internal Affairs (NKVD) and the Main Intelligence Directorate (GRU);

d) persons who have secretly collaborated with the intelligence services of the former USSR and are citizens of Georgia or foreign citizens, or aliens residing in the territory of Georgia on the basis of a temporary or permanent residence permit, as well as stateless persons, and who have carried out assignments on behalf of the intelligence services of the former USSR on the basis of written or oral commitments.

Article 11 - Obligation to obtain information from the Commission



1. An official or a body, who appoints (elects) a candidate to a position referred to in paragraph 8 of this Article, shall apply to the Commission in order to request information on the candidate and check the personal data of the candidate in question. If the Commission notifies them that the candidate is a person subject to employment restrictions, the official or body in question shall not appoint (elect) the candidate.

2. The election Administration shall apply to the Commission to check the data of a person who has requested candidate registration from the administration in accordance with the Organic Law of Georgia the Election Code of Georgia. If the Commission concludes that the candidate is a person who has secretly collaborated with the intelligence services of the former USSR and is a secret agent of the intelligence services referred to in paragraph 10 of this Article, and once the Commission has made a decision on the candidate registration, and if the candidate has refused to withdraw his candidacy, the Commission shall publish the secret data on the candidate

Article 12 - Voluntary confession of secret agents of intelligence services of the former USSR

1. A person, who had secretly collaborated with the intelligence services of the former USSR, shall apply in writing to the Commission within 6 months after the entry into force of this Law, and shall submit all documents in their possession and all information known to them which is related to their activities in the intelligence services and as the activities of the intelligence services generally.

2. A written application shall indicate their identity, the manner of their collaboration with the intelligence services and the places and the periods of time of their secret collaboration, as well as other data as prescribed by the Commission.

3. A person who makes a confession in accordance with the provisions of this Article shall attend a Commission meeting and present an oral explanation upon the request of the Commission.

4. Upon the application of a person who makes a confession, he/she shall be notified that liabilities shall be imposed on him/her for submitting false information on his/her activities or the activities of others in accordance with this Law and the Criminal Code of Georgia.

Article 13 - Liability for violation of this Law

The disclosure of data relating to a person who has secretly collaborated with the intelligence services and who has confessed the fact to the Commission shall be punishable under the Criminal Code of Georgia. A person who has knowingly submitted false information to the Commission shall be subject to criminal liability.

Article 13¹ - Llitigation

In the case of any violation of the provisions of this Law, any person shall have the right to file an action in the court in accordance with Articles 22 and 25 of the Administrative Procedure Code of Georgia.

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Article 14 - Transitional provisions

1. Any persons, holding an official position as set out in Article 8 of this Law, shall resign from office within one month after the entry into force of this Law.

2. The Government of Georgia shall submit the following draft laws to the Parliament of Georgia within two months after the entry into force of this Law:

a) the Law of Georgia on Introducing Amendments to the Law of Georgia on State Secrets;

b) the Law of Georgia on Introducing Amendments to the Criminal Code of Georgia;

c) the Law of Georgia on Introducing Amendments to the Organic Law of Georgia the Election Code of Georgia.

3. The Head of the State Security Service of Georgia shall determine the composition of the Commission (except for members proposed by the parliamentary factions of Georgia), as set out in Article 7(1) of this Law and a code of conduct, no later than 1 January 2016.

Law of Georgia No 3964 of 8 July 2015 - website, 15.07.2015.

Article 15 - Entry into Force of the Law

1. This Law, except for Articles 12(4) and 13, shall enter into force upon its promulgation.

2. Articles 12(4) and 13 of this Law shall enter into force on 1 January 2012.



President of Georgia

M. Saakashvili

Tbilisi

31 May 2011

No 4717-IS

