sisxlis samarTlis saerTaSoriso sasamarTlos wesdeba

miRebuli gaerTianebuli erebis organizaciis uflebamosil
warmomadgenelTa
diplomatiur konferenciaze
17 ivlisi, 1998 w.

preambula

acnobiereben ra, rom yvela eri erTiandeba saerTo kavSirebiT, erTmaneTze gadajaWvuli yoveli maTganis kultura qmnis saerTo memkvidreobas, da SeSfoTebuli imis gamo, rom es myife mozaika SeiZleba daiSalos nebismier dros,

mxedvelobaSi iReben ra, rom gasuli saukunis ganmavlobaSi milionobiT bavSvi, qali da mamakaci gaxda warmoudgenel borotmoqmedebaTa msxverpli, ramac Rrmad SesZra kacobriobis Segneba,

Segnebuli aqvT ra, rom es umZimesi danaSaulebi safrTxes uqmnian msoflios mSvidobas, uSiSroebas da keTildReobas,

amtkiceben ra, rom mTeli saerTaSoriso sazogadoebisTvis mniSvnelobis mqone umZimesi danaSaulebi ar unda darCes dausjeli da maTi efeqturi sisxlissamarTlebrivi devna uzrunvelyofili unda iqnas erovnul doneze zomebis miRebiTa da saerTaSoriso TanamSromlobis gaRrmavebiT,

gadawyvetili aqvT ra, bolo mouRos amgvari danaSaulebis CamdenTa dausjelobas da amgvarad xeli Seuwyos msgavs danaSaulTa Tavidan acilebas,

iTvaliswineben ra, rom yoveli saxelmwifo movalea ganaxorcielos Tavisi sisxlis samarTlis iurisdiqcia im pirebze, romelTac ekisrebaT pasuxismgebloba saerTaSoriso danaSaulis CadenisTvis,

kvlav adastureben ra gaerTianebuli erebis organizaciis miznebsa da principebs da, kerZod, rom yoveli saxelmwifo Tavs ikavebs sxva saxelmwifos teritoriuli mTlianobis an politikuri damoukideblobis winaaRmdeg ZaliT damuqrebis an Zalis gamoyenebisgan an sxva qmedebisgan, rac SeuTavsebelia gaerTianebuli erebis organizaciis miznebTan,

xazs usvamen ra, rom amasTan dakavSirebiT am wesdebaSi araferi SeiZleba ganimartos, rogorc romelime monawile saxelmwifosTvis uflebamosilebis miniWeba, Caerios sxva saxelmwifos SeiaraRebul konfliqtSi, romelic mis saSinao saqmeebs ganekuTvneba,

iRvwian ra am miznebis miRwevisa da axlandeli da momavali Taobebis keTildReobisTvis, rom daafuZnos damoukidebeli mudmivi sisxlis samarTlis saerTaSoriso sasamarTlo gaerTianebuli erebis organizaciis sistemasTan kavSirSi, romlis iurisdiqciac xorcieldeba mTeli saerTaSoriso sazogadoebisTvis mniSvnelobis mqone umZimes danaSaulebze,

xazs usvamen ra, rom sisxlis samarTlis saerTaSoriso sasamarTlo, dafuZnebuli am wesdebis safuZvelze, warmoadgens erovnuli sisxlis samarTlis iurisdiqciis damatebas,

miznad isaxaven ra saerTaSoriso marTlmsajulebis aRsrulebisaTvis myari garantiebis Seqmnas da misadmi pativiscemis uzrunvelyofas,

SeTanxmdnen Semdegze:

nawili 1. sasamarTlos dafuZneba

muxli 1.

sasamarTlo

sisxlis samarTlis saerTaSoriso sasamarTlo ("sasamarTlo") dafuZnebulia am dokumentiT. igi warmoadgens mudmiv organos, romelic uflebamosilia ganaxorcielos iurisdiqcia saerTaSoriso mniSvnelobis im umZimes danaSaulebze, romlebic aRniSnulia am wesdebaSi. is warmoadgens erovnul sisxlis samarTlis iurisdiqciaTa damatebas. sasamarTlos iurisdiqcia da muSaoba regulirdeba winamdebare wesdebis Sesabamisad.

muxli 2.

sasamarTlosa da gaerTianebuli erebis organizaciis urTierT damokidebuleba sasamarTlosa da gaerTianebuli erebis organizaciis urTierT damokidebuleba ganisazRvreba SeTanxmebiT, romelsac iwonebs am wesdebis monawile saxelmwifoTa kreba da SemdgomSi debs sasamarTlos Tavmjdomare sasamarTlos saxeliT.

muxli 3.

sasamarTlos adgilsamyofeli

1.   sasamarTlos adgilsamyofeli mdebareobs haagaSi, niderlandebi ("maspinZeli saxelmwifo").

2.   sasamarTlo maspinZel saxelmwifosTan debs SeTanxmebas mTavari adgilsamyofelis Sesaxeb, romelsac iwonebs monawile saxelmwifoTa kreba da SemdgomSi debs sasamarTlos Tavmjdomare sasamarTlos saxeliT.

3.   sasamarTlos SeuZlia ganlagdes nebismier adgilas, romelsac CaTvlis mizanSewonilad am wesdebis Sesabamisad.

muxli 4.

sasamarTlos samarTlebrivi statusi da uflebamosileba

1.   sasamarTlo aris saerTaSoriso iuridiuli piri. mas gaaCnia is uflebaunarianoba, rac saWiroa misi funqciebis ganxorcielebisa da miznebis miRwevisTvis.

2.   sasamarTlos SeuZlia, am wesdebis Sesabamisad, ganaxorcielos Tavisi funqciebi da uflebamosileba nebismieri monawile saxelmwifos teritoriaze, xolo specialuri SeTanxmebis safuZvelze - sxva saxelmwifos teritoriaze.

nawili 2. iurisdiqcia, misaReboba da samarTlis wyaroebi

muxli 5.

sasamarTlos iurisdiqcias daqvemdebarebuli danaSaulebi

1. sasamarTlos iurisdiqcia Semoifargleba mTeli saerTaSoriso sazogadoebisTvis mniSvnelobis mqone umZimesi danaSaulebiT. sasamarTlos iurisdiqcia, am wesdebis Tanaxmad, xorcieldeba Semdeg danaSaulebze:

(a) genocidis danaSauli;
(b) adamianurobis winaaRmdeg mimarTuli danaSaulebi;

(c) omis danaSaulebi;

(d) agresiis danaSauli.

2. agresiis danaSaulze sasamarTlo iurisdiqcias axorcielebs 121-e da 123-e muxlebis Sesabamisad miRebuli debulebis Semdeg, romliTac ganisazRvreba am danaSaulis cneba da dawesebulia sasamarTlos mier aRniSnul danaSaulze iurisdiqciis ganxorcielebis pirobebi. es debuleba ar unda ewinaaRmdegebodes gaeros wesdebis Sesabamis debulebebs.

muxli 6.

genocidi.

genocidi, am wesdebis miznebisTvis, niSnavs romelime qvemoT CamoTvlil qmedebas, romelic Cadenilia erovnuli, eTnikuri, rasobrivi an religiuri jgufis mTliani an nawilobrivi ganadgurebis mizniT:

a) jgufis wevrTa mkvleloba;

b) jgufis wevrTaTvis sxeulis mZime dazianebis an fsiqikuri moSlilobis miyeneba;

c)   jgufisaTvis ganzrax iseTi pirobebis Seqmna, rac miznad isaxavs mis mTlian an nawilobriv fizikur ganadgurebas;

d)   iseTi zomebis gatareba, romelTa mizania jgufis SigniT Sobadobis aRkveTa;

e)   erTi jgufidan meoreSi bavSvebis ZaladobiT gadacema.

muxli 7.

danaSaulebi adamianurobis winaaRmdeg

1.   am wesdebis miznebisTvis, "danaSauli adamianurobis winaaRmdeg" niSnavs romelime qvemoT CamoTvlil qmedebas, Cadenils samoqalaqo mosaxleobis winaaRmdeg mimarTuli farTomasStabiani an sistematuri Tavdasxmebis nawilis saxiT, Tavdasxmis winaswari SecnobiT:

(a)   mkvleloba;

(b)   ganadgureba;

(c)   damoneba;

(d)   deportacia an mosaxleobis iZulebiT gadaadgileba;

(e)   dapatimreba an fizikuri Tavisuflebis sxvagvari uxeSi xelyofa, Cadenili saerTaSoriso samarTlis ZiriTadi normebis darRveviT;

(f)   wameba;

(g)   gaupatiureba, sqesobriv morCilebaSi yola, prostituciis iZuleba, iZulebiTi orsuloba, ZaladobiT sterilizacia an msgavsi simZimis sqesobrivi Zaladobis sxva saxe;

(h)   amosacnobi jgufis an erTobis devna politikuri, rasobrivi, erovnuli, eTnikuri, kulturuli, religiuri, sqesis (rogorc es ganmartebulia me-3 punqtSi) an sxva iseTi niSnis safuZvelze, romelic saerTaSoriso samarTliT sayovelTaod dauSveblad aris aRiarebuli, dakavSirebuli am punqtSi

aRniSnul romelime qmedebasTan an sasamarTlos iurisdiqciaSi Semaval romelime danaSaulTan;

(i) pirTa iZulebiT gauCinareba;

(j) aparTeidis danaSauli;'

(k)   msgavsi xasiaTis sxva araadamianuri ganzraxi qmedebani, romlebic iwveven mZime tanjvas, sxeulis mZime dazianebas anda mZime zians ayeneben piris fsiqikur an fizikur janmrTelobas.

2. pirveli punqtis miznebisTvis:

(a) "Tavdasxma, mimarTuli samoqalaqo mosaxleobis winaaRmdeg" niSnavs
qmedebas, romelic moicavs pirvel punqtSi miTiTebul qmedebaTa mravaljerad Cadenas, romlebic mimarTulia samoqalaqo mosaxleobis winaaRmdeg, saxelmwifos an aseTi Tavdasxmis ganxorcielebisaken mimarTuli organizaciis politikis gatarebis an misi xelSewyobis mizniT;

(b) "ganadgureba" niSnavs cxovrebis iseTi pirobebis ganzrax Seqmnas, kerZod, sakvebi produqtebisa da medikamentebis xelmisawvdomobis aRkveTas, rac miznad isaxavs mosaxleobis nawilis amowyvetas;

(c) "damoneba" niSnavs adamianis mimarT sakuTrebis uflebasTan dakavSirebuli uflebamosilebebis mTlianad an nawilobriv ganxorcielebas, maT Soris am uflebis iseT ganxorcielebas, rac gamoixata adamianebiT, gansakuTrebiT qalebiT da bavSvebiT vaWrobiT;

(d) "deportacia an mosaxleobis iZulebiT gadaadgileba" niSnavs pirTa iZulebiT gadaadgilebas, rac gamoixata maTi gasaxlebiT TavianTi kanonieri sacxovrebeli adgilidan an sxva iZulebiTi qmedebiT, saerTaSoriso samarTliT daSvebuli safuZvlebis arsebobis gareSe;

(e) "wameba" niSnavs mZime fizikuri an sulieri tkivilis an tanjvis miyenebas im pirisTvis, romelic damnaSavis patimrobis an kontrolis qveS imyofeba; amasTan, wameba ar moicavs tkivils an tanjvas, romelic

damaxasiaTebelia kanonieri sanqciebisTvis an ganuyofelia am sanqciebisgan an warmoiSoba SemTxveviT maTi aRsrulebis procesSi;

(f) "iZulebiTi orsuloba" niSnavs iZulebiT daorsulebuli qalis ukanonod Tavisuflebis aRkveTas, mosaxleobis eTnikuri Semadgenlobis Secvlis an saerTaSoriso samarTlis sxva mZime darRvevaTa Cadenis misniT. es
gansazRvreba araviTar SemTxvevaSi ar SeiZleba ganimartos, rogorc zianismiyeneba orsulobasTan dakavSirebuli erovnuli kanonmdeblobisTvis.

(g) "devna" niSnavs saerTaSoriso samarTlis sawinaaRmdegod piris ZiriTad uflebaTa ganzrax uxeS xelyofas, romelime jgufis an erTobisadmi kuTvnilebis motiviT;

(h) "aparTeidis danaSauli" niSnavs 1-l punqtSi aRniSnuli araadamianuri moqmedebebis msgavs moqmedebebs, Cadenils iseTi institucionalizebuli reJimis saxiT, rac gamoixateba erTi rasobrivi jgufis zewoliTa da batonobiT sxva rasobriv jgufze an jgufebze, am reJimis SenarCunebis misniT;

(i) "pirTa iZulebiT gauCinareba" niSnavs pirTa dapatimrebas, dakavebas an motacebas saxelmwifos an politikuri organizaciis mier an maTi nebarTviT, mxardaWeriT an dumiliT Tanxmobit, ris Semdegac maT gamoxates uari aseTi Tavisuflebis aRkveTis aRiarebaze an am pirTa bedis an adgilsamyofelis Setyobinebaze xangrZlivi drois ganmavlobaSi, am pirTaTvis kanoniT gaTvaliswinebuli dacvis CamorTmevis misniT;

3. am wesdebis miznebisTvis, termini ?genderuli? exeba orive sqess sazogadoebis konteqstSi - mamrobiTs da mdedrobiTs. termin "genderuls" ar gaaCnia sxva Sinaarsobrivi datvirTva garda zemoT aRniSnulisa.

muxli 8.

omis danaSaulebi.

1.   sasamarTlo Tavis iurisdiqcias axorcielebs omis danaSaulebze, kerZod, Tu isini Cadenilia gegmis an politikis nawilis saxiT an amgvar danaSaulTa farTomasStabiani Cadenis nawilis saxiT.

2.   am wesdebis miznebisTvis, "omis danaSaulebi" niSnavs:

a) 1949 wlis 12 agvistos Jenevis konvenciebis mZime darRvevebs, kerZod, romelime qvemoT CamoTvlil qmedebas, romelic mimarTulia Jenevis konvenciebis dacvis qveS myofi pirebis an sakuTrebis winaaRmdeg:

(i) ganzrax mkvleloba;

(ii) wameba an araadamianuri mopyroba, maT Soris biologiuri eqsperimentebi;

(iii) mZime tanjvis, sxeulis mZime dazianebis an janmrTelobisTvis zianis miyeneba;

(iv)   sakuTrebis   ukanono,   uazro   da   farTomasStabiani ganadgureba da miTviseba, rac gaumarTlebelia samxedro aucileblobiT;

(v)   samxedro tyvis an sxva dacvis qveS myofi piris iZuleba, imsaxuros mowinaaRmdege saxelmwifos SeiaraRebul ZalebSi;

(vi) samxedro tyvis an sxva dacvis qveS myofi pirisTvis samarTliani da normaluri sasamarTlo ganxilvis uflebis CamorTmeva;

(vii) ukanono deportacia an gadaadgileba an ukanono Tavisuflebis aRkveTa;

(viii)   mZevlebis ayvana;

b) im kanonebisa da Cveulebebis mZime darRvevebs, romlebic saerTaSoriso samarTlis Sesabamisad gamoiyeneba saerTaSoriso SeiaraRebuli konfliqtebis dros, kerZod, romelime qvemoT CamoTvlili qmedeba:

(i) ganzrax Tavdasxma samoqalaqo mosaxleobaze, rogorc aseTze, an calkeul samoqalaqo pirebze, romlebic uSualod ar monawileoben saomar moqmedebebSi;

(ii) ganzrax Tavdasxma samoqalaqo obieqtebze, e.i. im obieqtebze, romlebic ar warmoadgenen samxedro samiznes;

(iii) dartymebis ganzrax miyeneba humanitarul daxmarebaSi an mSvidobis mxardamWer misiaSi gaeros wesdebis Sesabamisad monawile personalze, obieqtebze, masalebze, qvedanayofebze an gadasazid saSualebebze, vidre maT aqvT is dacvis ufleba, rac eniWeba samoqalaqo pirebs an samoqalaqo obieqtebs SeiaraRebuli konfliqtebis saerTaSoriso samarTlis Sesabamisad;

(iv) ganzrax Tavdasxma, rodesac cnobilia, rom aseTi Tavdasxma gamoiwvevs samoqalaqo pirTa SemTxveviT daRupvas an dazianebas an samoqalaqo obieqtebis dazianebas anda bunebrivi garemos farTomasStabian, xangrZliv da mniSvnelovan zians, romelic araTanazomieri iqneboda konkretuli da uSualod mosalodneli saerTo samxedro upiratesobisa;

(v) nebismieri saSualebiT qalaqebze, soflebze, sacxovreblebze an Senobebze Tavdasxma an maTi dabombva, romlebic ar arian daculi da ar warmoadgenen samxedro samiznes;

(vi) im kombatantis mokvla an daWra, romelmac dado iaraRi an aRar gaaCnia dacvis saSualeba da usityvod danebda;

(vii) droebiT cecxlis Sewyvetis aRmniSvneli almis, erovnuli droSis anda gaeros an mowinaaRmdegis ganmasxvavebeli samxedro niSnis da formis, agreTve Jenevis konvenciebiT gaTvaliswinebuli ganmasxvavebeli emblemebis arasaTanado gamoyeneba, ramac adamianTa sikvdili an maTi mZime fizikuri dazianeba gamoiwvia;

(viii) okupanti saxelmwifos mier Tavisi samoqalaqo mosaxleobis nawilis pirdapir an arapirdapir gadayvana mis mier okupirebul teritoriaze, an okupirebuli teritoriis mTeli mosaxleobis an misi nawilis deportacia an gadaadgileba am teritoriis sazRvris farglebSi an mis gareT;

(ix) religiuri, saganmanaTleblo, xelovnebis, samecniero an saqvelmoqmedo miznebisTvis gankuTvnil Senobebze, istoriul Zeglebze, saavadmyofoebze an avadmyofTa da daWrilTa Tavmoyris adgilebze dartymebis ganzrax miyeneba, Tu isini ar warmoadgenen samxedro samiznes;

(x) mowinaaRmdegis gankargulebaSi myofi pirebis fizikuri damaxinjeba an maTze nebismieri saxis samedicino an samecniero eqsperimentebis Catareba, rac gaumarTlebelia aRniSnuli piris samedicino, stomatologiuri an stacionaruli mkurnalobis TvalsazrisiT, amasTan, ar xorcieldeba am piris interesebidan gamomdinare da iwvevs am piris an pirTa sikvdils an seriozuli safrTxis qveS ayenebs maT janmrTelobas;

(xi) mowinaaRmdege mxaris qveSevrdomTa an mis SeiaraRebul Zalebis mosamsaxureTa RalatiT mkvleloba an maTTvis Wrilobis miyeneba;

(xii) imis gamocxadeba, rom dandoba ar iqneba;

(xiii) mowinaaRmdegis sakuTrebis ganadgureba an xelSi Cagdeba, Tu esganadgureba an xelSi Cagdeba ganpirobebuli ar iyo imperatiuli samxedro aucileblobiT;

(xiv) imis gamocxadeba, rom mowinaaRmdege mxaris moqalaqeTa uflebebi da sarCelebi sasamarTloSi gauqmebuli, SeCerebuli an miuRebelia;

(xv) mowinaaRmdege mxaris moqalaqeTa iZuleba, monawileoba miiRon maTi qveynis winaaRmdeg mimarTul samxedro moqmedebebSi, miuxedavad imisa, iyvnen Tu ara isini omis dawyebamde meomari mxaris samsaxurSi;

(xvi) qalaqis an adgilmdebareobis gaZarcva, Tundac SturmiT aRebisas;

(xvii) Sxamiani nivTierebis an mowamluli iaraRis gamoyeneba;

(xviii) mgudavi, momwamvleli an sxva airebis, agreTve yovelgvari msgavsi siTxis, masalis an saSualebis gamoyeneba;

(xix) iseTi tyviebis gamoyeneba, romlebic advilad feTqdeba an brtyeldeba adamianis sxeulSi, rogoricaa myargarsiani tyviebi, romelTa garsi ar faravs tyviis mTel guls an aqvs CanaWrebi;

(xx) iseTi iaraRis, sabrZolo masalis an teqnikis, agreTve brZolis warmoebis iseTi meTodebis gamoyeneba, romlebic iwveven gadaWarbebul zians an usargeblo tanjvas, an romelic iwvevs SeiaraRebuli konfliqtebis saerTaSoriso samarTlis normaTa ganurCevel darRvevas, amasTan, Tu aseTi iaraRi, sabrZolo masala an teqnika, agreTve brZolis warmoebis aseTi meTodebi eqvemdebareba sayovelTao akrZalvas da Sesworebis saxiT Setanilia am wesdebis danarTSi 121-e da 123-e muxlebis saTanado debulebebis Sesabamisad;

(xxi) adamianis Rirsebis Selaxva, kerZod, Seuracxmyofeli da damamcirebeli mopyroba;

(xxii) gaupatiureba, sqesobriv morCilebaSi yola, prostituciis iZuleba, iZulebiTi orsuloba, rac gansazRvrulia me-7 muxlis 2 punqtis (f) qvepunqtiT, ZaladobiT sterilizacia an sqesobrivi Zaladobis sxva saxe, romelic aseve warmoadgens Jenevis konvenciebis mZime darRvevas;

(xxiii) samoqalaqo an sxva dacvis qveS myofi piris Tandaswrebis gamoyeneba calkeuli punqtebis, raionebis an SeiaraRebuli Zalebis samxedro moqmedebebisgan dacvis mizniT;

(xxiv) dartymebis ganzrax miyeneba im Senobebze, masalebze, samedicino dawesebulebebze an satransporto saSualebebze da personalze, romlebic saerTaSoriso samarTlis Sesabamisad iyeneben Jenevis konvenciebiT gaTvaliswinebul ganmasxvavebel emblemebs;

(xxv) omis warmoebis saSualebis saxiT samoqalaqo mosaxleobaSi SimSilis ganzrax gamowveva sasicocxlo mniSvnelobis sagnebis CamorTmeviT, maT Soris Jenevis konvenciebiT gaTvaliswinebuli daxmarebis gawevisaTvis ganzrax xelis SeSla;

(xxvi) TxuTmeti wlis asakamde bavSvebis gawveva an Segroveba erovnul SeiaraRebul ZalebSi samsaxurisTvis an maTi gamoyeneba samxedro moqmedebebSi aqtiuri monawileobis misaRebad.

c) arasaerTaSoriso SeiaraRebuli konfliqtis SemTxvevaSi, 1949 wlis 12 agvistos Jenevis konvenciebisaTvis saerTo me-3 muxlis mZime darRvevebi, kerZod, romelime qvemoT CamoTvlili qmedeba, Cadenili im pirTa winaaRmdeg, romlebic aqtiur monawileobas ar iReben saoar moqmedebebSi, maT Soris SeiaraRebuli Zalebis SemadgenlobaSi Semavali im pirebis winaaRmdeg, romelTac dades iaraRi an aRar SeswevT brZolis unari avadmyofobis, miRebuli Wrilobis, patimrobis an sxva mizezis gamo:

(i) Zaladoba, Cadenili adamianis sicocxlis an pirovnebis winaaRmdeg, kerZod, yovelgvari mkvleloba nebismieri formiT, damaxinjeba, sastiki mopyroba an wameba;

(ii) adamianis Rirsebis Selaxva, kerZod, Seuracxmyofeli da damamcirebeli mopyroba;

(iii) mZevlebis ayvana;

(iv) ganaCenis gamotana an misi aRsruleba saTanadod dafuZnebuli sasamarTlos mier winaswari ganxilvis gareSe, im yvela iuridiuli garantiis dacviT, romlebic sayovelTaod savaldebulod aris aRiarebuli;

d) me-2(c) punqti exeba arasaerTaSoriso xasiaTis SeiaraRebul konfliqtebs da amrigad ar gamoiyeneba Sida wesrigis darRvevisa da daZabulobebis dros, rogoricaa areulobebi, Zaladobis calkeuli da sporadiuli aqtebi an sxva analogiuri xasiaTis aqtebi;

e) arasaerTaSoriso SeiaraRebuli konfliqtebis saerTaSoriso samarTalSi damkvidrebuli kanonebisa da Cveulebebis sxva mZime darRvevebi, kerZod, romelime qvemoT CamoTvlili qmedeba:

(i) dartymebis ganzrax miyeneba samoqalaqo mosaxleobaze, rogorc aseTze an calkeul samoqalaqo pirebze, romlebic ar monawileoben saomar moqmedebebSi;

(ii) dartymebis ganzrax miyeneba im Senobebze, masalebze, samedicino dawesebulebebze an satransporto saSualebebze da personalze, romlebic saerTaSoriso samarTlis Sesabamisad iyeneben Jenevis konvenciebiT gaTvaliswinebul ganmasxvavebel emblemebs;

(iii) dartymebis ganzrax miyeneba humanitarul daxmarebaSi an mSvidobis
mxardamWer misiaSi gaeros wesdebis Sesabamisad monawile personalze, danadgarebze, obieqtebze, masalebze gadasazid saSualebebze, vidre maT aqvT
is dacvis ufleba, rac eniWeba samoqalaqo pirebs an samoqalaqo obieqtebs SeiaraRebuli konfliqtebis saerTaSoriso samarTlis Sesabamisad;

(iv) religiuri, saganmanaTleblo, xelovnebis, samecniero an saqvelmoqmedo miznebisTvis gankuTvnil Senobebze, istoriul Zeglebze, hospitlebze an avadmyofTa da daWrilTa Tavmoyris adgilebze ganzrax dartymebis miyeneba, Tu isini ar warmoadgenen samxedro obieqtebs;

(v) qalaqis an adgilmdebareobis gaZarcva, Tundac SturmiT aRebisas;

(vi) gaupatiureba, sqesobriv morCilebaSi yola, prostituciis iZuleba, iZulebiTi orsuloba, rac gansazRvrulia me-7 muxlis 2(f) punqtiT, ZaladobiT sterilizacia an sqesobrivi Zaladobis sxva saxe, romelic aseve warmoadgens Jenevis oTxi konvenciisTvis saerTo me-3 muxlis mZime darRvevas;

(vii) TxuTmeti wlis asakamde bavSvebis gawveva an Segroveba erovnul SeiaraRebul ZalebSi an dajgufebebSi samsaxurisTvis an maTi gamoyeneba samxedro moqmedebebSi aqtiuri monawileobis misaRebad;

(viii) brZanebis gacema imis Sesaxeb, rom konfliqtTan dakavSirebuli mizezebis gamo samoqalaqo mosaxleoba gadayvanili iqnas sxva adgilas, Tu amas ar moiTxovs aRniSnul samoqalaqo pirTa usafrTxoeba an aucilebeli samxedro mizezebi;

(ix) mowinaaRmdege mxaris kombatantis RalatiT mkvleloba an Wrilobis miyeneba;

(x) imis gamocxadeba, rom dandoba ar iqneba;

(xi) konfliqtSi monawile mowinaaRmdege mxaris gankargulebaSi myofi pirebis fizikuri damaxinjeba an maTze nebismieri saxis samedicino an samecniero eqsperimentebis Catareba, romlebic gaumarTlebelia aRniSnuli piris samedicino, stomatologiuri an stacionaruli mkurnalobis TvalsazrisiT,

amasTan, ar xorcieldeba am piris interesebidan gamomdinare da iwvevs am piris an pirTa sikvdils an seriozuli safrTxis qveS ayenebs maT janmrTelobas;

(xii) mowinaaRmdegis sakuTrebis ganadgureba an xelSi Cagdeba, Tu es ganadgureba an xelSi Cagdeba ganpirobebuli ar iyo imperatiuli samxedro aucileblobiT.

f) me-2(e) punqti exeba arasaerTaSoriso xasiaTis SeiaraRebul konfliqtebs da amrigad ar gamoiyeneba Sida wesrigis darRvevisa da daZabulobebis dros, rogoricaa areulobebi, Zaladobis calkeuli da sporadiuli aqtebi an sxva msgavsi xasiaTis aqtebi; is exeba SeiaraRebul konfliqtebs saxelmwifos teritoriaze, rodesac mimdinareobs xangrZlivi SeiaraRebuli konfliqti samTavrobo Zalebsa da organizebul SeiaraRebul dajgufebebs Soris an aseT dajgufebebs Soris;

3. me-2 punqtis c da d qvepunqtebSi araferi xelyofs mTavrobis pasuxismgeblobas daicvas an aRadginos samarTali da wesrigi saxelmwifoSi an yvela kanonieri saSualebiT daicvas saxelmwifos erTianoba da teritoriuli mTlianoba.

muxli 9.

danaSaulis Semadgenloba

1. danaSaulis Semadgenloba xels uwyobs sasamarTlos me-6, me-7 da me-8 muxlebis ganmartebasa da gamoyenebaSi. isini miiReba monawile saxelmwifoTa asambleis wevrTa ori mesamedis umravlesobiT.

2. Sesworebis Sesaxeb winadadebis wardgenis ufleba aqvs:

(a) nebismier monawile saxelmwifos;

(b) mosamarTleebs, romelTac gadawyvetileba miiRes absoluturi umravlesobiT;

(c) prokurors.

Sesworebebi miiReba monawile saxelmwifoTa asambleis mier wevrTa ori mesamedis umravlesobiT.

3. danaSaulTa elementebi da maTi Sesworebebi ar unda ewinaaRmdegebodnen am wesdebas.

muxli 10.

am nawilSi araferi SeiZleba ganimartos, rogorc arsebuli an Camoyalibebis procesSi myofi saerTaSoriso samarTlis im normebis SezRudva an maTTvis zianis miyeneba im miznebisTvis, romlebic gansxvavdeba am wesdebis miznebisagan.

muxli 11.

iurisdiqcia ratione temporis

1. sasamarTlos iurisdiqcia vrceldeba am wesdebis ZalaSi Sesvlis Semdeg Cadenil danaSaulebze.

2. Tu am wesdebis ZalaSi Sesvlis Semdeg saxelmwifo gaxdeba misi monawile, sasamarTloa SeuZlia am saxelmwifosTan mimarTebaSi ganaxorcielos iurisdiqcia am wesdebis ZalaSi Sesvlis Semdeg Cadenil danaSaulebze, garda im SemTxvevisa, Tu saxelmwifom gaakeTa gancxadeba me-12 muxlis me-3 punqtis Sesabamisad.

muxli 12.

iurisdiqciis ganxorcielebis pirobebi

1. saxelmwifo, romelic xdeba am wesdebis monawile, Sesabamisad aRiarebs sasamarTlos iurisdiqcias me-5 muxlSi aRniSnul danaSaulebze.

2. me-13 muxlis a an c punqtebiT gaTvaliswinebul SemTxvevebSi sasamarTlo axorcielebs Tavis iurisdiqcias, Tu qvemoT CamoTvlili romelime saxelmwifo am wesdebis monawilea an aRiara sasamarTlos iurisdiqcia me-3 punqtis Sesabamisad:

a) saxelmwifo, romlis teritoriazec aRniSnul qmedebas hqonda adgili an, Tu gemze an TviTmfrinavSi iqna danaSauli Cadenili - am gemis an TviTmfrinavis registraciis saxelmwifo;

b) saxelmwifo, romlis moqalaqecaa danaSaulis CadenaSi braldebuli piri.

3. Tu me-2 punqtis Tanaxmad am wesdebis monawile saxelmwifosgan saWiroa iurisdiqciis aRiareba, am saxelmwifos SeuZlia gancxadebiT, romelicregistratorTan inaxeba, aRiaros sasamarTlos iurisdiqcia mocemul danaSaulTan mimarTebaSi. aRiarebis Sesaxeb gancxadebis warmdgeni saxelmwifo sasamarTlosTan TanamSromlobs yovelgvari dayovnebis an gamon
aklisebis gareSe me-9 nawilis Sesabamisad.

muxli 13.

iurisdiqciis ganxorcieleba

sasamarTlos SeuZlia ganaxorcielos iurisdiqcia me-5 muxlSi aRniSnul danaSaulebze am wesdebis debulebaTa Sesabamisad, Tu:

a)   monawile saxelmwifo, me-14 muxlis Tanaxmad, prokurors moaxsenebs im viTarebis Sesaxeb, romelSic arsebobs eWvi, rom Cadenilia erTi an meti amgvari danaSauli; an

b) gaeros wesdebis me-7 Tavis Sesabamisad moqmedi uSiSroebis sabWo
prokurors moaxsenebs im viTarebis Sesaxeb, romelSic arsebobs eWvi, romCadenilia erTi an meti amgvari danaSauli; an

c) prokurori daiwyebs aRniSnuli danaSaulis gamoZiebas me-15 muxlis
Sesabamisad.

muxli 14.

monawile saxelmwifos moxseneba viTarebis Sesaxeb

1. monawile saxelmwifos SeuZlia moaxsenos prokurors viTareba, romelSic arsebobs eWvi, rom Cadenilia sasamarTlos iurisdiqciaSi Semavali erTi an meti danaSauli da sTxovos mas viTarebis gamoZieba im mizniT, rom dadgindes, am danaSaulis CadenisTvis erTma pirma unda agos pasuxi Tu ramdenimem.

2. moxseneba, ramdenadac es SesaZlebelia, unda moicavdes saqmesTan dakavSirebiT konkretuli garemoebebis asaxvas momxsenebeli saxelmwifos xelT arsebuli damadasturebeli dokumentaciis TandarTviT.

muxli 15.

prokurori

1. prokurors SeuZlia Tavisi iniciativiT proprio motu daiwyos gamoZieba im informaciis safuZvelze, romelic arsebobs sasamarTlos iurisdiqciaSi Semavali savaraudo danaSaulebis Sesaxeb.

2. prokurori afasebs miRebuli informaciis mniSvnelobas. am mizniT, mas SeuZlia gamoiTxovos damatebiTi informacia saxelmwifoebis, gaeros organoebis, mTavrobaTaSorisi an arasamTavrobo organizaciebisgan an sxva wyaroebidan, rasac saWirod CaTvlis. aseve adgilas SeuZlia miiRos werilobiTi an zepiri Cveneba sasamarTlos adgilsamyofelis adgilze.

3. Tu prokurori daaskvnis, rom arsebobs gamoZiebis gagrZelebis sakmarisi safuZveli, is mimarTavs winaswari warmoebis palatas TxovniT, romelsac Tan erTvis yvela damadasturebeli masala, gasces gamoZiebis warmoebis sanqcia. dazaralebulebs SeuZliaT gaakeTon wardginebebi winaswari warmoebis palataSi procedurisa da mtkicebis wesebis Sesabamisad.

4. Tu winaswari warmoebis palata Txovnisa da damadasturebeli masalis ganxilvis Sedegad CaTvlis, rom arsebobs gamoZiebis gagrZelebis sakmarisi safuZveli da es saqme Sedis sasamarTlos iurisdiqciis sferoSi, is gascems gamoZiebis dawyebis sanqcias, rac zians ar ayenebs sasamarTlos Semdgom dadgenilebebs iurisdiqciisa da saqmis warmoebaSi misaRebobis Sesaxeb.

5. winaswari warmoebis palatis uari gamoZiebis dawyebaze sanqciis gacemis Taobaze ar warmoadgens dabrkolebas prokuroris mier SemdgomSi Txovnis wardgenisaTvis igive viTarebasTan dakavSirebuli axali faqtebis an mtkicebulebebis safuZvelze.

6. Tu 1-l da me-2 punqtebSi aRniSnuli winaswari ganxilvis Semdeg prokurori daaskvnis, rom miwodebuli informacia ar warmoadgens gamoZiebis gagrZelebis sakmaris safuZvels, man unda acnobos amis Sesaxeb informaciis mimwodebels. amiT prokurors ar eqmneba dabrkoleba, ganixilos misTvis gadacemuli Semdgomi informacia axali faqtebis da mtkicebulebebis safuZvelze.

muxli 16.

gamoZiebis an sisxlis samarTlebrivi devnis gadadeba

gamoZieba an sisxlis samarTlebrivi devna ar SeiZleba am wesdebis Sesabamisad daiwyos an gagrZeldes Tormeti Tvis ganmavlobaSi mas Semdeg, rac uSiSroebis sabWo gaeros wesdebis me-7 Tavis Sesabamisad miRebuli rezoluciiT sasamarTlos warudgens Txovnas amis Sesaxeb. sabWos mier Txovna SeiZleba ganmeorebiT waredginos igive wesiT.

muxli 17.

misaRebobasTan dakavSirebuli sakiTxebi

1. preambulis me-10 punqtisa da pirveli muxlis gaTvaliswinebiT, sasamarTlo adgens, rom saqme miuRebelia, rodesac:

(a) saqmes iZiebs an sisxlis samarTlebrivi devnas aRZravs mocemul saqmeze iurisdiqciis mqone saxelmwifo, garda im SemTxvevisa, rodesac am saxelmwifos ar surs an uunaroa saTanadod Caataros gamoZieba an ganaxorcielos sisxlis samarTlebrivi devna;

(b) saqme gamoiZia mocemul saqmeze iurisdiqciis mqone saxelmwifom da gadawyvita, ar aRZras sisxlis samarTlebrivi devna Sesabamisi piris mimarT, garda im SemTxvevisa, rodesac aseTi gadawyvetileba miRebul iqna imis gamo, rom saxelmwifos ar surs an

uunaroa saTanadod Caataros gamoZieba an ganaxorcielos sisxlis samarTlebrivi devna;

(c) Sesabamisi piri ukve gasamarTlebuli iqna im qmedebisTvis, romelic gancxadebis sagans warmoadgens da romlis ganxilva sasamarTlos mier, Tanaxmad me-20 muxlis me-3 punqtisa, dauSvebelia;

(d) saqme ar aris imdenad mniSvnelovani, rom sasamarTlos Semdgomi moqmedeba mizanSewonilad CaiTvalos.

2. imisaTvis, rom calkeul SemTxvevaSi dadgindes survilis ararseboba, sasamarTlo, iRebs ra mxedvelobaSi saerTaSoriso samarTliT aRiarebul saproceso normebs, gaiTvaliswinebs qvemoT CamoTvlil erT an met faqtors, Tu igi arsebobs:

(a) samarTalwarmoeba ganxorcielda an xorcieldeba anda erovnul doneze miRebuli gadawyvetileba gamotanili iyo im mizniT, rom daecva Sesabamisi piri sisxlissamarTlebrivi pasuxismgeblobisgan, romelic dadga me-5 muxlSi miTiTebuli sasamarTlos iurisdiqciaSi Semaval danaSaulTa Cadenis gamo;

(b) samarTalwarmoebis ganxorcielebis procesSi adgili hqonda dausabuTebel dayovnebas, romelic, arsebuli garemoebebidan gamomdinare, ar Seesabameba Sesabamisi piris marTlmsajulebisTvis gadacemis mizans;

(c) samarTalwarmoeba ar ganxorcielda an ar xorcieldeba damoukideblad an miukerZoeblad an xorcieldeba iseTi saxiT, romelic, arsebuli garemoebebidan gamomdinare, ar Seesabameba Sesabamisi piris marTlmsajulebisTvis gadacemis mizans.

3. imisaTvis, rom calkeul SemTxvevaSi dadgindes uunaroba, sasamarTo iTvaliswinebs, Seswevs Tu ara saxelmwifos unari, erovnuli sasamarTlo sistemis mTliani an arsebiTi marcxis an misi ararsebobis gamo, miiRos Tavis gankargulebaSi braldebuli an saWiro mtkicebuleba an Cveneba, an Tu sxva mizezis gamo ar ZaluZs samarTalwarmoebis ganxorcieleba.

muxli 18.

winaswari debulebebi misaRebobis Sesaxeb

1. im SemTxvevaSi, Tu sasamarTlos viTareba moexseneba me-13(a) muxlis Sesabamisad da prokurori daadgens, rom arsebobs gamoZiebis dawyebis gonivruli safuZveli, an prokurori daiwyebs gamoZiebas me-13(c) da me-15 muxlebis Sesabamisad, prokurori Setyobinebas ugzavnis yvela monawile saxelmwifos da im saxelmwifoebs, romlebic, arsebuli informaciis gaTvaliswinebiT, romlebic Cveulebriv ganaxorcielebdnen iurisdiqcias aseT danaSaulebze. prokurors SeuZlia aRniSnul saxelmwifoebs Setyobineba gadasces konfidencialurad. prokurors SeuZlia, Tu Tvlis, rom es saWiroa pirTa dacvisTvis, mtkicebulebis ganadgurebis an pirTa mimalvis Tavidan acilebisTvis, SezRudos saxelmwifoebisTvis gadasacemi informaciis moculoba.

2. am Setyobinebis miRebidan erTi Tvis ganmavlobaSi saxelmwifos SeuZlia acnobos sasamarTlos, rom iZiebs an gamoiZia misi moqalaqeebis an mis iurisdiqcias daqvemdebarebul sxva pirTa mier Cadenili danaSaulebrivi qmedebani, romlebic SeiZleba Seadgendnen me-5 muxlSi miTiTebul danaSaulebs da romlebic ukavSirdeba SetyobinebiT saxelmwifoTaTvis gadacemul informacias. am saxelmwifos TxovniT, prokurori gadascems mas Ziebas aRniSnul pirTa mimarT, garda im SemTxvevisa, rodesac winaswari warmoebis palatas mimarTvis safuZvelze gamoaqvs gadawyvetileba gamoZiebis Catarebaze nebis darTvis Sesaxeb.

3. prokuroris Tanxmoba saxelmwifos mier gamoZiebis Catarebis Sesaxeb SeiZleba gadaisinjos prokuroris mier Ziebis gadacemis TariRidan eqvsi Tvis ganmavlobaSi an nebismier dros garemoebaTa arsebiTi cvlilebis SemTxvevaSi, rac gamoixata saxelmwifos survilis ararsebobiT an misi uunarobiT saTanadod Caataros gamoZieba.

4. Sesabamis saxelmwifos an prokurors, 82-e muxlis me-2 punqtis Sesabamisad, SeuZlia winaswari warmoebis palatis gadawyvetileba apelaciis wesiT gaasaCivros saapelacio palataSi. saCivari SeiZleba ganxilul iqnes gamartivebuli wesiT.

5. me-2 punqtis Tanaxmad Ziebis gadacemis SemTxvevaSi prokurors SeuZlia Sesabamis saxelmwifos mosTxovos misTvis periodulad informaciis miwodeba gamoZiebis mimdinareobisa da sisxlis samarTlebrivi devnis Semdgomi zomebis Sesaxeb. monawile saxelmwifoebma aseT moTxovnaze unda moaxdinon saTanado reagireba dausabuTebeli dayovnebis gareSe.

6. winaswari warmoebis palatis mier dadgenilebis miRebamde an nebismier dros prokuroris mier am muxlis Sesabamisad gamoZiebis Catarebis Semdeg prokurors, gamonaklisis saxiT, SeuZlia gamoiTxovos winaswari warmoebis palatisagan aucilebeli sagamoZiebo moqmedebebis Sesrulebis nebarTva mtkicebulebis SenarCunebis mizniT, rodesac arsebobs mniSvnelovani mtkicebulebis mopovebis unikaluri SesaZlebloba an arsebobs saSiSroeba, rom SemdgomSi aseTi mtkicebulebis mopoveba SeuZlebeli iqneba.

7. saxelmwifo, romelic am muxlis Sesabamisad asaCivrebs winaswari warmoebis palatis dadgenilebas, SeuZlia me-19 muxlis Tanaxmad gaaprotestos saqmis misaReboba damatebiTi mniSvnelovani faqtebis an garemoebaTa arsebiTi cvlilebis safuZvelze.

muxli 19.

protesti sasamarTlos iurisdiqciis an saqmis warmoebaSi misaRebobis Taobaze

1. sasamarTlo unda darwmundes, rom misi iurisdiqcia vrceldeba mis mier warmoebaSi miRebul saqmeze. sasamarTlos SeuZlia Tavisi gadawyvetilebiT daadginos saqmis misaReboba me-17 muxlis safuZvelze.

2. me-17 muxlSi miTiTebul safuZvlebze saqmis misaRebobis an sasamarTlos iurisdiqciis Taobaze protestis wardgenis ufleba aqvs:

(a) braldebuls an pirs, romelzec gaica dapatimrebis orderi an sasamarTlos uwyeba 58-e muxlis Sesabamisad;

(b) mocemul saqmeze iurisdiqciis mqone saxelmwifos im safuZvelze, rom is iZiebs saqmes an aRZravs sisxlis samarTlebriv devnas an gamoiZia da aRZra sisxlis samarTlebrivi devna;

(c) saxelmwifos, romlisaganac me-12 muxlis Tanaxmad saWiroa iurisdiqciis aRiareba.

3. prokurors SeuZlia iTxovos sasamarTlos mier dadgenilebis miReba iurisdiqciis an misaRebobis sakiTxis Sesaxeb. iurisdiqciis an misaRebobis sakiTxis ganxilvisas maT, vinc me-13 muxlis Sesabamisad moaxsenes

viTareba da, agreTve dazaralebulebs SeuZliaT sasamarTloSi SeniSvnebis wardgena.

4. saqmis misaReboba an sasamarTlos iurisdiqcia SeiZleba gaaprotestos me-2 muxlSi miTiTebulma pirma an saxelmwifom mxolod erTxel. protesti daiSveba sasamarTlo ganxilvamde an ganxilvis dasawyisisTvis. gamonaklis SemTxvevebSi sasamarTlos SeuZlia gasces nebarTva, rom protesti wardgenil iqnas erTze metjer an sasamarTlo ganxilvis dawyebis Semdeg. sasamarTlo ganxilvis dasawyisSi an mis Semdgom sasamarTlos nebarTviT wardgenili protesti saqmis misaRebobis Taobaze SeiZleba daefuZnos mxolod me-17 muxlis 1(c) punqts.

5. me-2 punqtis (b) da (c) qvepunqtebSi miTiTebulma saxelmwifo protests waradgens uadresi SesaZleblobisTanave.

6. braldebis dadasturebamde protesti saqmis misaRebobis an sasamarTlos iurisdiqciis Taobaze gadaecema winaswari warmoebis palatas. braldebis dadasturebis Semdeg protesti egzavneba winaswari warmoebis palatas. gadawyvetilebebi iurisdiqciasa da misaRebobasTan dakavSirebiT SeiZleba gasaCivrdes saapelacio palataSi 82-e muxlis Sesabamisad.

7. Tu saxelmwifom waradgina protesti me-2 punqtis (b) da (c) qvepunqtebis Tanaxmad, prokurorma unda gadados gamoZieba, vidre sasamarTlo ar gamoitans dadgenilebas me-17 muxlis safuZvelze.

8. sasamarTlos mier dadgenilebis gamotanamde prokurors SeuZlia sasamarTlosgan iTxovos imis nebarTva, rom man:

(a) Seasrulos iseTi xasiaTis sagamoZiebo moqmedebebi, rogoric miTiTebulia me-18 muxlis me-6 punqtSi;

(b) miiRos mowmisgan gancxadeba an Cveneba an daasrulos protestis wardgenamde mis mier dawyebuli mtkicebulebaTa Segroveba da ganxilva;

(c) Sesabamis saxelmwifosTan TanamSromlobiT Tavidan aicilos im pirTa mimalva, romelTa mimarT prokurorma 58-e muxlis Sesabamisad ukve moiTxova dapatimrebis orderi.

9. protestis wardgena zians ar ayenebs prokuroris qmedebaTa namdvilobas an sasamarTlos mier protestis wardgenamde gacemuli gankargulebis an orderis namdvilobas.

10. Tu sasamarTlo gadawyvets, rom saqme me-17 muxlis Tanaxmad miuRebelia, prokurors SeuZlia waradginos Txovna gadawyvetilebis gadasinjvis Taobaze Tu is darwmundeba, rom aRmoCnda axali garemoebebi, romlebic abaTileben me-17 muxlis Sesabamisad saqmis miuReblad cnobis safuZvels.

11. Tu prokurori, me-17 muxlSi aRniSnuli sakiTxebis gaTvaliswinebiT, gadascems Ziebas, mas SeuZlia sTxovos Sesabamis saxelmwifos, miawodos informacia sasamarTlo warmoebis Sesaxeb mocemul saqmeze. Sesabamisi saxelmwifos TxovniT, es informacia unda iyos konfidencialuri. Tu prokurori, aqedan gamomdinare, gadawyvets, gaagrZelos gamoZieba, is atyobinebs amis Sesaxeb saxelmwifos, romelsac gadaeca Zieba.

muxli 20.

Ne bis in idem

1. garda am wesdebiT gaTvaliswinebuli SemTxvevebisa, dauSvebelia sasamarTlom piri gaasamarTlos qmedebisTvis, romelic qmnida im danaSaulis Semadgenlobis safuZvels, romlisTvisac sasamarTlom damnaSaved cno es piri an gaamarTla.

2. dauSvebelia piri gaasamarTlos sxva sasamarTlom me-5 punqtSi miTiTebuli im danaSaulis gamo, romlisTvisac sasamarTlom es piri damnaSaved cno an gaamarTla.

3. dauSvebelia me-6, me-7 an me-8 muxlebiT akrZaluli qmedebisTvis sxva sasamarTlos mier gasamarTlebuli piri sasamarTlom gaasamarTlos igive qmedebisTvis, Tu warmoeba sxva sasamarTloSi:

(a) emsaxureboda sasamarTlos iurisdiqcias daqvemdebarebuli danaSaulebis CadenisaTvis sisxlis samarTlis pasuxismgeblobisgan aRniSnuli piris dacvis miznebs;

(b) sxvagvarad ar warimarTa damoukideblad an miukerZoeblad saerTaSoriso samarTliT aRiarebuli saproceso normebis Sesabamisad da ganxorcielda iseTi saxiT, romelic, mocemuli garemoebebidan gamomdinare, SeuTavsebeli iyo Sesabamisi piris marTlmsajulebisTvis gadacemis mizanTan.

muxli 21.

samarTlis wyaroebi

1. sasamarTlo xelmZRvanelobs samarTlis Semdegi wyaroebiT:

(a) pirvel rigSi, es wesdeba, danaSaulTa elementebi da procedurisa da mtkicebis wesebi;

(b) meore rigSi, Sesabamis SemTxvevaSi, ZalaSi myofi xelSekrulebebi, saerTaSoriso samarTlis principebi da normebi, maT Soris SeiaraRebuli konfliqtebis saerTaSoriso samarTlis sayovelTaod aRiarebuli principebi;

(c) zemoxsenebuli wyaroebis ukmarisobis SemTxvevaSi, samarTlis zogadi principebi, amokrefili sasamarTlos mier erovnuli kanonebidan saWiroebis mixedviT, msoflios samarTlebrivi sistemebis gaTvaliswinebiT, maT Soris im saxelmwifoTa erovnuli kanonebidan, romlebic Cveulebriv garemoebebSi ganaxorcielebdnen iurisdiqcias mocemul danaSaulze, im pirobiT, rom es principebi ar ewinaaRmdegeba am wesdebas, saerTaSoriso samarTalsa da sayovelTaod aRiarebul normebsa da standartebs.

2. sasamarTlos SeuZlia gamoiyenos samarTlis principebisa da normebis imgvari interpretacia, rogoric gaakeTa Tavis wina gadawyvetilebebSi.

3. samarTlis gamoyeneba da ganmarteba am muxlis Sesabamisad ar unda ewinaaRmdegebodes sayovelTaod aRiarebul adamianis uflebebs da ar unda efuZnebodes raime arakeTilgonivrul garCevas iseTi motivebiT, rogoricaa sqesi (rogorc es gansazRvrulia me-7 muxlis me-3 punqtiT), asaki, rasa, feri, ena, religia an mrwamsi, politikuri Tu sxva Sexeduleba, erovnuli, eTnikuri da socialuri warmoSoba, materialuri mdgomareoba, dabadebis an sxva statusi.

nawili 3. sisxlis samarTlis zogadi principebi

muxli 22.

Nullum crimen sine lege

1. dauSvebelia am wesdebiT pirma pasuxi agos sisxlis samarTlis wesiT, Tu misi qmedeba Cadenis droisTvis ar Seadgens sasamarTlos iurisdiqciaSi Semaval danaSauls.

2. danaSaulis gansazRvreba eqvemdebareba zust ganmartebas ar ar SeiZleba gavrcobili iqnas analogiiT. orazrovnebis SemTxvevaSi danaSaulis gansazRvrebis interpretacia unda moxdes ZiebaSi myofis, gansasjelis an msjavrdebulis sasargeblod.

3. muxli zians ar ayenebs am wesdebisgan damoukideblad saerTaSoriso samarTlis Sesabamisad qmedebis dakvalificirebas sisxlis samarTlis danaSaulad.

muxli 23.

Nulla poena sine lege

sasamarTlos mier damnaSaved cnobili piri SeiZleba daisajos mxolod am wesdebis Sesabamisad.

muxli 24.

ukuZalis dauSvebloba ratione personae

1. dauSvebelia am wesdebiT pirma pasuxi agos sisxlis samarTlis wesiT im qmedebisTvis, romelic Cadenili iqna am wesdebis ZalaSi Sesvlamde.

2. mocemul saqmeze saboloo gadawyvetilebis an dadgenilebis gamotanamde samarTlis wyaroSi cvlilebis SemTxvevaSi gamoiyeneba samarTlis is wyaro, romelic ZiebaSi myofs, gansasjels an msjavrdebuls misTvis yvelaze sasurvel mdgomareobaSi ayenebs.

muxli 25.

sisxlis samarTlis pasuxismgeblobis individualoba

1. sasamarTlo, am wesdebis Sesabamisad, iurisdiqcias axorcielebs fizikur pirebze.

2. sasamarTlos iurisdiqciaSi Semavali danaSaulis Camdeni piri sisxlis samarTlis wesiT pasuxs agebs da daisjeba individualurad, am wesdebis Sesabamisad.

3. sasamarTlos iurisdiqciaSi Semavali danaSaulis Camdeni piri, am wesdebis Sesabamisad, sisxlis samarTlis wesiT pasuxs agebs da daisjeba, Tu es piri:

(a) Caidens aRniSnul danaSauls piradad, sxva pirTan erTad an sxva piris meSveobiT, miuxedavad imisa, ekisreba Tu ara am sxva pirs sisxlis samarTlis pasuxismgebloba;

(b) uxelmZRvanelebs, waaqezebs an xels Seuwyobs aRniSnuli danaSaulis Cadenas, romelic faqtiurad damTavrda an romlis mcdelobasac hqonda adgili;

(c) aRniSnuli danaSaulis Cadenis gaadvilebis mizniT daxmarebas uwevs, aqezebs an sxvagvarad xels uwyobs mis Cadenas an Cadenis mcdelobas, maT Soris misi CadenisTvis saSualebaTa miwodebiT;

(d) sxvagvarad xels uwyobs saerTo mizniT moqmedi pirTa jgufis mier danaSaulis Cadenas an Cadenis mcdelobas. aseTi xelis Sewyoba unda iyos ganzraxi da:

(i) miznad isaxavdes jgufis danaSaulebrivi miznis ganxorcielebas an danaSaulebrivi saqmianobis gagrZelebas, Tu aseTi mizani an saqmianoba moicavs sasamarTlos iurisdiqciaSi Semavali danaSaulis Cadenas; an

(ii) xorcieldebodes imis winaswari SecnobiT, rom jgufi miznad isaxavs danaSaulis Cadenas.

(e) genocidis danaSaulis SemTxvevaSi, pirdapir da sajarod mouwodebs sxvebs genocidis danaSaulis Casadenad;

(f) ecdeba aRniSnuli danaSaulis Cadenas iseTi moqmedebiT, romelic warmoadgens danaSaulis Cadenisaken mimarTul mniSvnelovan RonisZiebas, Tu danaSauli bolomde ar iqna miyvanili piris miznebisgan damoukidebeli mizezebis gamo. amasTan, piri, romelic uars ityvis danaSaulis Cadenis mcdelobaze an sxvagvarad xels SeuSlis danaSaulis bolomde miyvanas, ar daisjeba danaSaulis mcdelobisTvis am wesdebiT, Tu igi srulad da nebayoflobiT xels aiRebs danaSaulebriv ganzraxvaze.

4. am wesdebis arc erTi debuleba, dakavSirebuli individualur sisxlis samarTlebriv pasuxismgeblobasTan, zians ar ayenebs saerTaSoriso samarTliT gaTvaliswinebul saxelmwifoTa pasuxismgeblobas.

muxli 26

Tvramet wlamde asakis pirebze iurisdiqciis ganxorcielebis dauSvebloba

sasamarTlos iurisdiqcia ar vrceldeba im pirebze, romlebic ar iyvnen Tvrameti wlis asaks miRweuli danaSaulis savaraudo Cadenis momentisTvis.

muxli 27.

pasuxismgeblobis garduvaloba samsaxurebrivi mdgomareobis miuxedavad

1. es wesdeba yvelaze vrceldeba Tanabrad, samsaxurebrivi mdgomareobisa, kerZod, saxelmwifos an mTavrobis meTauris, mTavrobis an parlamentis wevris, arCeuli warmomadgenlis an mTavrobis Tanamdebobis piris samsaxurebrivi mdgomareoba ar warmoadgens safuZvels imisa, rom piri gaTavisufldes am wesdebiT gaTvaliswinebuli sisxlis samarTlis pasuxismgeblobisgan an Seumsubuqdes ganaCeni.

2. piris samsaxurebrivi mdgomareobasTan dakavSirebuli imunitetebi an specialuri saproceso wesebi, romlebic gaTvaliswinebulia erovnuli an saerTaSoriso samarTliT, ar warmoadgens dabrkolebas sasamarTlosTvis, ganaxorcielos iurisdiqcia am pirebze.

muxli 28.

meTaurebis da sxva ufrosebis pasuxismgebloba

sasamarTlos iurisdiqciaSi Semavali danaSaulebis CadenisTvis am wesdebiT gaTvaliswinebuli sisxlis samarTlis pasuxismgeblobis safuZvlebis garda:

1. samxedro meTauri an samxedro meTauris saxiT efeqturad moqmedi piri pasuxs agebs sisxlis samarTlis wesiT pasuxs agebs sasamarTlos iurisdiqciaSi Semavali danaSaulebisTvis, romlebic Caidines mis efeqtur xelmZRvanelobas an kontrols daqvemdebarebulma Zalebma anda calkeul SemTxvevaSi Caidines mis efeqtur xelmZRvanelobas an kontrols daqvemdebarebulma Zalebma, rac gamowveuli iyo am piris mier aRniSnul ZalTa arasaTanado xelmZRvanelobiT, Tu:

(a) samxedro meTauris an pirisTvis, im droisaTvis arsebuli garemoebebidan gamomdinare, cnobili iyo an cnobili unda yofiliyo, rom es Zalebi sCadiodnen an ganzraxuli hqondaT am danaSaulTa Cadena;

(b) samxedro meTaurma an pirma ar miiRo yvela saWiro da gonivruli zoma Tavisi uflebamosilebis farglebSi, rom Tavidan aecilebina an aRekveTa danaSaulTa Cadena an gadaeca aRniSnuli sakiTxi kompetenturi organoebisTvis gamoZiebis Catarebisa da sisxlis samarTlebrivi devnis ganxorcielebisTvis.

2. ufrossa da xelqveiTs Soris iseTi daqvemdebarebis ararsebobis SemTxvevaSi, romelic gaTvaliswinebulia pirveli punqtiT, ufrosi sisxlis samarTlis wesiT pasuxs agebs sasamarTlos iurisdiqciaSi Semavali danaSaulebisTvis, romlebic Caidines mis efeqtur xelmZRvanelobas an kontrols daqvemdebarebulma xelqveiTebma anda calkeul SemTxvevaSi Caidines mis efeqtur xelmZRvanelobas an kontrols daqvemdebarebulma Zalebma, rac gamowveuli iyo am piris mier aRniSnul xelqveiTTa arasaTanado xelmZRvanelobiT, Tu:

(a) ufrosma icoda an Segnebulad ugulebelyofda informacias, romelic aSkarad miuTiTebda, rom xelqveiTni sCadiodnen an ganzraxuli hqondaT am danaSaulTa Cadena;

(b) danaSauli moicavda qmedebebs, romlebic eqvemdebareba ufrosis efeqtur xelmZRvanelobas an kontrols; da

(c) ufrosma ar miiRo yvela saWiro da gonivruli zoma Tavisi uflebamosilebis farglebSi, rom Tavidan aecilebina an aRekveTa danaSaulTa Cadena an gadaeca aRniSnuli sakiTxi kompetenturi organoebisTvis gamoZiebis Catarebisa da sisxlis samarTlebrivi devnis ganxorcielebisTvis.

muxli 29.

xandazmulobis principis gamouyenebloba

sasamarTlos iurisdiqciaSi Semaval danaSaulebze ar vrceldeba xandazmulobis principi.

muxli 30.

subieqturi mxare

1. Tu sxvagvarad ar aris gaTvaliswinebuli, piri pasuxs agebs da daisjeba sisxlis samarTlis wesiT sasamarTlos iurisdiqciaSi Semavali danaSaulisTvis, mxolod maSin, Tu obieqturi mxare Cadenili iyo ganzrax da Segnebulad.

2. am muxlis miznebisTvis, pirs aqvs ganzraxva:

(a) qmedebis mimarT, Tu is apirebs am qmedebis Cadenas;

(b) Sedegis mimarT, Tu is apirebs gamoiwvios es Sedegi an misTvis cnobilia, rom igi dadgeba movlenebis Cveuli ganviTarebis SemTxvevaSi.

3. `Segnebulad~ niSnavs imis gacnobierebas, rom garemoeba arsebobs an Sedegi dadgeba movlenebis Cveuli ganviTarebis SemTxvevaSi.

am muxlis miznebisTvis, "codna" da "Segneba" unda ganimartos Sesabamisad.

muxli 31.

sisxlis samarTlis pasuxismgeblobis gamomricxveli garemoebebi

1. am wesdebiT gaTvaliswinebuli sisxlis samarTlis pasuxismgeblobis gamomricxveli sxva garemoebebis garda, piri pasuxs ar agebs sisxlis samarTlis wesiT, Tu qmedebis Cadenis momentisTvis:

(a) sulieri avadmyofobis an fsiqikuri moSlilobis gamo pirs ar SeeZlo gaecnobierebina sakuTari qcevis marTlwinaaRmdegoba an misi xasiaTi anda SeeTanxmebina igi kanonis moTxovnebTan;

(b) piri imyofeboda intoqsikaciis mdgomareobaSi, ris gamoc mas ar SeeZlo gaecnobierebina sakuTari qcevis marTlwinaaRmdegoba an misi xasiaTi anda ar SeeZlo SeeTanxmebina igi kanonis moTxovnebTan, Tu am pirma nebayoflobiT ar gamoiwvia intoqsikaciis mdgomareoba iseT garemoebebSi, rodesac man icoda, rom intoqsikaciis Sedegad SeeZlo Caedina qmedeba, romelic Seadgens sasamarTlos iurisdiqciaSi Semaval danaSauls, an ugulebelyofda mis mier aseTi qmedebis Cadenis saSiSroebas;

(c) piris Segnebuli moqmedeba mimarTulia sakuTari Tavis an sxva piris an, omis danaSaulTa SemTxvevaSi, am piris an sxva pirebisTvis sasicocxlo mniSvnelobis qonebis an samxedro amocanis Sesasruleblad saWiro qonebis dasacavad, Zalis gardauvali da marTlsawinaaRmdego gamoyenebisgan, Tu dacvis saSualeba Seesabameba im saSiSroebis xarisxs, romelic emuqreba am pirs an sxva dacul pirs an sakuTrebas. is garemoeba, rom piri monawileobda SeiaraRebuli Zalebis dacviT operaciebSi, TavisTavad ar warmoadgens am qvepunqtis Sesabamisad sisxlis samarTlis pasuxismgeblobisagan gaTavisuflebis safuZvels.

(d) qmedeba, romelzedac arsebobs eWvi, rom igi Seadgens sasamarTlos iurisdiqciaSi Semaval danaSauls, gamowveuli iyo im iZulebiTi viTarebiT, rac warmoiSva am piris an sxva piris winaaRmdeg gardauvali sxeulis mZime dazianebis an mkvlelobis muqariT an aseT dazianebaTa miyenebis gagrZelebis muqariT da am piris aucilebeli da gonivruli moqmedeba mimarTulia am muqaris

Tavidan acilebisken, Tu es piri miznad ar isaxavs imaze meti zianis miyenebas, rac aucilebelia muqaris Tavidan asacileblad. aseTi muqara SeiZleba:

(i) momdinareobdes sxva pirisagan; an

(ii) gamowveuli iyos am pirisagan damoukidebeli garemoebebiT.

2. sasamarTlom gansaxilvel saqmesTan dakavSirebiT unda daadginos am wesdebiT gaTvaliswinebuli sisxlis samarTlis pasuxismgeblobis gamomricxveli garemoebebis gamoyenebis mizanSewoniloba.

3. samarTalwarmoebis procesSi sasamarTlos SeuZlia mxedvelobaSi miiRos sisxlis samarTlis pasuxismgeblobis gamomricxveli sxva garemoebebi, romlebic ar aris aRniSnuli pirvel punqtSi, Tu aseTi garemoeba gaTvaliswinebulia 21-e muxliT gansazRvruli samarTlis wyaroTi. aRniSnuli garemoebis ganxilvasTan dakavSirebuli procedura unda dadgindes procedurisa da mtkicebis wesebiT.

muxli 32.

Secdoma faqtSi an Secdoma kanonSi

1. Secdoma faqtSi SeiZleba warmoadgendes sisxlis samarTlis pasuxismgeblobis gamomricxvel garemoebas mxolod im SemTxvevaSi, Tu igi gamoricxavs mocemuli danaSaulis subieqtur mxares.

2. Secdoma kanonSi, e.i. Seadgens Tu ara qmedebis esa Tu is saxe sasamarTlos iurisdiqciaSi Semaval danaSauls, ar SeiZleba warmoadgendes sisxlis samarTlis pasuxismgeblobis gamomricxvel garemoebas. amasTan, Secdoma kanonSi SeiZleba iyos sisxlis samarTlis pasuxismgeblobis gamomricxveli garemoeba, Tu is gamoricxavs mocemuli danaSaulis subieqtur mxares an 33-e muxliT dadgenili wesis Sesabamisad.

muxli 33.

ufrosis brZaneba da kanonis danawesi

1. is faqti, rom pirma sasamarTlos iurisdiqciaSi Semavali danaSauli Caidina mTavrobis an zemdgomi samxedro Tu samoqalaqo ufrosis brZanebis Sesrulebisas, ar aTavisuflebs mas sisxlis samarTlis pasuxismgeblobisagan, garda im SemTxvevebisa, Tu:

(a) pirs ekisreboda mTavrobis an aRniSnuli ufrosis brZanebis Sesrulebis iuridiuli valdebuleba;

(b) pirma ar icoda brZanebis ukanonobis Sesaxeb; da

(c) brZaneba ar iyo aSkarad ukanono xasiaTisa.

2. am muxlis miznebisTvis, brZanebebi genocidis danaSaulis an kacobriobis winaaRmdeg mimarTuli danaSaulebis Cadenis Sesaxeb CaiTvleba aSkarad ukanonod.

nawili 4. sasamarTlos Semadgenloba da saqmeTa marTva

muxli 34.

sasamarTlos organoebi

sasamarTlo Sedgeba Semdegi organoebisgan:

(a) prezidiumi;

(b) saapelacio ganyofileba, sasamarTlo warmoebis ganyofileba, winaswari warmoebis ganyofileba;

(c) prokuroris kancelaria;

(d) samdivno.

muxli 35.

mosamarTleTa mier funqciebis Sesruleba

1. sasamarTlos wevrad irCeva srul ganakveTze gamwesebuli mosamarTle da masze dakisrebul funqciebs asrulebs am safuZvelze uflebamosilebis vadis dawyebidan.

2. prezidiumSi arCeuli mosamarTleebi maTze dakisrebul funqciebs asruleben sruli ganakveTis safuZvelze maTi arCevisTanave.

3. prezidiums SeuZlia sasamarTlos samuSao datvirTvidan gamomdinare Tavis wevrebTan konsultaciis Semdeg drogamoSvebiT gadawyvitos srul ganakveTze sxva mosamarTleTa mier funqciebis Sesrulebis vadis sakiTxi. amgvari SeTanxmeba zians ar ayenebs me-40 muxliT gaTvaliswinebul debulebebs.

4. arasrul ganakveTze momuSave mosamarTleTa finansuri sakiTxebi gadaiWreba 49-e muxlis Sesabamisad.

muxli 36.

mosamarTleTa kvalifikacia, wardgena da arCeva

1. sasamarTlo Sedgeba 18 mosamarTlisagan, me-2 punqtis debulebaTa gaTvaliswinebiT.

2. (a) prezidiums sasamarTlos saxeliT SeuZlia warmoadginos winadadeba 1-l punqtSi miTiTebul mosamarTleTa raodenobis gazrdis Taobaze da miuTiTos mizezebi, romlebic ganapirobeben aseTi RonisZiebis aucileblobas da saWiroebas. mdivanma amgvari winadadeba dayovnebis gareSe unda gadasces monawile saxelmwifoebs.

(b) nebismieri amgvari winadadeba Semdgom unda ganxilul iqnas monawile saxelmwifoTa asambleis Sexvedraze, romelic moiwveva 112-e muxlis Sesabamisad. winadadeba miRebulad CaiTvleba, Tu mas mxars dauWers monawile saxelmwifoTa asambleis wevrTa ori mesamedi da ZalaSi Seva monawile saxelmwifoTa asambleis mier dadgenil dros.

(c)(i) (b) qvepunqtis Sesabamisad mosamarTleTa raodenobis gazrdis Sesaxeb winadadebis miRebis Semdeg monawile saxelmwifoTa asambleis momdevno sxdomaze irCevian damatebiTi mosamarTleebi 3-8 qvepunqtebisa da 37 muxlis me-2 qvepunqtis Sesabamisad.

(c)(ii) mosamarTleTa raodenobis gazrdis Sesaxeb winadadebis miRebisa da ZalaSi Sesvlis Semdeg (b) da (c)(i) qvepunqtebis Sesabamisad, prezidiums ufleba aqvs nebismier dros, Tu es gamarTlebulia sasamarTlos samuSao datvirTvis TvalsazrisiT, warmoadginos winadadeba mosamarTleTa raodenobis Semcirebis Sesaxeb, amasTan mosamarTleTa raodenoba ar unda iyos 1-l punqtSi miTiTebul ricxvze naklebi. winadadeba ganixileba (a) da (b) qvepunqtebiT dadgenili proceduris Sesabamisad. winadadebis miRebis SemTxvevaSi mosamarTleTa ricxvi, moqmed mosamarTleTa uflebamosilebis vadis gasvlis mixedviT, Semcirdeba saWiro raodenobis miRwevamde.

3. (a) mosamarTleebis SerCeva xdeba im pirTagan, romlebic xasiaTdebian maRali zneobrivi RirebulebebiT, miukerZoeblobiTa da damoukideblobiT da romlebic akmayofileben TavianT Sesabamis saxelmwifoebSi umaRles sasamarTlo Tanamdebobebze daniSvnisTvis arsebul moTxovnebs.

(b) sasamarTloSi arCevis yovel kandidats unda gaaCndes:

(i) aRiarebuli kompetenturoba sisxlis samarTalsa da sisxlis samarTlis procesSi da saTanado rogoricaa samosamarTlo, saprokuroro, saadvokato an sxva msgavsi xasiaTis gamocdileba sisxlis samarTlis saqmeTa warmoebaSi;

(ii) aRiarebuli kompetenturoba saerTaSoriso samarTlis Sesabamis sferoebSi, rogoricaa saerTaSoriso humanitaruli samarTali da adamianis uflebaTa samarTali, agreTve farTo gamocdileba profesiuli iuridiuli saqmianobis sferoSi, romelic aucilebelia sasamarTloSi samosamarTlo saqmianobis ganxorcielebisTvis.

(c) sasamarTloSi arCevis yovelma kandidatma srulyofilad unda icodes sasamarTlos samuSao enebidan erT-erTi maTgani mainc srulyofili codna da Tavisuflad laparakobdes am enaze.

4. (a) sasamarTloSi arCevis kandidati SeiZleba waradginos nebismierma am wesdebis monawile saxelmwifom da es wardgena unda ganxorcieldes:

(i) mocemul saxelmwifoSi umaRles sasamarTlo Tanamdebobaze wardgenisTvis dadgenili proceduris Sesabamisad; an

(ii) marTlmsajulebis saerTaSoriso sasamarTloSi kandidatebis wardgenis proceduris Sesabamisad, romelic marTlmsajulebis saerTaSoriso sasamarTlos sasamarTlos wesdebiTaa gaTvaliswinebuli.

wardgenas Tan unda axldes ganacxadi im aucilebeli zusti monacemebiT, romlebic miuTiTeben, Tu ramdenad akmayofilebs kandidati me-3 punqtis moTxovnebs.

(b) nebismier monawile saxelmwifos yovel mocemul arCevnebze SeuZlia waradginos erTi kandidati, romelic ar aris savaldebulo, am monawile saxelmwifos moqalaqe iyos, magram nebismier SemTxvevaSi unda warmoadgendes romelime monawile saxelmwifos moqalaqes.

(c) monawile saxelmwifoTa asambleas, Tu igi saWirod CaTvlis, SeuZlia miiRos gadawyvetileba kandidatTa wardgenis sakonsultacio komitetis Seqmnis Sesaxeb. am SemTxvevaSi komitetis Semadgenloba da mandati ganisazRvreba monawile saxelmwifoTa asambleis mier.

5. arCevnebis Catarebis miznebisTvis, dgeba kandidatTa ori sia:

sia A, romelSic Setanilia me-3 (b)(i) punqtiT gaTvaliswinebuli kvalifikaciis mqone kandidatTa saxelebi;

sia B, romelSic Setanilia me-3 (b)(ii) punqtiT gaTvaliswinebuli kvalifikaciis mqone kandidatTa saxelebi.

kandidati, romelic akmayofilebs orive siis kvalifikacias, TviTon irCevs, romel siaSi iqnas Setanili. sasamarTlos pirveli arCevnebisas aranakleb cxra mosamarTlisa airCeva sia A-dan da aranakleb xuTi mosamarTlisa sia B-dan. SemdgomSi arCevnebi moewyoba imgvarad, rom ori siiT warmodgenili mosamarTleebi Tanabari proporciiT ganawildnen sasamarTloSi.

6. (a) mosamarTleebi airCevian faruli kenWisyriT 112-e muxlis Tanaxmad am mizniT mowveul monawile saxelmwifoTa asambleis Sexvedraze. me-7 muxlis debulebaTa gaTvaliswinebiT, sasamarTlos wevrad arCeulad CaiTvleba is 18 kandidati, romelic moagrovebs xmaTa

yvelaze met raodenobas da romelsac mxars dauWers kenWisyraSi monawile damswre saxelmwifoTa ori mesamedi.

(b) Tu arCevnebis pirvel turSi ar moxerxda mosamarTleTa sakmarisi raodenobis arCeva, Semdegi kenWisyrebi unda Catardes (a) qvepunqtiT dadgenili proceduris Sesabamisad, vidre darCenili adgilebi ar Seivseba.

7. dauSvebelia nebismieri ori mosamarTle iyos erTi da igive saxelmwifos moqalaqe. piri, romelic sasamarTlos wevrobis miznebisTvis SeiZleba miCneul iqnas erTze meti saxelmwifos qveSevrdomad, CaiTvleba im saxelmwifos moqalaqed, romelSic es piri Cveulebriv sargeblobs samoqalaqo da politikuri uflebebiT.

8. (a) monawile saxelmwifoebi mosamarTleTa SerCevisas mxedvelobaSi iReben sasamarTlos wevrTa SemadgenlobaSi Semdegi faqtorebis uzrunvelyofis aucileblobas:

(i) msoflios ZiriTadi samarTlebrivi sistemebis warmodgena;

(ii) samarTliani geografiuli warmodgena; da

(iii) mdedrobiTi da mamrobiTi sqesis mosamarTleTa samarTliani warmodgena.

(b) monawile saxelmwifoebma agreTve mxedvelobaSi unda miiRon imis saWiroeba, rom sasamarTlos SemadgenlobaSi Sediodnen calkeul sakiTxebSi iuridiuli codnisa da gamocdilebis mqone mosamarTleebi, maT Soris qalTa da bavSvTa winaaRmdeg brZolis sferoSi, magram ar unda iyvnen SezRuduli mxolod am sferoTi.

9. (a) (b) qvepunqtis gaTvaliswinebiT, mosamarTleebi Tavis uflebamosilebas axorcieleben cxra wlis vadiT da (c) qvepunqtisa da 37-e muxlis me-2 punqtis gaTvaliswinebiT, SeiZleba xelaxla iqnen arCeuli.

(b) pirvel arCevnebze arCeul mosamarTleTa erTi mesamedi, romelic SeirCeva wilis yris wesiT, uflebamosilebas axorcielebs sami wlis vadiT, arCeul mosamarTleTa erTi mesamedi, romelic SeirCeva wilis yris wesiT, uflebamosilebas axorcieleben eqvsi wlis vadiT. danarCeni mosamarTleebi uflebamosilebas axorcieleben cxra wlis vadiT.

(c) mosamarTle, romelic SeirCeva sami wlis vadiT (b) qvepunqtis Sesabamisad, SeiZleba arCeul iqnas xelmeored sruli vadiT.

10. me-9 punqtiT gaTvaliswinebuli debulebebis miuxedavad, sasamarTlo warmoebis an saapelacio palataSi gamwesebulma mosamarTle uflebamosilebas axorcielebs nebismieri saqmis sasamarTlo an saapelacio ganxilvis dasrulebamde, romlis ganxilvac ukve dawyebuli iyo am palataSi.

muxli 37.

vakansiebi mosamarTleTa Tanamdebobaze

1. vakansiis warmoSobis SemTxvevaSi mis Sesavsebad tardeba arCevnebi 36-e muxlis Sesabamisad.

2. vakansiis Sesavsebad arCeuli mosamarTle uflebamosilebas axorcielebs winamorbedis darCenili vadiT da Tu es periodi Seadgens sam weliwads an naklebs, mas ufleba aqvs xelaxla iqnas arCeuli sruli vadiT 36-e muxlis Sesabamisad.

muxli 38.

prezidiumi

1. Tavmjdomare da Tavmjdomaris pirveli da meore moadgile airCeva mosamarTleTa xmaTa absoluturi umravlesobiT. isini TavianT funqciebs asruleben sami wlis vadiT an Sesabamisad maTi mosamarTleobis uflebamosilebis vadis dasrulebamde imis mixedviT, romelic yvelaze adre iwureba. isini SeiZleba xelaxla arCeul iqnan erTxel.

2. pirveli moadgile Seasrulebs Tavmjdomaris funqciebs Tavmjdomaris aryofnis an saqmidan misi Camocilebis SemTxvevaSi. meore moadgile Seasrulebs Tavmjdomaris funqciebs Tavmjdomarisa da pirveli moadgilis aryofnis an saqmidan maTi Camocilebis SemTxvevaSi.

3. Tavmjdomare mis pirvel da meore moadgilesTan erTad Seadgens prezidiums, romlis pasuxismgeblobas ganekuTvneba:

(a) sasamarTlos saqmeTa saTanado marTva, garda prokuroris kancelariisa;

(b) am wesdebis Sesabamisad masze dakisrebuli sxva funqciebi.

4. me-3 (a) punqtiT gaTvaliswinebuli funqciebis Sesrulebisas prezidiumi koordinacias uwevs da SeaTanxmebs prokurorTan ormxrivi interesis yvela sakiTxs.

muxli 39.

palatebi

1. mosamarTleTa arCevis Semdeg pirvelive SeZlebisTanave sasamarTlo, 34-e (b) punqtis Sesabamisad, organizaciulad moewyoba ganyofilebebis saxiT.saapelacio ganyofileba Sedgeba Tavmjdomarisa da oTxi mosamarTlisagan, sasamarTlo warmoebis ganyofileba - aranakleb eqvsi mosamarTlisagan da winaswari warmoebis ganyofileba - aranakleb eqvsi mosamarTlisagan. mosamarTleTa ganyofilebebSi gamweseba xdeba TiToeul ganyofilebaze dakisrebuli funqciebis xasiaTisa da sasamarTloSi arCeul mosamarTleTa kvalifikaciisa da gamocdilebis mixedviT, ise, rom TiToeul ganyofilebaSi optimalurad ganawildnen sisxlis samarTalSi, sisxlis samarTlis processa da saerTaSoriso samarTalSi codnisa da gamocdilebis mqone mosamarTleni. sasamarTlo warmoebis da winaswari warmoebis ganyofilebebi Sedgeba upiratesad sisxlis samarTlis procesSi gamocdilebis mqone mosamarTleTagan.

2. (a) TiToeul ganyofilebaSi samosamarTlo funqciebs axorcieleben palatebi.

(b) (i) saapelacio palata Sedgeba saapelacio ganyofilebis yvela mosamarTlisgan;

(ii) sasamarTlo warmoebis palatis funqciebs axorcielebs sasamarTlo warmoebis palatis ganyofilebis sami mosamarTle;

(iii) winaswari warmoebis palatis funqciebs axorcielebs winaswari warmoebis ganyofilebis sami mosamarTle an am

ganyofilebis erTi mosamarTle am wesdebisa da procedurisa da mtkicebis wesebis Sesabamisad.

am punqtSi araferi warmoadgens dabrkolebas erTze meti sasamarTlo warmoebis palatis an winaswari warmoebis palatis SeqmnisaTvis, Tu es saWiroa sasamarTlos samuSao datvirTvis efeqturi gaZRolisaTvis.

3. (a) sasamarTlo warmoebisa da winaswar warmoebis ganyofilebebSi gamwesebuli mosamarTleebi am ganyofilebebSi uflebamosilebas axorcieleben sami wlis ganmavlobaSi da am vadis amowurvis Semdeg Sesabamis ganyofilebaSi ukve dawyebuli saqmis ganxilvis dasrulebamde.

(b) saapelacio palataSi gamwesebuli mosamarTleebi am ganyofilebaSi ganyofilebebSi uflebamosilebas axorcieleben TavianTi uflebamosilebis sruli vadiT.

4. saapelacio ganyofilebaSi gamwesebuli mosamarTleebi ganyofilebebSi uflebamosilebas axorcieleben mxolod am ganyofilebaSi. amasTan, am muxlSi araferi warmoadgens dabrkolebas imisaTvis, rom sasamarTlo warmoebis ganyofilebis mosamarTleebma droebiT Seasrulon TavianTi funqciebi sasamarTlo warmoebis winaswar ganyofilebaSi an piriqiT, Tu prezidiumi CaTvlis, rom es saWiroa sasamarTlos samuSao datvirTvis efeqturi gaZRolisaTvis, im pirobiT, rom mosamarTlem, romelmac monawileobda saqmis winaswari warmoebis romelime etapSi, araviTar garemoebaSi ar SeiZleba miiRos monawileoba sasamarTlo warmoebis palatis mier mis ganxilvaSi.

muxli 40.

mosamarTleTa damoukidebloba

1. mosamarTleebi TavianTi funqciebis Sesrulebisas arian damoukidebeli.

2. mosamarTleebi ar unda iyvnen Cabmuli iseT saqmianobaSi, romelmac SeiZleba xelyos maTi samosamarTlo funqciebi an ziani miayenos maTi damoukideblobis sandoobas.

3. mosamarTleebi, romlebic movaleni arian Seasrulon maTze dakisrebuli funqciebi srul ganakveTze sasamarTlos adgilsamyofelis adgilas, ar unda iyvnen dakavebuli sxva profesiuli saqmianobiT.

4. me-2 da me-3 punqtebis gamoyenebasTan dakavSirebuli nebismieri sakiTxi unda gadaiWras mosamarTleTa xmaTa absoluturi umravlesobiT. Tu es sakiTxi exeba individualurad romelime mosamarTles, am mosamarTlem monawileoba ar unda miiRos gadawyvetilebis miRebaSi.

muxli 41.

mosamarTleTa gaTavisufleba da saqmidan Camocileba

1. prezidiums, mosamarTlis TxovniT, procedurisa da mtkicebis wesebis Sesabamisad, SeuZlia gaaTavisuflos mosamarTle masze am wesdebiT dakisrebuli movaleobis Sesrulebisgan.

2. (a) mosamarTlem monawileoba ar unda miiRos iseTi saqmis ganxilvaSi, romelTan dakavSirebiTac arsebobs gonivruli eWvi. misi miukerZoeblobis Taobaze raime safuZvliT. sxva safuZvelTa Soris, mosamarTle SeiZleba Camocilebul iqnas saqmidan am punqtis Tanaxmad, Tu winaT raime saxiT igi CarTuli iyo sasamarTlos mier gansaxilvel saqmeSi anda am saqmesTan dakavSirebiT sisxlis samarTlis saqmeSi erovnul doneze, romelSic monawileobda amJamad ZiebaSi myofi an gansasjeli. mosamarTle aseve Camocilebul unda iqnas saqmidan sxva iseTi safuZvliT, romelic gaTvaliswinebulia procedurisa da mtkicebis wesebiT.

(b) prokurors, ZiebaSi myofs an gansasjels SeuZlia am punqtis Sesabamisad moiTxovos mosamarTlis saqmidan Camocileba.

(c) mosamarTlis saqmidan CamocilebasTan dakavSirebuli nebismieri sakiTxi unda gadawydes mosamarTleTa xmaTa absoluturi umravlesobiT. mosamarTles, romelsac eZleva acileba, ufleba aqvs warmoadginos Tavisi SeniSvnebi mocemul sakiTxze, magram ar SeuZlia gadawyvetilebis miRebaSi monawileoba.

muxli 42.

prokuroris kancelaria

1. prokuroris samsaxuri moqmedebs damoukideblad sasamarTlos calke organos saxiT. misi pasuxismgeblobis sferos ganekuTvneba sasamarTlos iurisdiqciaSi Semavali danaSaulebis Sesaxeb viTarebis moxsenebebisa da sxva dasabuTebuli informaciis miReba, maTi Semowmebis, gamoZiebis Catarebisa da sisxlissamarTlebrivi devnis mizniT. kancelariis TanamSromels ar SeuZlia miiRos an imoqmedos gare wyaroebisgan miRebuli miTiTebebis safuZvelze.

2. kancelarias xelmZRvanelobs prokurori. prokurors gaaCnia kancelariis xelmZRvanelobisa da marTvis sruli uflebamosileba, personalis, ganTavsebis adgilis da mis gankargulebaSi arsebuli sxva resursebis CaTvliT. prokurors TanaSemweobas uwevs erTi an meti prokuroris moadgile, romelsac ufleba aqvs ganaxorcielos qmedebani, rac prokurors moeTxoveba am wesdebis Tanaxmad. prokurori da prokuroris moadgile sxvadasxva erovnebisani unda iyvnen. isini TavianT funqciebs asruleben sruli ganakveTiT.

3. prokurori da prokuroris moadgileebi unda xasiaTdebodnen maRali zneobrivi Rirebulebebi T, iyvnen kompetenturi da gaaCndeT farTo praqtikuli gamocdileba sisxlissamarTlebrivi devnis an sisxlis samarTlis saqmeTa warmoebis sakiTxSi. maT srulyofilad unda icodnen sasamarTlos samuSao enebidan erT-erTi maTgani mainc da Tavisuflad laparakobdnen am enaze.

4. prokurori airCeva monawile saxelmwifoTa asambleis wevrTa xmaTa absoluturi umravlesobiT faruli kenWisyriT. prokuroris moadgileebi airCevian igive wesiT prokuroris mier wardgenili kandidatebis siidan. prokurori moadgilis yovel Tanamdebobaze asaxelebs sam kandidats. prokurori da prokuroris moadgileebi, Tu maTi arCevnebis droisTvis Semcirebuli vada ar dawesda, daikaveben Tanamdebobas cxra wlis vadiT da xelmeored ar airCevian.

5. prokurori an prokuroris moadgile ar unda iyvnen Cabmuli iseT saqmianobaSi, romelmac SeiZleba xelyos mis mier saprokuroro funqciebis ganxorcieleba an ziani miayenos misi damoukideblobis sandoobas. isini ar unda iyvnen dakavebuli profesiuli xasiaTis sxva saqmianobiT.

6. prezidiums SeuZlia prokurori an prokuroris moadgile misive TxovniT gaaTavisuflos calkeul saqmeSi monawileobisgan.

7. prokurorma an prokuroris moadgilem monawileoba ar unda miiRos iseT saqmeSi, romelTan dakavSirebiTac arsebobs gonivruli eWvi raime safuZvliT. sxva safuZvelTa Soris, igi Camocilebul unda iqnas saqmidan am punqtis Tanaxmad, Tu winaT is raime saxiT CarTuli iyo sasamarTlos mier saqmis ganxilvaSi an am saqmesTan dakavSirebuli sisxlis samarTlis saqmis erovnul doneze ganxilvaSi, romelSic monawileobda amJamad ZiebaSi myofi an gansasjeli.

8. prokuroris an prokuroris moadgilis saqmidan CamocilebasTan dakavSirebul nebismier sakiTxs wyvets saapelacio palata.

(a) ZiebaSi myof an gansasjels am muxlSi miTiTebul safuZvlebze SeuZlia nebismier dros moiTxovos prokuroris an prokuroris moadgileTa saqmidan Camocileba.

(b) Sesabamisad prokurors an prokuroris moadgiles ufleba aqvs aRniSnuli sakiTxis Sesaxeb warmoadginos SeniSvnebi.

9. prokurori niSnavs mrCevlebs, romelTac gaaCniaT iuridiuli gamocdileba calkeul sakiTxebze, maT Soris sqesobrivi Zaladobis, genderuli Zaladobis da bavSvTa winaaRmdeg Zaladobis sferoSi, magram mxolod am sferoTi ar unda iyvnen SezRuduli.

muxli 43.

samdivno

1. samdivnos pasuxismgeblobas ganekuTvneba sasamarTlos saqmeTa marTvisa da momsaxurebis araiuridiuli sakiTxebi, 42-e muxlSi aRniSnuli prokuroris funqciebisa da uflebamosilebebisaTvis zianis miyenebis gareSe.

2. samdivnos xelmZRvanelobs mdivani, romelic sasamarTlos mTavari administraciuli Tanamdebobis pirs warmoadgens. mdivani Tavis funqciebs axorcielebs sasamarTlos Tavmjdomaris davalebiT.

3. mdivani da mdivnis moadgile unda xasiaTdebodnen maRali zneobrivi RirebulebebiT, iyvnen kompetenturi da srulyofilad icodnen sasamarTlos samuSao enebidan erT-erTi maTgani mainc da Tavisuflad laparakobdnen am enaze.

4. mxedvelobaSi iReben ra monawile saxelmwifoTa asambleis rekomendacias, mosamarTleebi irCeven mdivans xmaTa absoluturi umravlesobiT faruli kenWisyriT. saWiroebis warmoSobis SemTxvevaSi da mdivnis rekomendaciiT mosamarTleni igive wesiT irCeven mdivnis moadgiles.

5. mdivani Tanamdebobas ikavebs xuTi wlis vadiT, SeiZleba xelaxla arCeul iqnas erTxel, da funqciebs asrulebs srul ganakveTze. mdivnis moadgile Tanamdebobas ikavebs xuTi wliT an im Semcirebuli vadiT, rasac daadgens mosamarTleTa absoluturi umravlesoba da SeiZleba arCeul iqnas im safuZvelze, rom mdivnis moadgile SeiZleba saWiroebis mixedviT miwveul iqnas Tavisi funqciebis Sesasruleblad.

6. mdivani samdivnos SemadgenlobaSi qmnis dazaralebulTa da mowmeTa daxmarebis jgufs. jgufi, prokuroris kancelariasTan SeTanxmebiT, uzrunvelyofs dacviT zomebs, usafrTxoebis RonisZiebebs, sakonsultacio da sxva Sesabamisi daxmarebis gawevas mowmeebisa da dazaralebulTaTvis, romlebic gamocxaddnen sasamarTloSi da sxva pirTaTvis, romelTac mowmeTa mier Cvenebis micema safrTxeSi ayenebs. jgufi Sedgeba TanamSromlebisgan, romelTac gaaCniaT codna da gamocdileba travmebis, maT Soris sqesobriv ZaladobasTan dakavSirebuli travmebis sferoSi.

muxli 44.

personali

1. prokurori da mdivani niSnaven iseTi kvalifikaciis personals, rac saWiro iqneba maTi Sesabamisi organoebisTvis. rac Seexeba prokurors, man agreTve unda daniSnos gamomZieblebi.

2. personalis samuSaod daqiravebisas prokurorma da mdivanma umaRles doneze unda uzrunvelyon Sromisunarianoba, kompetenturoba da keTilsindisiereba da mxedvelobaSi miiRon mutatis mutandis 36-e muxlis me-8 punqtiT gansazRvruli kriteriumebi.

3. mdivans prezidiumisa da prokuroris TanxmobiT, Seaqvs winadadeba personalis Sesaxeb debulebis Taobaze, romelic iTvaliswinebs sasamarTlos personalis daniSvnis, anazRaurebisa da daTxovnis vadebs da

pirobebs. personalis Sesaxeb debulebas amtkicebs monawile saxelmwifoTa asamblea.

4. sasamarTlos, gamonaklis SemTxvevebSi, SeuZlia anazRaurebis gareSe samuSaod aiyvanos monawile saxelmwifoebis, mTavrobaTaSorisi organizaciebis an arasamTavrobo organizaciebis mier SemoTavazebuli personali sasamarTlos romelime organosaTvis daxmarebis gawevis mizniT. prokurors SeuZlia aseTi
SemoTavazeba miiRos prokuroris kancelariis saxeliT. aseTi personali anazRaurebis gareSe samuSaod ayvanil unda iqnas monawile saxelmwifoTa asambleis mier dadgenili saxelmZRvanelo wesebis Sesabamisad.

muxli 45.

valdebulebis sazeimo miReba

am wesdebiT gaTvaliswinebuli Sesabamisi movaleobis Sesrulebis dawyebamde mosamarTleni, prokurori, prokuroris moadgileebi, mdivani da mdivnis moadgile sasamarTlos Ria sxdomaze sazeimod iReben valdebulebas, rom miukerZoeblad da keTilsindisierad ganaxorcieleben Sesabamis funqciebs.

muxli 46.

Tanamdebobidan gaTavisufleba

1. mosamarTle, prokurori, prokuroris moadgile, mdivani an mdivnis moadgile gaTavisufldeba Tanamdebobidan Tu amis Taobaze miRebulia gadawyvetileba me-2 punqtis Sesabamisad, Tu:

(a) dadginda, rom am pirovnebam Caidina seriozuli gadacdoma an am wesdebiT gaTvaliswinebul mis movaleobaTa seriozuli darRveva, rac gansazRvrulia procesisa da mtkicebis wesebiT;

(b) am pirovnebas ar Seswevs unari, ganaxorcielos winamdebare wesdebiT masze dakisrebuli funqciebi.

2. monawile saxelmwifoTa asamblea faruli kenWisyriT iRebs gadawyvetilebas mosamarTlis, prokuroris an prokuroris moadgilis Tanamdebobidan gaTavisuflebis Sesaxeb:

(a) mosamarTlis SemTxvevaSi, monawile saxelmwifoTa xmebis ori mesamediT, sxva mosamarTleTa xmebis ori mesamedis rekomendaciis safuZvelze.

(b) prokuroris SemTxvevaSi, monawile saxelmwifoTa xmebis absoluturi umravlesobiT.

(c) prokuroris moadgilis SemTxvevaSi, monawile saxelmwifoTa xmebis absoluturi umravlesobiT, prokuroris rekomendaciis safuZvelze.

3. mdivnis an mdivnis moadgilis Tanamdebobidan gaTavisuflebis Sesaxeb gadawyvetilebas iReben mosamarTleni xmaTa absoluturi umravlesobiT.

4. mosamarTles, prokurors, prokuroris moadgiles, mdivans an mdivnis moadgiles, romlis moqmedeba an am wesdebiT gansazRvruli Tanamdebobrivi funqciebis Sesrulebis unarianoba eWvqveS dgas, aqvs sruli SesaZlebloba warmoadginos an miiRos mtkicebuleba da waradginos masalebi procedurisa da mtkicebis wesebis Sesabamisad. aRniSnul pirs ar SeuZlia sxva mxriv miiRos monawileoba sakiTxis ganxilvaSi.

muxli 47.

disciplinaruli zomebi

mosamarTlis, prokuroris, prokuroris moadgilis, mdivnis an mdivnis moadgilis mimarT, romelmac Caidina naklebad seriozuli gadacdoma 46-e muxlis 1-l punqtSi aRniSnulTan SedarebiT, gamoyenebuli iqneba disciplinaruli zomebi, procedurisa da mtkicebis wesebis Sesabamisad.

muxli 48.

privilegiebi da imunitetebi

1. sasamarTlo yoveli monawile saxelmwifos teritoriaze sargeblobs iseTi privilegiebiTa da imunitetebiT, rac saWiroa misi miznebis gansaxorcieleblad.

2. mosamarTleebi, prokurori, prokuroris moadgileebi da mdivani sasamarTlos saqmianobaSi monawileobisas an am saqmianobasTan dakavSirebiT sargebloben imave privilegiebiTa da imunitetebiT, rac miniWebuli aqvT diplomatiur warmomadgenlobaTa meTaurebs da maTi Tanamdebobrivi uflebamosilebis vadis gasvlis Semdeg inarCuneben imunitets yvela saxis saproceso moTxovnisagan, romelic ukavSirdeba maT oficialur zepir an werilobiT sityvebs an maT mier ganxorcielebul qmedebebs Tanamdebobrivi uflebamosilebis periodSi.

3. mdivnis moadgile, prokuroris kancelariis TanamSromlebi da samdivnos TanamSromlebi sargebloben iseTi privilegiebiT, imunitetebiT da SeRavaTebiT, rac saWiroa maTi funqciebis gansaxorcieleblad sasamarTlos privilegiebisa da imunitetebis Sesaxeb SeTanxmebis Sesabamisad.

4. damcvels, eqspertebs, mowmeebs an sxva pirebs, romelTac evalebaT sasamarTlos adgilsamyofelis adgilze yofna, eniWebaT is statusi, rac saWiroa sasamarTlos saTanado funqcionirebisTvis, sasamarTlos privilegiebisa da imunitetebis Sesaxeb SeTanxmebis Sesabamisad.

5. privilegiebi da imunitetebi, romlebic eniWeba:

(a) mosamarTles an prokurors, SeiZleba gauqmdes mosamarTleTa xmebis absoluturi umravlesobiT;

(b) mdivans, SeiZleba gauqmdes prezidiumis mier;

(c) prokuroris moadgileebs da prokuroris kancelariis TanamSromlebs, SeiZleba gauqmdes prokuroris mier;

(d) mdivnis moadgiles da samdivnos TanamSromlebs, SeiZleba gauqmdes mdivnis mier.

muxli 49.

xelfasebi, daxmarebebi da xarjebis anazRaureba

mosamarTleebi, prokurori, prokuroris moadgileebi, mdivani da mdivnis moadgile iReben xelfasebs, daxmarebebs da unazRaurdebaT xarjebi monawile saxelmwifoTa asambleis gadawyvetilebis

Sesabamisad. xelfasebi da daxmarebebi ar unda Semcirdes maTi Tanamdebobrivi uflebamosilebis vadis ganmavlobaSi.

muxli 50.

oficialuri da samuSao enebi

1. sasamarTlos oficialuri enebia arabuli, Cinuri, inglisuri, franguli, rusuli da espanuri. sasamarTlos dadgenilebebi, agreTve gadawyvetilebebi, romliTac arsebiTad wydeba sasamarTlos mier gansaxilveli sakiTxebi, qveyndeba oficialur enebze. prezidiumi, procedurisa da mtkicebis wesebiT dadgenili kriteriumebis Sesabamisad, gansazRvravs, am punqtis miznebisTvis romeli gadawyvetilebebi SeiZleba CaiTvalos iseT gadawyvetilebebad, romliTac arsebiTad wydeba sakiTxi.

2. sasamarTlos samuSao enebia inglisuri da franguli. procedurisa da mtkicebis wesebiT dadgenilia is SemTxvevebi, rodesac oficialuri enebi SeiZleba gamoyenebul iqnas samuSao nebis saxiT.

3. procesSi monawile romelime mxaris an procesSi monawileobis uflebis mqone saxelmwifos moTxovniT, sasamarTlom SeiZleba darTos neba, inglisuris an frangulis garda sxva ena iyos gamoyenebuli am mxaris an saxelmwifos mier, Tu sasamarTlo aseT nebarTvas CaTvlis saTanadod dasabuTebulad.

muxli 51.

procedurisa da mtkicebis wesebi

1. procedurisa da mtkicebis wesebi ZalaSi Sedis monawile saxelmwifoTa asambleis wevrTa ori mesamedis umravlesobis mier miRebis Semdeg.

2. winadadeba procedurisa da mtkicebis wesebSi Sesworebis Setanis Taobaze SeiZleba warmoadginos:

(a) nebismierma monawile saxelmwifom;

(b) mosamarTleebma, romelTac aseTi gadawyvetileba miiRes xmaTa absoluturi umravlesobiT; an

(c) prokurorma.

aseTi Sesworebebi ZalaSi Sedis monawile saxelmwifoTa asambleis wevrTa xmebis ori mesamedis umravlesobiT miRebis Semdeg.

3. procedurisa da mtkicebis wesebis miRebis Semdeg, gadaudebeli aucileblobis SemTxvevebSi, rodesac wesebiT ar aris gaTvaliswinebuli calkeuli viTareba, romlis winaSec dgas sasamarTlo, mosamarTleebs xmaTa ori mesamedis umravlesobiT SeuZliaT daadginon droebiTi wesebi, romlebic gamoiyeneba monawile saxelmwifoTa asambleis morig an sagangebo sxdomaze maT miRebamde, Secvlamde an gauqmebamde.

4. procedurisa da mtkicebis wesebi, maTi Sesworebebi an nebismieri droebiTi wesi ar unda ewinaaRmdegebodes am wesdebas. procedurisa da mtkicebis wesebis Sesworebebs, agreTve droebiT wesebs ar unda mieces ukuZala ZiebaSi myofis, gansasjelis an msjavrdebulis sazianod.

5. wesdebasa da procesisa da mtkicebis wesebs Soris SeuTavseblobis SemTxvevaSi upiratesoba eniWeba wesdebas.

muxli 52.

sasamarTlos reglamenti

1. mosamarTleni, am wesdebisa da procedurisa da mtkicebis wesebis Sesabamisad, xmaTa absoluturi umravlesobiT iReben sasamarTlos reglaments misi Cveuli funqcionirebisTvis.

2. reglamentisa da misi Sesworebebis SemuSavebisas tardeba konsultacia prokurorTan da mdivanTan.

3. reglamenti da misi Sesworebebi ZalaSi Sedis maTi miRebis Semdeg, Tu sxvagvarad ar gadawyda mosamarTleTa mier. miRebisTanave isini unda gadaeces monawile saxelmwifoebs SeniSvnebisTvis. Tu eqvsi Tvis ganmavlobaSi monawile saxelmwifoTa umravlesobas sawinaaRmdego azri ar gaaCnia, isini rCeba ZalaSi.

nawili 6. sasamarTlo warmoeba

muxli 62.

sasamarTlo warmoebis adgili

Tu sxvagvarad ar aris dadgenili, sasamarTlo warmoebis adgili aris sasamarTlos adgilsamyofeli.

muxli 63.

sasamarTlo warmoeba braldebulis daswrebiT

1. braldebuli unda daeswros samarTalwarmoebas.

2. Tu braldebuli, romelic eswreba sasamarTlos sxdomas, ganagrZobs sasamarTlo warmoebisTvis xelis SeSlas, sasamarTlo warmoebis palatas SeuZlia gaaZevos braldebuli da daadginos, rom man Tvali adevnos sxdomas da misces miTiTebebi damcvels sasamarTlos sxdomis darbazis garedan, saWiroebis SemTxvevaSi sakomunikacio saSualebebis gamoyenebis gziT. aseTi zomebi miiReba mxolod gamonaklis SemTxvevebSi mas Semdeg, rac yvela sxva gonivruli zoma amao aRmoCndeba da mxolod iseTi xangrZlivobiT, romelic aucileblobas warmoadgens.

muxli 64.

sasamarTlo warmoebis palatis funqciebi da uflebamosilebebi

1. am muxliT gaTvaliswinebuli sasamarTlo warmoebis palatis funqciebi da uflebamosilebani xorcieldeba am wesdebisa da procedurisa da mtkicebis wesebis Sesabamisad.

2. sasamarTlo warmoebis palatam unda uzrunvelyos samarTliani da drouli warmoeba, misi warmarTva braldebulis uflebaTa sruli dacviT da dazaralebulTa da mowmeTa dacvisTvis jerovani yuradRebis daTmobiT.

3. am wesdebis Sesabamisad saqmis warmoebaSi miRebis Semdeg sasamarTlo palatam, romelsac ganekuTvneba am saqmis ganxilva, unda:

(a) SeTanxmdes mxareebTan da Caataros iseTi procedurebi, rac saWiroa saqmis warmoebis samarTliani da drouli warmarTvis xelis SewyobisTvis.

(b) gansazRvros samarTalwarmoebisas gamosayenebeli ena an enebi; da

(c) am wesdebis sxva Sesabamisi debulebebis gaTvaliswinebiT, sasamarTlo warmoebis dawyebamde uzrunvelyos im dokumentebis an informaciis gaxsna, romlebic manamde aradamakmayofileblad iqna gaxsnili, samarTalwarmoebisTvis adekvaturi momzadebis mizniT.

4. sasamarTlo warmoebis palatas, Tu amas moiTxovs misi funqcionirebis efeqturoba da samarTlianoba, SeuZlia winaswari sakiTxebi gadasces winaswari warmoebis palatas an, saWiroebis SemTxvevaSi, winaswari warmoebis ganyofilebis sxva xelmisawvdom mosamarTles.

5. mxareebis Setyobinebisas sasamarTlo warmoebis palatas, saqmis garemoebaTa mixedviT, SeuZlia daadginos, moxdes erTze meti braldebulis mimarT wayenebuli braldebebis gaerTianeba an cal-calke gamoyofa.

6. sasamarTlo warmoebis dawyebamde an misi msvlelobisas sakuTari funqciebis ganxorcielebisas sasamarTlo warmoebis palatas saWiroebis moxedviT SeuZlia:

(a) ganaxorcielos 61-e muxlis me-11 punqtSi aRniSnuli winaswari warmoebis palatis nebismieri funqcia;

(b) moiTxovos mowmeTa gamocxadeba da maT mier Cvenebis micema, dokumentebis an sxva mtkicebulebis wardgena, saWiroebisamebr saxelmwifoTa daxmarebis gamoyenebiT, am wesdebiT gaTvaliswinebuli;

(c) uzrunvelyos konfidencialuri informaciis dacva;

(d) gasces gankarguleba imis Sesaxeb, rom wardgenil iqnas sasamarTlo warmoebis dawyebamde mxareTa mier ukve Segrovebuli an warmodgenili mtkicebulebebis damatebiTi mtkicebulebebi;

(e) uzrunvelyos braldebulis, dazaralebulTa da mowmeTa dacva; da

(f) gadawyvitos saqmesTan dakavSirebuli sxva sakiTxebi.

7. sasamarTlo warmoeba tardeba sajarod. magram sasamarTlo warmoebis palatas SeuZlia daadginos, rom gansakuTrebuli garemoebebi moiTxoven procesis daxurul sxdomaze warmarTvas 68-e muxlSi aRniSnuli miznebisTvis, an mtkicebulebad warsadgeni konfidencialuri an sensitive informaciis dacvis mizniT.

8. (a) sasamarTlo warmoebis dawyebisas sasamarTlo warmoebis palatam braldebuls unda gaacnos winaswari warmoebis palatis mier winaswar dadasturebuli braldebebi. sasamarTlo warmoebis palata unda darwmundes, rom braldebuls Segnebuli aqvs braldebis Sinaarsi. palatam unda misces mas SesaZlebloba 65-e muxlis Sesabamisad aRiaros brali an ar cnos Tavi damnaSaved.

(b) samarTalwarmoebis procesSi Tavmjdomare mosamarTles SeuZlia misces miTiTeba samarTalwarmoebis warmarTvis, maT Soris samarTlianobisa da miukerZoeblobis uzrunvelyofis mizniT. Tavmjdomare mosamarTlis miTiTebaTa gaTvaliswinebiT, mxareebs SeuZliaT warmoadginon mtkicebuleba am wesdebis debulebaTa Sesabamisad.

9. sasamarTlo warmoebis palata, garda amisa, ufleba aqvs erT-erTi mxaris Suamdgomlobis safuZvelze an sakuTari iniciativiT:

(a) gadawyvitos mtkicebulebis dasaSvebobis an saqmesTan Sesaxebobis sakiTxi; da

(b) miiRos yvela aucilebeli zoma saqmis ganxilvisas wesrigis SenarCunebisaTvis.

10. sasamarTlo warmoebis palatam unda uzrunvelyos samarTalwarmoebis msvlelobis zustad amsaxveli detaluri oqmis Sedgena, romlis Senaxva da dacva evaleba mdivans.

muxli 65.

samarTalwarmoeba bralis aRiarebiT

1. rodesac braldebuli aRiarebs brals 64-e muxlis me-8 (a) punqtis Sesabamisad, sasamarTlo warmoebis palata gansazRvravs:

(a) Segnebuli aqvs Tu ara braldebuls bralis aRiarebis xasiaTi da Sedegebi;

(b) nebayoflobiT aRiara Tu ara braldebulma brali damcvelTan saTanado konsultaciis Semdeg;

(c) dasturdeba Tu ara bralis aRiareba saqmis garemoebebiT, romlebic asaxulia:

i. dokumentSi, romelic Seicavs prokuroris mier formulirebul braldebas da romelic aRiarebulia braldebulis mier;

ii. prokuroris mier wardgenil nebismier masalaSi, romlebic mxars uWeren braldebas da romlebsac adasturebs braldebuli; da

iii. nebismier sxva mtkicebulebaSi, rogoricaa prokuroris an braldebulis mier warmodgenili mowmeebis Cvenebebi.

2. rodesac sasamarTlo warmoebis palata daaskvnis, rom daculia pirvel punqtSi miTiTebuli pirobebi, is, bralis aRiarebas, nebismier wardgenil mtkicebulebasTan erTad, CaTvlis yvela im arsebiTi garemoebis dadasturebad, rac saWiroa im danaSaulis Cadenis damtkicebisTvis, romelTan dakavSirebiTac moxda bralis aRiareba da SeuZlia braldebuli piri damnaSaved cnos am danaSaulis CadenaSi.

3. Tu sasamarTlo warmoebis palata ar daaskvnis, rom daculia pirvel punqtSi miTiTebuli pirobebi, is CaTvlis, rom bralis aRiarebas adgili ar hqonia da am SemTxvevaSi gascems gankargulebas sasamarTlo warmoebis gagrZelebis Sesaxeb am wesdebiT dadgenili saqmis ganxilvis Cveuli wesis Sesabamisad da SeuZlia saqme gadasces sasamarTlo warmoebis sxva palatas.

4. Tu sasamarTlo warmoebis palata Tvlis, rom marTlmsajulebis, kerZod ki dazaralebulTa interesebidan gamomdinare, saWiroa saqmis garemoebaTa sruli warmodgena, sasamarTlo warmoebis palatas SeuZlia:

(a) sTxovos prokurors damatebiTi mtkicebulebis wardgena mowmeTa Cvenebebis CaTvliT; an

(b) gasces gankarguleba sasamarTlo warmoebis gagrZelebis Sesaxeb am wesdebiT dadgenili saqmis ganxilvis Cveuli wesis Sesabamisad. am SemTxvevaSi is CaTvlis, rom bralis aRiarebas adgili ar hqonia da SeuZlia saqme gadasces sasamarTlo warmoebis sxva palatas.

5. prokurorsa da damcvels Soris ganxilvebs braldebis SecvlasTan, bralis aRiarebasTan an dasakisrebel sasjelTan dakavSirebiT ar aqvT savaldebulo Zala sasamarTlosTvis.

muxli 66.

udanaSaulobis prezumfcia

1. yvela iTvleba udanaSaulod, vidre misi brali ar damtkicdeba sasamarTloSi samarTlis wyaroebis Sesabamisad.

2. bralis mtkicebis tvirTi ekisreba prokurors.

3. braldebulis damnaSaved cnobisTvis sasamarTlo unda darwmundes braldebuls brali miuZRvis danaSaulis CadenaSi, rac ar iwvevs gonivrul eWvs.

muxli 67.

braldebulis uflebebi

1. braldebis gansazRvrisas, braldebuls aqvs sajaro ganxilvis ufleba am wesdebis debulebaTa gaTvaliswinebiT, saqmis miukerZoebeli da samarTliani warmoebis ufleba da Tanaswor safuZvelze qvemoT CamoTvlili minimaluri garantiebis ufleba:

(a) swrafad da dawvrilebiT misTvis srulad gasageb da salaparako enaze ecnobos misTvis wayenebuli braldebis xasiaTi, safuZvlebi da Sinaarsi;

(b) hqondes sakmarisi dro da SesaZlebloba moemzados dacvisTvis da hqondes Tavisufali da konfidencialuri urTierToba mis mier SerCeul damcvelTan;

(c) gasamarTldes dausabuTebeli dayovnebis gareSe;

(d) 63-e muxlis me-2 punqtis gaTvaliswinebiT, daeswros sasamarTlo sxdomebs da daicvas Tavi piradad an mis mier daniSnuli damcvelis meSveobiT. Tu braldebuli ar sargeblobs damcvelis daxmarebiT, ecnobos mas am uflebis Sesaxeb da isargeblos sasamarTlos mier daniSnuli damcvelis daxmarebiT nebismier SemTxvevaSi, Tu amas saWiroebs marTlmsajulebis interesebi da usasyidlod, Tu braldebuls ar gaaCnia sakmarisi saSualeba damcvelis momsaxurebis asanazRaureblad;

(e) dakiTxos an dakiTxul iqnas mowme, romelic mis winaaRmdeg gamodis, agreTve gamoiZaxos da dakiTxos mowmeebis, romlebic mis mxareze gamodian igive pirobebiT, romliTac misi mowinaaRmdege mowme sargeblobs. braldebuls aseve aqvs ufleba warmoadginos Tavdacvis argumentebi da sxva mtkicebuleba, romelic, am wesdebis Tanaxmad, dasaSvebia;

(f) usasyidlod isargeblos kvalificiuri Tarjimnis daxmarebiT da miiRos Targmnili masalebi, rac aucilebelia samarTliani sasamarTlo ganxilvis uzrunvelsayofad im SemTxvevaSi, Tu sasamarTlo ganxilvisas dokumentis Sesadgenad gamoyenebuli ena ar aris braldebulisTvis srulad gasagebi da ar warmoadgens mis salaparako enas;

(g) ar aiZulon, misces Cveneba an scnos Tavi damnaSaved, hqondes dumilis ufleba. amasTan, dumili mxedvelobaSi ar miiReba bralis an udanaSaulobis dadgenisas;

(h) ficis gareSe gaakeTos zepiri an werilobiTi gancxadeba sakuTari Tavis dasacavad; da

(i) ar daekisros sawinaaRmdegos mtkicebis tvirTi an gaqarwylebis valdebuleba.

2. informaciis gaxsnis sxva SemTxvevis garda, romelic gaTvaliswinebulia am wesdebiT, prokurori SeZlebisdagvarad swrafad

warudgens dacvas mis gankargulebaSi an misi kontrolis qveS arsebul mtkicebulebebs, romlebic, misi azriT, adastureben an unda adasturebdnen braldebulis udanaSaulobas an braldebulis bralis Semamsubuqebel garemoebebs an SeiZleba gavlena moaxdinon braldebis mtkicebulebaTa sarwmunoobaze. am punqtis gamoyenebasTan dakavSirebuli nebismieri eWvi wydeba sasamarTlos mier.

muxli 68.

msxverplTa da dazaralebulTa dacva da maTi monawileoba samarTalwarmoebaSi

1. sasamarTlo iRebs saTanado zomebs, raTa daicvas msxverplTa da dazaralebulTa usafrTxoeba, fizikuri da fsiqikuri janmrTeloba, Rirseba da piradi cxovrebis xelSeuxebloba. am funqciis ganxorcielebisas sasamarTlo mxedvelobaSi iRebs saqmesTan dakavSirebul yvela faqtors, maT Soris asaks, genderul faqtors, rogorc es gansazRvrulia me-2 muxlis me-3 punqtiT da janmrTelobis mdgomareobas, danaSaulis xasiaTs, gansakuTrebiT, rodesac danaSauli Seicavs sqesobriv Zaladobas, genderul Zaladobas an Zaladobas bavSvebis winaaRmdeg, magram ar Semoifargleba mxolod am garemoebebiT. prokurori iRebs amgvar zomebs gansakuTrebiT aRniSnuli danaSaulis gamoZiebisa da sisxlissamarTlebrivi devnis ganxorcielebisas. es RonisZiebebi zians ar unda ayenebdes an ewinaaRmdegebodes braldebulis uflebebs da samarTliani da miukerZoebeli sasamarTlo warmoebis principebs.

2. 67-e muxliT gaTvaliswinebuli sajaro ganxilvis principis gamonaklisis saxiT, sasamarTlo palatebs SeuZliaT dazaralebulTa da mowmeTa an braldebulis dacvis mizniT, sasamarTlo warmoebis nebismieri nawili warmarTon in camera da darTon mtkicebulebis wardgenis neba eleqtronuli an sxva specialuri saSualebiT. kerZod, aseTi RonisZiebebi gatardeba sqesobrivi Zaladobis msxverplis an im bavSvis SemTxvevaSi, romelic warmoadgens dazaralebuls an mowmes saxiT, Tu sxvagvarad ar miuTiTebs sasamarTlo, yvela garemoebis, gansakuTrebiT, dazaralebulis an mowmis mosazrebaTa gaTvaliswinebiT.

3. Tu dazaralebulTa pirad interesebs adgeba ziani, sasamarTlo nebas rTavs, maTi mosazrebebi da interesebi warmodgenili da ganxiluli iqnas sasamarTlo warmoebis im etapze, romelzec sasamarTlo saWirod CaTvlis da iseTi formiT, rac zians ar ayenebs an ar ewinaaRmdegeba braldebulis

uflebebsa da samarTlian da miukerZoebel sasamarTlo warmoebas. Tu sasamarTlo misaRebad CaTvlis, amgvari mosazrebebi da interesebi SeiZleba warmodgenili iqnas dazaralebulTa iuridiuli warmomadgenlis mier, procedurisa da mtkicebis wesebis Sesabamisad.

4. dazaralebulTa da mowmeTa qveganyofilebas SeuZlia prokurorsa da sasamarTlos rCevebi miawodos dacvis zomebis, usafrTxoebis RonisZiebebis, konsultaciis da daxmarebis gawevis Taobaze, rogorc es miTiTebulia 43-e muxlis me-6 punqtSi.

5. Tu am wesdebis Sesabamisad mtkicebulebis an informaciis gaxsna seriozul safrTxes uqmnis mowmis an misi ojaxis wevrebis usafrTxoebas, prokurors SeuZlia, sasamarTlo warmoebis dawyebamde Catarebuli nebismieri samuSaos miznebisTvis, ar gamoaaSkaravos aseTi mtkicebuleba an informacia an mis nacvlad warmoadginos misi reziume. amgvari zomebi tardeba iseTi
formiT, rac zians ar ayenebs an ar ewinaaRmdegeba braldebulis uflebebsa da samarTlian da miukerZoebel sasamarTlo warmoebas.

6. saxelmwifos SeuZlia gaakeTos gancxadeba im aucilebeli zomebis Sesaxeb, romlebic unda iqnas miRebuli misi qveSevrdomebis an agentebis dacvasa dakonfidencialuri an sensitive informaciis dacvasTan dakavSirebiT.

muxli 69.

mtkicebuleba

1. Cvenebis micemamde yoveli mowme procedurisa da mtkicebis wesebis Sesabamisad valdebulebas iRebs warmoadginos namdvili mtkicebuleba.

2. sasamarTlo warmoebisas Cveneba micemuli unda iqnas piradad, Tu sxva ram ar aris dadgenili 68-e muxliTa da procedurisa da mtkicebis wesebiT. sasamarTlos aseve SeuZlia darTos mowmis Cvenebis micemis neba viva voce (zepiri) video an audio teqnologiis gamoyenebiT gakeTebuli Canaweris saxiT, agreTve dokumentebis an werilobiTi aslebis wardgenis neba, am wesdebis gaTvaliswinebuli debulebebisa da procedurisa da mtkicebis wesebis Sesabamisad. es RonisZiebebi zians ar unda ayenebdes an ewinaaRmdegebodes braldebulis uflebebs.

3. mxareebs SeuZliaT warmoadginon saqmesTan dakavSirebuli mtkicebuleba 64-e muxlis Sesabamisad. sasamarTlo uflebamosilia, moiTxovos yvela im mtkicebulebis wardgena, romelsac CaTvlis saWirod WeSmaritebis dasadgenad.

4. sasamarTlos SeuZlia procedurisa da mtkicebulebis wesebis Sesabamisad gamoitanos dadgenileba nebismieri mtkicebulebis saqmesTan Sesaxebobis an dasaSvebobis Sesaxeb; dadgenilebis gamotanisas mxedvelobaSi miiReba mtkicebulebis Zala da nebismieri ziani, romelic SeiZleba am mtkicebulebam miayenos samarTlian sasamarTlo warmoebas an mowmis Cvenebis samarTlian Sefasebas.

5. sasamarTlom pativi unda sces da daicvas konfidencialobasTan dakavSirebuli privilegiebi, rac gaTvaliswinebulia procedurisa da mtkicebis wesebiT.

6. sasamarTlom ar unda moiTxovos sayovelTaod cnobili faqtebis mtkiceba, magram saproceso wesiT unda aRniSnos isini.

7. am wesdebis an saerTaSorisod aRiarebuli adamianis uflebebis darRveviT mopovebuli mtkicebuleba iTvleba dauSveblad, Tu:

(a) darRveva warmoSobs arsebiT eWvs mtkicebulebis sarwmunoobis Taobaze; an

(b) mtkicebulebis daSveba pirdapir ewinaaRmdegeba da seriozul zians miayenebs samarTalwarmoebis keTilsindisierebas.

8. saxelmwifos mier Segrovebuli mtkicebulebis saqmesTan Sesaxebobis an dasaSvebobis dadgenisas sasamarTlom ar unda miiRos gadawyvetileba am saxelmwifos erovnuli kanonmdeblobis gamoyenebis Sesaxeb.

muxli 70.

marTlmsajulebis winaaRmdeg mimarTuli darRvevebi

1. sasamarTlo axorcielebs iurisdiqcias qvemoT CamoTvlil danaSaulebze, romlebic mimarTulia marTlmsajulebis ganxorcielebis winaaRmdeg da Cadenilia ganzrax:

(a) cru Cvenebis micema imis mier, visac ekisreboda simarTlis Tqmis valdebuleba 69-e muxlis pirveli punqtis Tanaxmad;

(b) mxaris mier winaswari SecnobiT cru an yalbi mtkicebulebis wardgena;

(c) mowmeze korufciuli zegavlenis moxdena, mowmis daswrebisTvis an Cvenebis micemisTvis xelis SeSla an dabrkolebis Seqmna, mowmeze Surisgeba mis mier Cvenebis micemis gamo an mtkicebulebis ganadgureba anda misi SegrovebisTvis xelis SeSla an dabrkolebis Seqmna;

(d) sasamarTlos Tanamdebobis pirisTvis xelis SeSla, misi daSineba an masze korufciuli zegavlenis moxdena, am Tanamdebobis piri iZulebis am gadabirebis mizniT, raTa man ar Seasrulos an arajerovnad Seasrulos masze dakisrebuli movaleobani;

(e) sasamarTlos Tanamdebobis pirze Surisgeba am an sxva Tanamdebobis piris mier movaleobis Sesrulebis gamo;

(f) sasamarTlos Tanamdebobis piris, rogorc sasamarTlos moxelis, mier Tanamdebobrivi movaleobis SesrulebasTan dakavSirebiT qrTamis gamoZalva an qrTamis aReba.

2. am muxliT gaTvaliswinebul danaSaulebze sasamarTlos mier iurisdiqciis ganxorcielebis principebi da procedurebi gansazRvrulia procedurisa da mtkicebis wesebiT. am muxliT gaTvaliswinebul sakiTxebze saqmeTa warmoebis sferoSi sasamarTlosTan saerTaSoriso TanamSromlobis pirobebi regulirdeba Sesabamisi saxelmwifos erovnuli kanonmdeblobiT.

3. damnaSaved cnobis SemTxvevaSi, sasamarTlos SeuZlia daniSnos sasjeli Tavisuflebis aRkveTis saxiT vadiT araumetes xuTi wlisa an jarima Tanaxmad procedurisa da mtkicebis wesebisa, an orive erTad.

4. (a) Tavis sisxlis samarTlis kanonmdeblobas, romelic iTvaliswinebs sasjels sagamoZiebo an sasamarTlo warmoebis winaaRmdeg mimarTuli danaSaulebisTvis, yoveli monawile saxelmwifo gaavrcelebs am muxlSi aRniSnul marTlmsajulebis winaaRmdeg mimarTul danaSaulebze, romlebic Cadenili iqna mis teritoriaze an mis moqalaqeTa mier;

(b) Tu sasamarTlo saWirod CaTvlis, misi TxovniT saxelmwifom saqme unda gadasces Tavis kompetentur organoebs sisxlis samarTlebrivi devnis ganxorcielebis mizniT. aRniSnuli organoebi gulisxmierad ekidebian amgvari saqmeebis ganxilvas da gamoyofen sakmaris resursebs maTi efeqturi warmarTvisTvis.

muxli 71.

sanqciebi sasamarTlos upativcemulobisTvis

1. sasamarTloSi gamocxadebul pirebs, romelTac Caidines sasamarTlos upativcemuloba, maT Soris sasamarTlo ganxilvisTvis xelis SeSla an sasamarTlo miTiTebebisadmi Segnebulad daumorCilebloba, sasamarTlos SeuZlia Seufardos sanqcia administraciuli zomebis saxiT, garda Tavisuflebis aRkveTisa, rogoricaa sasamarTlo sxdomis darbazidan droebiT an mudmivad gaZeveba, jarima an procedurisa da mtkicebis wesebiT gaTvaliswinebuli sxva msgavsi zomebi.

2. pirveli punqtiT gaTvaliswinebuli zomebis gamoyenebis wesi ganisazRvreba procedurisa da mtkicebis wesebiT.

muxli 72.

saxelmwifo uSiSroebis Semcveli informaciis dacva

1. es muxli gamoiyeneba im SemTxvevaSi, rodesac saxelmwifos informaciis an dokumentebis gaxsna, am saxelmwifos mosazrebiT, zians miayenebs misi saxelmwifo uSiSroebis interesebs. aseTad CaiTvleba aseve is SemTxvevebi, romlebic xvdeba Semdegi muxlebis regulirebis sferoSi: muxli 56 punqtebi 2 da 3, muxli 61 punqti 3, muxli 64 punqti 3, muxli 67 punqti 2, muxli 68 punqti 6, muxli 87 punqti 6 da muxli 93; aseve is SemTxvevebi, romlebic warmoiSoba saqmis warmoebis nebismier sxva etapze, rodesac aseTi gaxsnis sakiTxi SeiZleba warmoiSvas.

2. es muxli aseve gamoiyeneba im SemTxvevaSic, Tu piri uars acxadebs moTxovnili informaciis an mtkicebulebis micemaze, an gadascems sakiTxs saxelmwifos im motiviT, rom gaxsna zians miayenebs am saxelmwifos uSiSroebis interesebs da dainteresebuli saxelmwifo

daadasturebs, rom, misi mosazrebiT, gaxsna zians miayenebs misi erovnuli uSiSroebis interesebs.

3. am muxlSi araferi ayenebs zians 54-e muxlis 3 (e) da (f) gaTvaliswinebul konfidencialobis moTxovnebs an 73-e muxlis gamoyenebas.

4. Tu saxelmwifo Seityobs, rom saqmis warmoebis romelime etapze gaxsnis procesSia an SeiZleba gaixsnas am saxelmwifos informacia an dokumentebi, rac, misi mosazrebiT, zians miayenebs misi saxelmwifo uSiSroebis interesebs, am saxelmwifos aqvs Carevis ufleba im mizniT, rom miaRwios sakiTxis gadawyvetas am muxliT gaTvaliswinebuli wesiT.

5. Tu saxelmwifos mosazrebiT informaciis gaxsna zians miayenebs misi saxelmwifo uSiSroebis interesebs, am saxelmwifom prokurorTan, dacvasTan an winaswari warmoebis palatasTan anda sasamarTlo warmoebis palatasTan TanamSromlobiT, Sesabamisad konkretuli saqmis mixedviT, unda miiRos yvela gonivruli zoma sakiTxis gadaWrisTvis TanamSromlobis gziT. es zomebi SeiZleba moicavdes:

(a) moTxovnis Secvlas an dazustebas;

(b) sasamarTlos mier moTxovnili informaciis an mtkicebulebis saqmeSi dasaSvebobis sakiTxis dadgenas, an imis dadgenas, SeiZleba Tu ara mopovebuli iqnas an ukve mopovebulia Tu ara, Tundac saqmesTan dakavSirebuli mtkicebuleba, Sesabamisi saxelmwifos garda sxva wyaros meSveobiT.

(c) informaciis an mtkicebulebis mopovebas sxva wyaros meSveobiT an sxva formiT; an

(d) SeTanxmebis miRwevas daxmarebis gawevis pirobebze, maT Soris, garda sxva sakiTxebisa, informaciis miwodeba reziumes an gadamuSavebuli saxiT, gaxsnasTan dakavSirebiT SezRudvebis daweseba, saqmis warmoeba in camera an ex parte an am wesdebiT an wesebiT daSvebuli sxva dacviTi zomebi.

6. TanamSromlobis gziT sakiTxis gadaWrisTvis yvela gonivruli zomis miRebis Semdeg, Tu saxelmwifo Tvlis, rom ar arsebobs araviTari

saSualeba an piroba imisaTvis, rom informacia an dokumentebi mopovebuli an gaxsnili iqnas misi saxelmwifo uSiSroebis interesebisTvis zianis miuyeneblad, man unda acnobos prokurors an sasamarTlos mis mier amgvari gadawyvetilebis miRebis konkretuli mizezebi, Tu mizezebis konkretuli asaxva Tavad ar gamoiwvevs zianis miyenebas am saxelmwifos uSiSroebis interesebisTvis.

7. Tu amis Semdgom sasamarTlo daadgens, rom mtkicebulebas aqvs saqmesTan Sexeba, da saWiroa braldebulis damnaSaveobis an udanaSaulobis dasadgenad, sasamarTlos SeuZlia miiRos Semdegi zomebi:

(a) Tu informaciis an dokumentis gaxsnis Sesaxeb Txovna gakeTda me-9 nawiliT gaTvaliswinebuli TanamSromlobis Txovnis an me-2 punqtSi aRniSnul garemoebaTa Sesabamisad, da saxelmwifom warmoadgina 93-e muxlis me-4 punqtiT gaTvaliswinebuli uaris safuZveli:

i. sasamarTlos SeuZlia, me-7 (a)(ii) qvepunqtiT gaTvaliswinebuli raime daskvnis gamotanamde moiTxovos Semdgomi konsultaciebi saxelmwifos argumentebis ganxilvis misniT, rac SeiZleba saqmis garemoebaTa mixedviT, gulisxmobdes ganxilvas in camera da ex parte.

ii. Tu sasamarTlo daaskvnis, rom mocemuli saqmis garemoebebidan gamomdinare, saxelmwifo, warmoadgens ra 93-e mulis me-4 punqtiT gaTvaliswinebuli uaris safuZvels, ar moqmedebs am wesdebiT dadgenil valdebulebaTa Sesabamisad, sasamarTlos SeuZlia es sakiTxi gadasces 87-e muxlis me-7 punqtis Sesabamisad, aseTi daskvnis gamotanis safuZvlebis miTiTebiT; da

iii. braldebulTan dakavSirebiT samarTalwarmoebis procesSi, sasamarTlos faqtis arsebobis an ararsebobis Taobaze SeuZlia gamoitanos iseTi daskvna, rogoric gamarTlebuli iqneba mocemul garemoebebSi; an

(b) yvela sxva saxis garemoebisas:

i. gasces brZaneba gaxsnis Sesaxeb; an

ii. im nawilTan dakavSirebiT, razedac ar gacemula gaxsnis Sesaxeb brZaneba, braldebulTan dakavSirebul samarTalwarmoebis procesSi, faqtis

arsebobis an ararsebobis Taobaze sasamarTlos gamoaqvs iseTi daskvna, rogoric gamarTlebuli iqneba mocemul garemoebebSi.

muxli 73.

mesame mxaris informacia an dokumentebi

Tu sasamarTlo monawile saxelmwifos sTxovs, miawodos misi gamgeblobis, gankargulebis an kontrolis qveS arsebuli dokumenti an informacia, romelic saxelmwifom, mTavrobaTaSorisma organizaciam an saerTaSoriso organizaciam gauxsna mas konfidencialurad, es saxelmwifo sTxovos mimwodebels am dokumentis an informaciis gaxsnis Tanxmobas. Tu mimwodebeli monawile saxelmwifoa, is unda daTanxmdes informaciis an dokumentis gaxsnaze an aiRos gaxsnis sakiTxis sasamarTlosTan erTad gadaWrisa valdebuleba, 72-e muxlis debulebaTa gaTvaliswinebiT. Tu mimwodebeli ar aris monawile saxelmwifo da uars acxadebs gaxsnis Tanxmobis micemaze, Sesabamisma saxelmwifom sasamarTlos unda acnobos, rom mas ar SeuZlia informaciis an dokumentis miwodeba masze manamde dakisrebuli konfidencialobis valdebulebis gamo.

muxli 74.

moTxovnebi gadawyvetilebis miRebisTvis

1. sasamarTlo warmoebis palatis yvela mosamarTle eswreba sasamarTlo warmoebis yvela etaps da TaTbirs. prezidiums SeuZlia, saqmeTa Tanmimdevruli ganxilvis principidan gamomdinare, SesaZleblobis mixedviT daniSnos Semcvleli mosamarTle, romelic daeswreba sasamarTlo warmoebis yovel etaps da Secvlis sasamarTlo warmoebis palatis wevrs, Tu am ukanasknels ar SeuZlia daswrebis gagrZeleba.

2. sasamarTlo warmoebis palatis gadawyvetileba miiReba mis mier mtkicebulebebisa da mTeli saqmis warmoebis Sefasebis safuZvelze. gadawyvetileba ar unda scildebodes braldebebis Semcvel dokumentSi an am dokumentis SesworebebSi asaxul faqtebisa da garemoebebis farglebs. sasamarTlos SeuZlia gadawyvetileba gamoitanos mxolod im mtkicebulebis safuZvelze, romelic mis winaSe warmodgenili da ganxiluli iqna samarTalwarmoebis procesSi.

3. mosamarTleebma unda ecadon, gadawyvetilebis gamotanisas miRweul iqnas erTsulovneba, romlis ararsebobis SemTxvevaSi gadawyvetileba miiReba mosamarTleTa umravlesobis mier.

4. sasamarTlo warmoebis palatis TaTbirebi rCeba faruli.

5. gadawyvetileba miiReba werilobiTi formiT da moicavs sasamarTlo warmoebis palatis srul da dasabuTebul dadgenilebas mtkicebulebisa da daskvnebis Taobaze. sasamarTlo warmoebis palatas gamoaqvs erTi gadawyvetileba. erTsulovnebis ararsebobis SemTxvevaSi, sasamarTlo warmoebis palatis gadawyvetileba unda Seicavdes umravlesobisa da umciresobis mosazrebebs. gadawyvetileba an misi reziume cxaddeba sasamarTlos Ria sxdomaze.

muxli 75

dazaralebulTaTvis zianis anazRaureba

1. sasamarTlo awesebs principebs dazaralebulTaTvis an maTTan dakavSirebiT zianis anazRaurebis Taobaze, romlebic Sedgeba restituciis, kompensaciisa da reabilitaciisagan. am safuZvelze Tavis gadawyvetilebaSi sasamarTlos SeuZlia, wardgenili moTxovnis an gamonaklis SemTxvevebSi sakuTari iniciativiT, daadginos dazaralebulTaTvis an maTTan dakavSirebiT miyenebuli zaralis, danakargis an zianis farglebi da moculoba da uTiTebs im principebs, romelTa safuZvelzec moqmedebs.

2. sasamarTlos SeuZlia dadgenilebiT uSualod msjavrdebuls daakisros dazaralebulTaTvis an maTTan dakavSirebiT Sesabamisi zianis anazRaureba, maT Soris, restituciis, kompensaciisa da reabilitaciis saxiT. saWiroebis SemTxvevaSi, sasamarTlos SeuZlia gamoitanos dadgenileba imis Taobaze, rom zianis anazRaureba moxdes 79-e muxliT gaTvaliswinebuli miznobrivi fondidan.

3. am muxlis Sesabamisad dadgenilebis gamotanamde, sasamarTlos SeuZlia moiwvios msjavrdebuli, dazaralebulni, sxva dainteresebuli pirebi da dainteresebuli saxelmwifoebi da mxedvelobaSi unda miiRos wardginebebi.

4. am muxlis Sesabamisad Tavisi uflebamosilebis ganxorcielebisas sasamarTlos, sasamarTlos iurisdiqciaSi Semavali danaSaulis CadenisTvis piris damnaSaved cnobis Semdeg, SeuZlia daadginos, aris Tu ara saWiro

93-e muxlis pirveli punqtiT gaTvaliswinebuli zomebis miReba am muxlis Sesabamisad mis mier gamotanili gadawyvetilebis aRsrulebisTvis.

5. monawile saxelmwifo am muxliT gaTvaliswinebul gadawyvetilebas Seasrulebs ise, rom 109-e muxlis debulebebi gamoiyenebodes am muxlis mimarT.

6. am muxlSi araferi SeiZleba ganimartos, rogorc zianis miyeneba dazaralebulTa uflebebisTvis, romlebic erovnuli an saerTaSoriso samarTliTaa aRiarebuli.

muxli 76.

sasjelis daniSvna

1. damnaSaved cnobis SemTxvevaSi, sasamarTlo warmoebis palata ganixilavs Sesabamisi sasjelis daniSvnis sakiTxs da mxedvelobaSi iRebs sasamarTlo warmoebisas warmodgenil mtkicebulebebs da sxva wardginebebs, romlebsac mniSvneloba aqvT sasjelis daniSvnisTvis.

2. 65-e muxlis gamoyenebis SemTxvevis garda, sasamarTlo warmoebis dasrulebamde, sasamarTlo warmoebis palatas SeuZlia sakuTari iniciativiT da prokuroris an braldebulis moTxovniT movalea Caataros damatebiTi sxdomebi nebismier damatebiT mtkicebulebis an wardginebis gansaxilvelad, romlebsac mniSvneloba aqvT sasjelis daniSvnisTvis, procedurisa da mtkicebis wesebis Sesabamisad.

3. me-2 punqtis gamoyenebis SemTxvevaSi, 75-e muxlis safuZvelze gakeTebuli nebismieri wardgineba ganixileba me-2 punqtSi aRniSnul damatebiT sxdomaze da, Tu saWiroa, romelime damatebiT sxdomaze.

4. sasjeli cxaddeba sajarod da, SesaZleblobis SemTxvevaSi, braldebulis daswrebiT.

nawili 7. sasjelebi

muxli 77

gamoyenebadi sasjelebi

1. 110-e muxlis gaTvaliswinebiT, sasamarTlos SeuZlia am statutis me-5 muxliT gaTvaliswinebuli danaSaulis Camden pirs Seufardos Semdegi sasjelebi:

(a) Tavisuflebis aRkveTa wlebis gansazRvruli raodenobiT, romelic ar unda aRematebodes 30 wels; an

(b) uvado Tavisuflebis aRkveTa, rodesac es gamarTlebulia danaSaulis ukiduresi simZimiT da damnaSavis individualuri garemoebebiT.

2. Tavisuflebis aRkveTasTan erTad, sasamarTlos SeuZlia daniSnos:

(a) jarima, romlis zomis dadgenis kriteriumebi gansazRvrulia procedurisa da mtkicebis wesebiT;

(b) Cadenili danaSaulidan pirdapiri an arapirdapiri gziT miRebuli mogebis, qonebis an aqtivebis konfiskacia, bona fide mesame mxareTa uflebaTa dacviT.

muxli 78

sasjelis gansazRvra

1. sasjelis gansazRvrisas sasamarTlo, procedurisa da mtkicebis wesebis Sesabamisad, mxedvelobaSi miiRebs iseT faqtorebs, rogoricaa danaSaulis simZime da damnaSavis piradi garemoebebi.

2. Tavisuflebis aRkveTis sasjelis gansazRvrisas, sasamarTlo mas CauTvlis sasamarTlos brZanebis safuZvelze patimrobaSi yofnis dros. sasamarTlos SeuZlia CaTvalos danaSaulis safuZvlis Semadgenel qmedebasTan dakavSirebiT patimrobaSi yofnis nebismieri sxva dro.

3. piris erTze meti danaSaulis CadenaSi damnaSaved cnobis SemTxvevaSi sasamarTlo gansazRvravs sasjels TiToeuli danaSaulisaTvis da erTobliv sasjels, romliTac gansazRvrulia Tavisuflebis aRkveTis mTliani vada. es vada ar unda iyos daniSnul umaRles individualur sasjelze naklebi da ar unda aRematebodes 30 wliT Tavisuflebis aRkveTis an 77-e muxlis 1 (b) punqtis Sesabamisad daniSnul uvado Tavisuflebis aRkveTis sasjels.

muxli 79

miznobrivi fondi

1. miznobrivi fondi daarsdeba monawile saxelmwifoTa asambleis gadawyvetilebiT, sasamarTlos iurisdiqciaSi Semavali danaSaulebisagan dazaralebulTa da maTi ojaxebis sasargeblod.

2. sasamarTlos SeuZlia gasces gankarguleba jarimebis an konfiskaciis gziT Segrovebuli fuladi Tanxebis da sxva qonebis miznobrivi fondisaTvis gadacemis Taobaze.

3. miznobrivi fondis marTva warmoebs monawile saxelmwifoTa asambleis mier dadgenili kriteriumebis Sesabamisad.

muxli 80

Sidasaxelmwifoebriv sasjelTa da erovnuli kanonmdeblobis gamoyenebisaTvis zianis miyenebis dauSvebloba

araferi statutis am nawilSi zians ar ayenebs rogorc saxelmwifoTa erovnuli samarTliT gaTvaliswinebuli sasjelebis gamoyenebas, aseve saxelmwifoTa erovnuli kanonmdeblobis gamoyenebas, romelic ar iTvaliswinebs am nawilSi gansazRvrul sasjelebs.

Qnawili 8. gasaCivreba da gadasinjva

muxli 81

gamamarTlebeli an gamamtyunebeli ganaCenis an sasjelis gasaCivreba

1. 74-e muxlis Tanaxmad gamotanili ganaCeni SeiZleba saapelacio wesiT gasaCivrdes procedurisa da mtkicebis wesebis Sesabamisad Semdegi saxiT:

(a) prokurors SeuZlia apelacia Seitanos Semdegi safuZvlebiT:

(i) procesualuri Secdoma,

(ii) Secdoma faqtSi,

(iii) Secdoma kanonSi;

(b) damnaSaved cnobil pirs an misi saxeliT moqmed prokurors SeuZlia apelacia Seitanos Semdegi safuZvlebiT:

(i) procesualuri Secdoma,

(ii) Secdoma faqtSi,

(iii) Secdoma kanonSi, an

(iv) sxva nebismieri safuZvliT, romelic eWvqveS ayenebs sasamarTlo warmoebis an ganaCenis samarTlianobas an sandoobas.

2. (a) sasjeli, procedurisa da mtkicebis wesebis Sesabamisad, SeiZleba saapelacio wesiT gasaCivrebul iqnes prokuroris an damnaSaved cnobili piris mier danaSaulisa da ganaCenis araadekvaturobis safuZvliT;

(b) Tu ganaCenis gasaCivrebis ganxilvisas sasamarTlo CaTvlis, rom arsebobs damnaSaved cnobis Sesaxeb gadawyvetilebis mTlianad an nawilobriv gauqmebis safuZveli, mas SeuZlia SesTavazos prokurors da damnaSaved cnobil pirs, waradginon 81-e muxlis pirveli punqtis (a) da (b) qvepunqtebiT gaTvaliswinebuli safuZvlebi, da SeuZlia gamoitanos damnaSaved cnobis Sesaxeb gadawyvetileba 83-e muxlis Tanaxmad;

(c) igive procedura gamoiyeneba, rodesac, me-2(a) punqtis Sesabamisad ganxilvisas, sasamarTlo CaTvlis, rom arsebobs sasjelis Semcirebis safuZvlebi.

3. (a) Tu sasamarTlo palata sxvagvarad ar miuTiTebs, damnaSaved cnobili piri patimrobaSi rCeba apelaciis ganxilvamde;

(b) rodesac damnaSaved cnobili piris patimrobaSi yofnis dro aRemateba daniSnuli Tavisuflebis aRkveTis sasjels, piri unda gaTavisufldes, garda im SemTxvevisa, rodesac prokurors aseve Seaqvs apelacia da gaTavisufleba SeiZleba moxdes mxolod qvemoTmoyvanili (c) qvepunqtiT gaTvaliswinebuli pirobebiT;

(c) gamarTlebis Sesaxeb gadawyvetilebis gamotanis SemTxvevaSi, braldebuli dauyovnebliv unda gaTavisufldes, Semdegi pirobebiT:

(i) gansakuTrebul garemoebebSi, da, sxvaTa inter alia, gaqcevis konkretuli safrTxis, wayenebuli braldebis seriozulobisa da apelaciis warmatebis SesaZleblobis gaTvaliswinebiT sasamarTlo palatas, prokuroris moTxovniT, SeuZlia ganagrZos piris dakaveba apelaciis ganxilvamde,

(ii) (c)((i) qvepunqtiT gaTvaliswinebuli sasamarTlo palatis gadawyvetileba SeiZleba gasaCivrdes procedurisa da mtkicebis wesebis Sesabamisad.

4. me-3 punqtis (a) da (b) qvepunqtebis debulebebis gaTvaliswinebiT, ganaCenisa da sasjelis aRsruleba unda iqnes SeCerebuli gasaCivrebaze gaTvaliswinebuli periodis da saapelacio ganxilvis drois ganmavlobaSi.

muxli 82
sxva gadawyvetilebaTa gasaCivreba

1. orive mxares, procedurisa da mtkicebis wesebis Sesabamisad, SeuZlia Semdegi gadawyvetilebebis gasaCivreba:

(a) gadawyvetileba iurisdiqciisa da misaRebobis Sesaxeb;

(b) gadawyvetileba im piris gaTavisuflebis an gaTavisuflebaze uaris Tqmis Taobaze, romelic gamoZiebis qveS imyofeba an romlis mimarTac aRZrulia sisxlissamarTlebrivi devna;

(c) 56-e muxlis me-3 punqtis Tanaxmad gamotanili winaswari sasamarTlo warmoebis palatis gadawyvetileba sakuTari iniciativiT moqmedebis Sesaxeb;

(d) gadawyvetileba im sakiTxis Taobaze, romelsac SeuZlia mniSvnelovani gavlena moaxdinos sasamarTlo warmoebis samarTlian da dauyovnebel Catarebaze an Sedegze, an romelTanac dakavSirebiT saapelacio palatis dauyovnebel gadawyvetilebas SeuZlia, winaswari sasamarTlo warmoebis palatis an sasamarTlo palatis azriT, xeli Seuwyos saqmis ganxilvis arsebiT winsvlas.

2. winaswari sasamarTlo warmoebis palatis mier 57-e muxlis me-3(d) punqtis Tanaxmad gamotanili gadawyvetileba SeiZleba gasaCivrdes dainteresebuli saxelmwifos an prokuroris mier, winaswari sasamarTlo warmoebis palatis nebarTviT. apelacia ganixileba gamartivebuli wesiT.

3. gasaCivrebas TavisTavad ara aqvs sasamarTlo ganxilvis SemaCerebeli Zala saapelacio palatis dadgenilebis gareSe, romelic gaicema moTxovnis safuZvelze, procedurisa da mtkicebis wesebis Sesabamisad.

4. dazaralebulTa kanonier warmomadgenels, msjavrdebuls an qonebis bona fide mesakuTres, romelTa interesebs ziani miadgaT 73-e muxlis Tanaxmad gamotanili gadawyvetilebis Sedegad, SeuZliaT gaasaCivron dadgenileba miyenebuli zianis anazRaurebis mizniT, rogorc gaTvaliswinebulia procedurisa da mtkicebis wesebiT.

muxli 83

saapelacio sasamarTlo sxdomebi

1. 81-e da am muxlis Sesabamisad sasamarTlo warmoebis miznebisaTvis, saapelacio palatas eniWeba sasamarTlo palatis yvela uflebamosileba.

2. Tu saapelacio palata daaskvnis, rom gasaCivrebuli sasamarTlo ganxilva arasamarTliani iyo, im gagebiT, rom man eWvqveS daayena gadawyvetilebis an ganaCenis sandooba, an rom gasaCivrebuli gadawyvetileba an ganaCeni warmoadgenda faqtSi, kanonSi an procesualuri Secdomis Sedegs, mas SeuZlia:

(a) gaauqmos an Secvalos gadawyvetileba an ganaCeni;

(b) daniSnos axali sasamarTlo ganxilva sxva sasamarTlo palatis winaSe. am miznebisaTvis, saapelacio palatas SeuZlia saqmis faqtobriv garemoebebTan dakavSirebuli sadao sakiTxi daubrunos Tavdapirvel sasamarTlo palatas, misi gadawyvetis da Semdgom saapelacio palatisadmi Sesabamisi daskvnis wardgenis mizniT, an TviTon gamoiTxovos mtkicebuleba sadao sakiTxis gadasawyvetad. rodesac gadawyvetileba an ganaCeni gasaCivrebuli aris mxolod msjavrdebulis an misi saxeliT moqmedi prokuroris mier, ar SeiZleba masSi Sesworeba Setanil iqnas am piris sazianod.

3. Tu ganaCenis gasaCivrebis ganxilvisas saapelacio palata daaskvnis, rom ganaCeni danaSaulis araadekvaturia, mas SeuZlia Secvalos ganaCeni me-7 nawilis Sesabamisad.

4. saapelacio palatis gadawyvetileba miiReba mosamarTleTa xmebis umravlesobis mier da gamocxadebul unda iqnes Ria sasamarTlo sxdomaze. gadawyvetilebaSi mieTiTeba misi gamotanis safuZvlebi. rodesac erTsulovneba ver iqneba miRweuli, saapelacio palatis gadawyvetileba unda Seicavdes umravlesobisa da umciresobis Sexedulebebs, magram yovel mosamarTles SeuZlia gamoTqvas calkeuli an gansxvavebuli mosazreba samarTlebriv sakiTxebze.

5. saapelacio palatas SeuZlia Tavisi gadawyvetileba gamoacxados gamarTlebuli an damnaSaved cnobili piris daswrebis gareSe.

muxli 84

gamamtyunebeli ganaCenis an sasjelis gadasinjva

1. damnaSaved cnobili piris an, misi gardacvalebis Semdeg, meuRles, Svilebs, mSoblebs an pirs, romelic braldebulis gardacvalebis dros cocxali iyo da romelmac braldebulisgan miiRo aSkarad gamoxatuli werilobiTi miTiTeba
amgvari sarCelis Setanaze, SeuZliaT mimarTon saapelacio palatas gamamtyunebeli ganaCenis gamotanis Taobaze saboloo gadawyvetilebis an sasjelis gadasinjvis moTxovniT, Semdegi safuZvlebiT:

(a) aRmoCenil iqna axali mtkicebulebebi, romlebic:

(i) ar iyo xelmisawvdomi sasamarTlo ganxilvis dros, da pasuxismgebloba amgvari xelmiuwvdomelobisaTvis ar SeiZleba mTlianad an nawilobriv ganmcxadebel mxares daekisros; da

(ii) aris sakmaod mniSvnelovani, vinaidan, sasamarTlo ganxilvaze maTi wardgenis SemTxvevaSi, sasamarTlo gamoitanda sxvagvar ganaCens;

(b) dadginda, rom gadamwyveti mtkicebuleba, romelic mxedvelobaSi iqna miRebuli sasamarTlo ganxilvis dros da romlis safuZvelzec iqna gamotanili gamamtyunebeli ganaCeni, iyo mcdari, gayalbebuli an motyuebis mizniT Seqmnili;

(c) Tu erTma an ramodenime mosamarTlem, romlebic monawileobdnen gamamtyunebeli ganaCenis gamotanaSi an braldebis dadasturebaSi, am saqmis ganxilvis dros Caidina seriozuli gadacdoma an Tavisi valdebulebebis seriozuli darRveva, romlis simZime sakmarisia, raTa safuZvlad daedos am mosamarTlis an mosamarTleTa Tanamdebobidan gaTavisuflebas, 46-e muxlis Tanaxmad.

4. saapelacio palatas SeuZlia uaryos gancxadeba misi dausabuTeblobis gamo. Tuki is gadawyvets, rom gancxadeba dasabuTebulia, mas Sesabamisad SeuZlia:

(a) ganmeorebiT moiwvios Tavdapirveli sasamarTlo palata;

(b) Seadginos axali sasamarTlo palata; an

(c) daitovos iurisdiqcia am saqmis mimarT, im mizniT raTa, procedurisa da mtkicebis wesebSi gadmocemuli wesiT mxareTa mosmenis Semdeg, mivides gadawyvetilebamde gasaCivrebuli gadawyvetilebis gadasinjvis Taobaze.

muxli 85

kompensacia dapatimrebuli an damnaSaved cnobili piris mimarT

1. nebismier pirs, romelic gaxda ukanono dapatimrebis an Tavisuflebis aRkveTis msxverpli, gaaCnia sasarCelo Zalis mqone kompensaciis ufleba.

2. rodesac piri sasamarTlos saboloo gadawyvetilebiT damnaSaved iqna cnobili sisxlis samarTlis danaSaulis CadenaSi, da Tu SemdgomSi mis mimarT gamotanili gamamtyunebeli ganaCeni gauqmda im safuZvliT, rom axali an axlad aRmoCenili faqti sarwmunod miuTiTebs sasamarTlo Secdomis arsebobaze, pirs, romelic sasjels ixdida amgvari gamamtyunebeli ganaCenis Sedegad, miecema kanonieri kompensacia, Tu ar damtkicda, rom Tavis droze ucnobi faqtis aRmouCenloba mTlianad an nawilobriv am piris braliT moxda.

3. gansakuTrebul garemoebebSi, rodesac sasamarTlo daadgens sarwmuno faqtebs, romlebic miuTiTeben seriozuli da aSkara sasamarTlo Secdomis arsebobas, mas SeuZlia Tavisi Sexedulebisamebr, procedurisa da mtkicebis wesebiT dadgenili kriteriumebis Sesabamisad, kompensacia dauniSnos pirs,
romelic patimrobidan gaTavisuflebul iqna saboloo gamamarTlebeli gadawyvetilebis safuZvelze an am mizeziT sasamarTlo ganxilvis dasrulebis Sedegad.

nawili 9. saerTaSoriso TanamSromloba
da samarTlebrivi daxmareba

muxli 86

TanamSromlobis zogadi valdebuleba

monawile saxelmwifoebi, am statutis debulebebis Sesabamisad, yovelmxriv TanamSromloben sasamarTlosTan gamoZiebis Catarebisas da sasamarTlos iurisdiqciaSi Semavali danaSaulebis sisxlissamarTlebrivi wesiT devnisas.

muxli 87

TanamSromlobis moTxovna: zogadi debulebebi

1. (a) sasamarTlos gaaCnia uflebamosileba TanamSromlobis moTxovniT mimarTos monawile saxelmwifos. amgvari moTxovnebi gadaicema diplomaturi arxebiT an romelime sxva saTanado arxiT, romelic gansazRvrulia yoveli monawile saxelmwifos mier   ratifikaciis, miRebis, damtkicebis an SeerTebisas.

amgvari gansazRvrebis Semdgomi cvlilebebi monawile saxelmwifos SeuZlia gaakeTos procedurisa da mtkicebis wesebis Sesabamisad.

(b) rodesac saWiroa, (a) qvepunqtis debulebebisaTvis zianis miyenebis gareSe, moTxovnebi SeiZleba gadaeces sisxlis   samarTlis saerTaSoriso sapolicio organizaciis an sxva saTanado   regionaluri organizaciis meSveobiT.

2. moTxovnebi TanamSromlobis Sesaxeb da moTxovnis mxardamWeri yvela dokumenti Sedgenil unda iqnas Sesabamisi saxelmwifos oficialur enaze an sasamarTlos romelime samuSao enaze, am saxelmwifos mier ratifikaciis, miRebis,   damtkicebis an SeerTebisas gakeTebuli arCevnis Sesabamisad, an erT-erT amgvar enaze gakeTebuli Targmani mas Tan unda erTvodes.

amgvari arCevnis Semdgomi cvlilebebi unda gakeTdes procedurisa da mtkicebis wesebis Sesabamisad.

3. moTxovnis mimRebi saxelmwifo uzrunvelyofs TanamSromlobis moTxovnis da moTxovnis mxardamWeri dokumentebis konfidencialurobas, garda im SemTxvevisa da im   moculobiT, ramdenadac maTi gaxsna saWiroa moTxovnis SesrulebisaTvis.

4. me-9 nawilis Tanaxmad wardgenili daxmarebis moTxovnis mimarT sasamarTlos SeuZlia miiRos iseTi zomebi, maT Soris informaciis dacvasTan dakavSirebuli zomebi, romlebic saWiroa   dazaralebulTa, potencialur mowmeTa da maTi ojaxebis   usafrTxoebis an fizikuri an fsiqikuri janmrTelobis   uzrunvelyofisaTvis. sasamarTlos SeuZlia moiTxovos, rom   nebismieri informacia, romelic mowodebulia me-9 Tavis Tanaxmad, gadacemul da gamoyenebul iqnas imgvarad, rom dacul iqnas dazaralebulTa, potencialur mowmeTa da maTi ojaxebis   usafrTxoeba an fizikuri an fsiqikuri janmrTeloba.

5. sasamarTlos SeuZlia romelime saxelmwifos, romelic ar warmoadgens am statutis monawiles, SesTavazos am nawiliT gaTvaliswinebuli daxmarebis gaweva ad   hoc SeTanxmebis, amgvar

saxelmwifosTan xelSekrulebis dadebis an romelime sxva saTanado safuZvelze.

Tu am statutis aramonawile saxelmwifo, romelmac dado ad hoc SeTanxmeba an xelSekruleba sasamarTlosTan, ar Seasrulebs amgvari SeTanxmebiT an xelSekrulebiT gaTvaliswinebul TanamSromlobis moTxovnebs, sasamarTlos SeuZlia amis Sesaxeb moaxsenos monawile saxelmwifoTa asambleas an, Tu sasamarTlos saqmes gansaxilvelad gadascems uSiSroebis sabWo, uSiSroebis sabWos.

6. sasamarTlos SeuZlia mosTxovos romelime samTavrobaTSoriso organizacias informaciis an dokumentebis mowodeba. sasamarTlos aseve SeuZlia moiTxovos TanamSromloba da daxmarebis gaweva sxva formiT, romelic SeiZleba SeTanxmebuli iyos am organizaciasTan da romelic Seesabameba mis kompetenciasa da mandats.

7. Tu monawile saxelmwifo am statutis debulebebis sawinaaRmdegod ar asrulebs sasamarTlos mier wardgenil moTxovnas TanamSromlobis Sesaxeb, da amgvarad xels uSlis sasamarTlos statutiT dadgenili funqciebisa da uflebamosilebebis SesrulebaSi, sasamarTlos amasTan dakavSirebiT SeuZlia gamoitanos daskvna da saqme gansaxilvelad gadasces monawile saxelmwifoTa asambleas an, rodesac sasamarTlos saqmes gansaxilvelad gadascems uSiSroebis sabWo, uSiSroebis sabWos.

muxli 88

erovnul samarTalSi procedurebis arseboba

monawile saxelmwifoebi uzrunvelyofen maT erovnul samarTalSi am nawiliT gansazRvruli TanamSromlobis yvela formisaTvis procedurebis arsebobas.

muxli 89

pirebis gadacema sasamarTlosadmi

1. sasamarTlos SeuZlia piris dakavebis da gadacemis moTxovna 91-e muxlSi miTiTebul mxardamWer masalebTan erTad, gadasces nebismier saxelmwifos, romlis teritoriazec es piri SeiZleba imyofebodes da mosTxovos am saxelmwifos TanamSromloba am piris dakavebasa da gadacemaSi. monawile saxelmwifoebma, am nawilis da TavianTi erovnuli

samarTliT gansazRvruli proceduris Tanaxmad, unda Seasrulon dakavebis da gadacemis moTxovnebi.

2. im SemTxvevaSi Tu piri, romlis gadacemasac iTxoven, asaCivrebs moTxovnas erovnul sasamarTloSi me-20 muxlSi Camoyalibebuli ne bis in idem principis safuZvelze, moTxovnis mimRebma saxelmwifom dauyovnebliv unda moiTaTbiros sasamarTlosTan imis Taobaze, arsebobs Tu ara Sesabamisi dadgenileba misaRebobis Sesaxeb. Tu saqme misaRebad aris cnobili, moTxovnis mimRebi saxelmwifo iwyebs moTxovnis Sesrulebas. Tu dadgenileba misaRebobis Sesaxeb jer ar aris gamotanili, moTxovnis mimReb saxelmwifos SeuZlia piris gadacemis Sesaxeb moTxovnis Sesruleba gadados garkveuli vadiT, manamde, sanam sasamarTlo gamoitans dadgenilebas misaRebobis Sesaxeb.

3. (a) monawile saxelmwifo, Tavisi erovnuli saproceso samarTlis Sesabamisad, nebas rTavs sxva saxelmwifos mier sasamarTlosadmi gadacemuli piris gadayvanaze sakuTari teritoriis gavliT, im SemTxvevis garda, rodesac am saxelmwifos teritoriiT gadayvana xels uSlis an aferxebs gadacemas.

(b) sasamarTlos mier wardgenili moTxovna gadayvanis Sesaxeb gadacemul unda iqnes 87-e muxlis Sesabamisad. moTxovna gadayvanis Sesaxeb unda Seicavdes:

(i) gadasayvani piris aRweras;

(ii) saqmis garemoebebis mokle gadmocemas da maT samarTlebriv kvalifikacias; da

(iii) dakavebisa da gadacemis orders;

(c) gadasayvani piri patimrobaSi rCeba gadayvanis periodSi;

(d) nebarTva ar aris saWiro im SemTxvevaSi, rodesac piri gadahyavT sahaero xomaldiT da ar aris gaTvaliswinebuli daSveba satranzito saxelmwifos teritoriaze;

(e) satranzito saxelmwifos teritoriaze gauTvaliswinebeli daSvebis SemTxvevaSi satranzito am saxelmwifos SeuZlia mosTxovos sasamarTlos waradginos (b) qvepunqtiT gaTvaliswinebuli moTxovna gadayvanis

Sesaxeb.   satranzito saxelmwifo gadasayvan pirs tovebs patimrobaSi, sanam ar iqneba miRebuli moTxovna gadayvanis Sesaxeb da gadayvana Sesrulebuli, im pirobiT rom am qvepunqtiT gaTvaliswinebuli miznebisaTvis patimroba ar unda aRematebodes 96 saaTs gauTvaliswinebeli daSvebis momentidan, Tu moTxovna ar iqna miRebuli am drois ganmavlobaSi.

4. Tu ZebnaSi myofi piris mimarT aRZrulia sisxlissamarTlebrivi devna an is ixdis sasjels moTxovnis   mimReb saxelmwifoSi ara im danaSaulisaTvis, romlisTvisac is unda gadaeces sasamarTlos, moTxovnis mimRebi saxelmwifo,   gadacemis Sesaxeb gadawyvetilebis gamotanis Semdeg moiTaTbirebs sasamarTlosTan am sakiTxze.

muxli 90

koliziuri moTxovnebi

1. monawile saxelmwifo, romelic sasamarTlosagan miiRebs moTxovnas piris gadacemis Seaxeb 89-e muxlis Sesabamisad, da amasTanave romelime sxva saxelmwifosagan miiRebs moTxovnas imave piris eqstradiciis Sesaxeb igive qmedebasTan dakavSirebiT,   romelic Seadgens im danaSaulis safuZvels, romlisTvisac sasamarTlo moiTxovs piris gadacemas, amis Sesaxeb Seatyobinebs sasamarTlos da moTxovnis warmdgen saxelmwifos.

2. Tu moTxovnis warmdgeni saxelmwifo monawile saxelmwifoa, moTxovnis mimRebi saxelmwifo upiratesobas aniWebs sasamarTlos moTxovnas Tu:

(a) sasamarTlo, me-18 da me-19 muxlebis Sesabamisad, gamoitans dadgenilebas saqmis, romlis mimarTac wardgenilia gadacemis moTxovna, misaRebobis Sesaxeb da es gadawyvetileba iTvaliswinebs eqstradiciis moTxovnis warmdgeni saxelmwifos   mier   Tavis moTxovnasTan dakavSirebiT Catarebul gamoZiebas an braldebas; an

(b) sasamarTlos gamoaqvs (a) qvepunqtSi miTiTebuli dadgenileba moTxovnis mimRebi saxelmwifos mier pirveli punqtis Tanaxmad gakeTebuli Setyobinebis mimarT.

3. Tu ar aris gamotanili me-2(a) qvepunqtiT   gaTvaliswinebuli dadgenileba, moTxovnis mimReb saxelmwifos, Tavis Sexedulebisamebr, me-2(b) qvepunqtiT gaTvaliswinebuli   sasamarTlos dadgenilebis

gamotanamde SeuZlia daiwyos moTxovnis warmdgeni saxelmwifos eqstradiciis Sesaxeb moTxovnis ganxilva, magram saxelmwifos pirs ar gadascems manam, sanam sasamarTlo ar gamoitans dadgenilebas saqmis miuReblobis Sesaxeb. sasamarTlos dadgenileba gamoaqvs gamartivebuli wesiT.

4. Tu moTxovnis mimRebi saxelmwifo ar aris am statutis monawile saxelmwifo, moTxovnis mimRebi saxelmwifo, Tu mas ar gaaCnia saerTaSoriso valdebuleba gadasces piri moTxovnis warmdgen saxelmwifos, upiratesobas aniWebs sasamarTlos moTxovnas piris gadacemis Sesaxeb, Tu sasamarTlo ar gamoitans dadgenilebas saqmis miuReblobis Sesaxeb.

5. Tu me-4 punqtis Sesabamisad sasamarTlom ar gamoitana dadgenileba saqmis misaRebobis Sesaxeb, moTxovnis mimReb saxelmwifos, misi Sexedulebisamebr, SeuZlia daiwyos moTxovnis warmdgeni saxelmwifos mier wardgenili eqstradiciis Sesaxeb moTxovnis ganxilva.

6. im SemTxvevebSi, rodesac gamoiyeneba me-4 punqti, garda im SemTxvevisa, rodesac moTxovnis mimReb saxelmwifos gaaCnia saerTaSoriso valdebuleba gadasces piri moTxovnis warmdgen saxelmwifos, romelic ar aris am statutis monawile saxelmwifo, moTxovnis mimRebma saxelmwifom unda gadawyvitos, sasamarTlos gadasces piri Tu moTxovnis warmdgen saxelmwifos. gadawyvetilebis miRebisas, moTxovnis mimRebi saxelmwifo mxedvelobaSi miiRebs yvela Sesabamis faqtors, magram mxolod am faqtorebiT ar Semoifargleba:

(a) moTxovnaTa wardgenis Sesabamisi TariRebi;

(b) moTxovnis warmdgeni saxelmwifos interesebi, maT Soris, Tu es mizanSewonilia, Cadenil iqna Tu ara danaSauli mis teritoriaze da dazaralebulTa da gadasacemi piris moqalaqeobas; da

(c) sasamarTlosa da moTxovnis warmdgen saxelmwifos Soris Semdgomi gadacemis SesaZlebloba.

7. Tu monawile saxelmwifo, romelic sasamarTlosagan miiRebs moTxovnas piris gadacemis Sesaxeb, aseve miiRebs moTxovnas romelime sxva saxelmwifosagan imave piris eqstradiciis Sesaxeb im qmedebisaTvis,

romelic ar warmoadgens im danaSaulis Semadgenlobas, romlisTvisac sasamarTlo moiTxovs piris gadacemas:

(a) moTxovnis mimRebi saxelmwifo, Tu mas ar gaaCnia arsebuli saerTaSoriso valdebuleba gadasces piri moTxovnis warmdgen saxelmwifos, upiratesobas aniWebs sasamarTlos moTxovnas;

(b) moTxovnis mimRebi saxelmwifo, Tu mas gaaCnia arsebuli saerTaSoriso valdebuleba gadasces piri moTxovnis warmdgen saxelmwifos, daadgens, piri sasamarTlos gadasces Tu moTxovnis warmdgen saxelmwifos. gadawyvetilebis miRebisas Sesabamisi saxelmwifo mxedvelobaSi iRebs saqmesTan dakavSirebul yvela, maT Soris me-6 punqtiT gaTvaliswinebul faqtorebs (magram mxolod am faqtorebiT ar Semoifargleba), da gansakuTrebul yuradRebas uTmobs aRniSnuli qmedebis SedarebiT xasiaTsa da simZimes.

8. rodesac am muxliT gaTvaliswinebuli Setyobinebis mimarT sasamarTlo miiRebs dadgenilebas saqmis miuReblobis Sesaxeb, da Semdgomi eqstradiciis Sesaxeb moTxovnis warmdgenma saxelmwifom uari piris misadmi gadacemaze, moTxovnis mimRebi saxelmwifo sasamarTlos acnobebs am gadawyvetilebis Sesaxeb.

muxli 91

dakavebisa da gadacemis Sesaxeb moTxovnis Semadgenloba

1. dakavebisa da gadacemis Sesaxeb moTxovna wardgenil unda iqnas werilobiTi formiT. gadaudebel SemTxvevebSi, moTxovna SeiZleba gakeTdes sxva saSualebiT, romelic iZleva werilobiTi Canaweris gadacemis SesaZleblobas, im pirobiT, rom moTxovna dadasturebul unda iqnes 87-e muxlis 1(a) punqtiT gaTvaliswinebuli arxebis mier.

2. im piris, romlis mimarTac winaswari sasamarTlo warmoebis palatis mier gacemul iqna dakavebis orderi 58-e muxlis Tanaxmad, dakavebisa da gadacemis Sesaxeb moTxovnis SemTxvevaSi, moTxovna unda Seicavdes an mas unda erTvodes:

(a) Zebnili piris aRwerilobiTi informacia, romelic sakmarisia piris identifikaciisaTvis, da informacias am piris SesaZlebeli adgilsamyofelis Sesaxeb;

(b) dakavebis orderis asli; da

(c) iseTi dokumentebi, gancxadebebi an informacia, romelic SesaZloa saWiro iyos, raTa dakmayofilebul iqnes gadacemis procesis pirobebi moTxovnis mimReb saxelmwifoSi, im pirobiT rom es pirobebi ar unda iyos Sesasruleblad ufro rTuli, vidre eqstradiciis Sesaxeb moTxovnebisadmi wayenebuli pirobebi,   romlebic gamomdinareoben moTxovnis mimReb saxelmwifosa da sxva saxelmwifoebs Soris dadebuli xelSekrulebebidan an SeTanxmebebidan, da, SeZlebisdagvarad unda iyos Sesasruleblad naklebad rTuli, sasamarTlos gansakuTrebuli xasiaTis mxedvelobaSi miRebiT.

3. damnaSaved cnobili piris dakavebisa da gadacemis moTxovnis SemTxvevaSi, moTxovna unda Seicavdes an mas Tan unda erTvodes:

(a) am piris mimarT gacemuli dakavebis orderis asli;

(b) damnaSaved cnobis Sesaxeb sasamarTlo gadawyvetilebis asli;

(c) informacia, romelic adasturebs, rom Zebnili piri aris is, vinc moxsenebulia damnaSaved cnobis Sesaxeb sasamarTlo gadawyvetilebaSi;

(d) Tu Zebnili piris mimarT gamotanilia ganaCeni,   gamotanili ganaCenis asli, da Tavisuflebis aRkveTis sasjelis daniSvnis SemTxvevaSi - ganacxadi patimrobaSi yofnis da darCenili drois Sesaxeb.

4. sasamarTlos moTxovnis miRebis Semdeg, monawile saxelmwifo moiTaTbirebs sasamarTlosTan, zogadad an   konkretul sakiTxze, misi erovnuli samarTliT gaTvaliswinebuli pirobebis Taobaze, romlebic SeiZleba gamoyenebul iqnen me-2(c) punqtis Tanaxmad. TaTbiris msvlelobisas, monawile saxelmwifo rCevas miawodebs sasamarTlos misi erovnuli samarTliT gaTvaliswinebuli gansazRvruli pirobebis Taobaze.

muxli 92

winaswari patimroba

1. gadaudebel SemTxvevebSi, sasamarTlos SeuZlia   moiTxovos Zebnili piris winaswari dakaveba, 91-e muxliT gaTvaliswinebuli gadacemis Sesaxeb moTxovnis da moTxovnis TandarTuli dokumentebis wardgenamde.

2. winaswari dakavebis moTxovna wardgenil unda iqnes iseTi saSualebiT, romelic SemdgomSi iZleva werilobiTi Canaweris gadacemis SesaZleblobas da unda Seicavdes:

(a) Zebnili piris aRwerilobiT informacias, romelic sakmarisia piris amocnobisaTvis, da informacias am piris SesaZlebeli adgilsamyofelis Sesaxeb;

(b) im danaSaulebis mokle gadmocemas, romelTa CadenisaTvis moTxovnilia piris dakaveba da im faqtebis mokle gadmocemas, romelTa mimarTac arsebobs eWvi, rom isini Seadgenen am danaSaulebs, maT Soris, Tu SesaZlebelia, danaSaulis Cadenis TariRsa da adgils;

(c) gancxadebas Zebnili piris mimarT gacemuli dakavebis orderis an damnaSaved cnobis Sesaxeb gamotanili sasamarTlo gadawyvetilebis arsebobis Sesaxeb;

(d) gancxadebas imis Taobaze, rom Zebnili piris gadacemis Sesaxeb moTxovna SemdgomSi wardgenili iqneba.

3. piri, romelic winaswar patimrobaSi imyofeba, SeiZleba patimrobidan gaTavisuflebul iqnes, Tu moTxovnis mimRebi saxelmwifo ar miiRebs 91-e muxliT gaTvaliswinebul gadacemis Sesaxeb moTxovnas da moTxovnis TandarTul dokumentebs procedurisa da mtkicebis wesebiT dadgenil vadaSi. Tumca, pirs SeuZlia sakuTari nebiT Cabardes am vadis amowurvamde, Tu es daSvebulia moTxovnis mimRebi saxelmwifos kanonmdeblobiT. am SemTxvevaSi, moTxovnis mimRebma saxelmwifom unda uzrunvelyos piris rac SeiZleba swrafad gadacema sasamarTlosadmi.

4. Zebnili piris me-3 punqtis Tanaxmad patimrobidan gaTavisuflebis faqti xels ar uSlis am piris Semdgom dakavebasa da gadacemas, Tu moTxovna gadacemis Sesaxeb da moTxovnis TandarTuli dokumentebi miRebulia mogvianebiT.

muxli 93.

TanamSromlobis sxva formebi

1. monawile saxelmwifoebi, am nawilis debulebebis Sesabamisad da erovnuli samarTliT gaTvaliswinebuli procedurebis Tanaxmad, asruleben

sasamarTlos moTxovnebs gamoZiebasTan an sisxlissamarTlebriv devnasTan dakavSirebiT Semdegi daxmarebis gawevis Sesaxeb:

(a) pirTa identifikacia da adgilsamyofelis an sagnebis adgilmdebareobis dadgena;

(b) mtkicebulebebis mopoveba, ficis qveS miRebuli Cvenebebis CaTvliT da mtkicebulebaTa Segroveba, maT Soris sasamarTlosTvis saWiro eqspertTa daskvnebi da moxsenebebi;

(c) nebismieri gamoZiebis qveS myofi an sisxlissamarTlebrivi wesiT devnili piris dakiTxva;

(d) dokumentebis, maT Soris sasamarTlo dokumentebis wardgena;

(e) sasamarTlos winaSe pirTa, mowmeTa da eqspertTa saxiT, nebayoflobiT gamocxadebisTvis xelis Sewyoba;

(f) pirTa droebiTi gadmocema, rogorc es me-7 punqtiT aris gaTvaliswinebuli;

(g) adgilebisa da obieqtebis daTvaliereba, maT Soris eqshumaciis Catareba da samarxebis daTvaliereba;

(h) Cxrekis Catareba da qonebaze yadaRis dadeba;
oqmebisa da dokumentebis wardgena, oficialuri oqmebisa da dokumentebis CaTvliT;

(j) dazaralebulTa da mowmeTa dacva da mtkicebulebaTa Senaxva;

(k) miRebuli Tanxebis, qoneba da mogebis aRmoCena, Zieba da gayinva an yadaRis dadeba maTi Semdgomi konfiskaciis mizniT, bona fide mesame mxareTa uflebebisadmi zianis miyenebis gareSe; da

(l) daxmarebis nebismieri sxva forma, romelic ar aris akrZaluli moTxovnis mimRebi saxelmwifos kanonmdeblobiT, sasamarTlos iurisdiqciaSi Semavali danaSaulebis gamoZiebisa da sisxlissamarTlebrivi devnis xelSewyobis mizniT.

2. sasamarTlo uflebamosilia misces sasamarTloSi gamocxadebul mowmes an eqsperts imis garantia, rom is ar iqneba sasamarTlos mier sisxlissamarTlebrivi wesiT devnili, dapatimrebuli an sxvagvarad TavisuflebaSezRuduli romelime moqmedebasTan an umoqmedebasTan dakavSirebiT, romelsac adgili hqonda moTxovnis mimRebi saxelmwifodan am piris gamogzavnamde.

3. Tu pirveli punqtis Sesabamisad wardgenil moTxovnaSi asaxuli daxmarebis calkeuli RonisZiebebis gatareba akrZalulia moTxovnis mimRebi saxelmwifoSi arsebuli zogadi gamoyenebis ZiriTadi samarTlebrivi principiT, moTxovnis mimRebi saxelmwifo dauyovnebliv moiTaTbirebs sasamarTlosTan am sakiTxis gadawyvetis mizniT. TaTbiris dros, ganxilul unda iqnes sakiTxi imis Taobaze, SeiZleba Tu ara daxmarebis gaweva sxva formiT an raime pirobebiT. Tu TaTbiris Sedegad sakiTxi ver iqna gadawyvetili, sasamarTlo, saWiroebisamebr, cvlilebebs Seitans moTxovnaSi.

4. 72-e muxlis Sesabamisad, monawile saxelmwifos SeuZlia uari Tqvas moTxovnaze daxmarebis Sesaxeb, mTlianad an nawilobriv, mxolod im SemTxvevaSi, rodesac moTxovna exeba iseTi dokumentebis wardgenas an mtkicebulebebis gaxsnas, romlebic exeba mis erovnul uSiSroebas.

5. 1(l) punqtis Sesabamisad wardgenili daxmarebis Sesaxeb moTxovnaze uaris Tqmamde, moTxovnis mimRebi saxelmwifo ganixilavs sakiTxs imis Taobaze, SesaZlebelia Tu ara daxmarebis gaweva garkveuli pirobebiT, mogvianebiT an sxvagvarad, im pirobiT, rom Tu sasamarTlo an prokurori Tanaxmaa daxmarebis miRebaze garkveuli pirobebiT, sasamarTlo an prokurori imoqmedeben maT Sesabamisad.

6. Tu moTxovna daxmarebis Sesaxeb uaryofilia, moTxovnis mimRebi monawile saxelmwifo dauyovnebliv acnobebs sasamarTlos an prokurors amgvari uaris Tqmis mizezebs.

7.(a) sasamarTlos SeuZlia moiTxovos patimrobaSi myofi piris droebiT gadmocema amocnobis an CvenebaTa miRebisaTvis an daxmarebis gawevis sxvagvari miznebisaTvis. piri SeiZleba gadmocemul iqnes, Tu dakmayofilebulia Semdegi pirobebi:

(i) piri Tavisuflad aZlevs Segnebul Tanxmobas gadmocemaze; da

(ii) moTxovnis mimRebi saxelmwifo Tanaxmaa gadmocemaze, im pirobebiT, romelTa Taobazec SeiZleba SeTanxmdnen es saxelmwifo da sasamarTlo.

(b) gadmocemuli piri unda darCes patimrobaSi. mas Semdeg, rac miRweulia gadmocemis miznebi, sasamarTlom dauyovnebliv unda daubrunos piri moTxovnis mimReb saxelmwifos.

8.(a) sasamarTlo uzrunvelyofs dokumentebisa da informaciis konfidencialurobas imis gamoklebiT, rac, moTxovnis Sesabamisad, saWiroa gamoZiebisa da sasamarTlo ganxilvis miznebisaTvis;

(b) moTxovnis mimReb saxelmwifos SeuZlia, saWiroebis SemTxvevaSi, gadasces bralmdebels dokumentebi an informacia konfodencialur safuZvelze. bralmdebels SeuZlia maTi gamoyeneba mxolod axali mtkicebulebis miRebis mizniT;

(c) moTxovnis mimReb saxelmwifos SeuZlia, sakuTari iniciativiT an prokuroris moTxovniT, SemdgomSi neba darTos amgvari dokumentebis an informaciis gaxsnaze. amis Semdeg isini SeiZleba gamoyenebul iqnes rogorc mtkicebuleba me-5 da me-6 nawilebis debulebaTa Tanaxmad da procedurisa da mtkicebis wesebis Sesabamisad.

9. (a)(i) im SemTxvevaSi, rodesac monawile mxare miiRebs koliziur moTxovnebs, romlebic araa dakavSirebuli gadacemasTan an eqstradiciasTan, sasamarTlosagan da meore saxelmwifosagan saerTaSoriso valdebulebis Sesabamisad, monawile saxelmwifo ecdeba, sasamarTlosTan da meore saxelmwifosTan TaTbiris Sedegad, Seasrulos orive moTxovna, Tu saWiroa, erT-erTi moTxovnis gadavadebiT an maTze pirobebis darTviT;

(ii) amis SeusruleblobIS SemTxvevaSi koliziuri moTxovnebis sakiTxi gadawydeba 90-e muxlis debulebebis Sesabamisad.

(b) rodesac sasamarTlos moTxovna exeba informacias, qonebas an pirebs, romlebic imyofebian mesame saxelmwifos xelisuflebis an, saerTaSoriso xelSekrulebis safuZvelze, romelime saerTaSoriso organizaciis kontrolis qveS, moTxovnis mimRebi saxelmwifo amis Sesaxeb acnobebs sasamarTlos da sasamarTlo Tavis moTxovnas warudgens Sesabamisad mesame saxelmwifos an saerTaSoriso organizacias.

10. (a) sasamarTlos SeuZlia, monawile saxelmwifos moTxovnis safuZvelze, iTanamSromlos da daxmareba gauwios monawile saxelmwifos im qmedebis gamoZiebaSi an sisxlissamarTlebriv devnaSi, romelic Seadgens sasamarTlos iurisdiqciaSi Semaval an moTxovnis warmdgeni saxelmwifos erovnuli samarTliT gaTvaliswinebul mZime danaSauls.

(b) (i) (a) qvepunqtiT gaTvaliswinebuli daxmareba, inter   alia, moicavs:

(1) gancxadebebis, dokumentebis an sasamarTlos mier gamoZiebisa an sasamarTlo ganxilvis procesSi miRebuli mtkicebulebebis gadacema; da

(2) sasamarTlos brZanebiT dakavebuli piris gamokiTxva;

(ii) (b)(i)(1) qvepunqtis Tanaxmad daxmarebis gawevis SemTxvevaSi:
(1) Tu dokumentebi an sxva saxis mtkicebulebebi miRebul iqna romelime saxelmwifos daxmarebiT, amgvari gadacema   moiTxovs am saxelmwifos Tanxmobas;

(2) Tu gancxadebebi, dokumentebi an sxva saxis mtkicebulebebi mowodebul iqna mowmis an eqspertis mier, amgvari gadacema moxdeba 68-e muxlis Sesabamisad.

(c) sasamarTlos SeuZlia, am punqtiT gansazRvruli pirobebis Tanaxmad, gasces Tanxmoba am punqtiT gaTvaliswinebuli daxmarebis moTxovnaze, romelic wardgenilia am statutis aramonawile saxelmwifos mier.

muxli 94

moTxovnis Sesrulebis gadavadeba mimdinare gamoZiebasTan an sisxlissamarTlebriv devnasTan dakavSirebiT

1. Tu moTxovnis dauyovnebeli Sesruleba xels SeuSlis im mimdinare gamoZiebas an sisxlissamarTlebriv devnas, romelic gansxvavdeba im gamoZiebasa an sisxlissamarTlebrivi devnisagan, romelsac moTxovna exeba, moTxovnis mimReb saxelmwifos SeuZlia gadaavados moTxovnis Sesruleba sasamarTlosTan SeTanxmebuli vadiT. Tumca, gadavadeba ar unda aRematebodes moTxovnis mimReb   saxelmwifoSi saTanado

gamoZiebis an sisxlissamarTlebrivi   devnis dasrulebis dros. gadavadebis Sesaxeb gadawyvetilebis miRebamde, moTxovnis mimRebma saxelmwifom unda ganixilos   sakiTxi imis Taobaze, SesaZlebelia Tu ara daxmarebis gaweva dauyovnebliv garkveuli pirobebiT.

2. Tu pirveli punqtis Tanaxmad miRebul iqna gadawyvetileba gadavadebis Sesaxeb, prokurors, amisda miuxedavad, SeuZlia moiTxovos zomebis gatareba mtkicebulebis   Senaxvis mizniT 93-e muxlis 1(j) punqtis Sesabamisad.

muxli 95

moTxovnis   Sesrulebis   gadavadeba   saqmis   misaRebobis gasaCivrebasTan dakavSirebiT

1. 53-e muxlis me-2 punqtisTvis zianis miuyeneblad saqmis misaRebobis gasaCivrebis SemTxvevaSi, romelic ganixileba sasamarTlos mier me-18 da me-19 muxlebis Tanaxmad, moTxovnis mimReb saxelmwifos SeuZlia gadaavados moTxovnis Sesruleba am nawilis Tanaxmad sasamarTlos mier gadawyvetilebis miRebamde, Tu sasamarTlo ar gascems specialur gankargulebas, rom   prokurors SeuZlia daiwyos me-18 da me-19 muxlebis Tanaxmad mtkicebulebebis Segroveba.

muxli 96

93-e muxliT gaTvaliswinebuli daxmarebis sxva formebis Sesaxeb moTxovnis Semadgenloba

1. 93-e muxliT gaTvaliswinebuli moTxovna daxmarebis sxva formebis Sesaxeb wardgenil unda iqnas werilobiTi formiT. gadaudebel SemTxvevebSi moTxovna SeiZleba gakeTdes sxva saSualebiT, romelic iZleva werilobiTi Canaweris   gadacemis SesaZleblobas, im pirobiT romßmoTxovna dadasturebul unda iqnes 87-e muxlis 1(a) punqtiT gaTvaliswinebuli arxebiT.

2. moTxovna, daniSnulebis Sesabamisad, unda Seicavdes an mas Tan unda erTvodes Semdegi:

(a) moTxovnis miznis da moTxovnili daxmarebis mokle gadmocema, maT Soris moTxovnis samarTlebrivi safuZveli da wardgenis mizezebi;

(b) SeZlebisdagvarad dawvrilebiTi informacia nebismieri piris an adgilis adgilmdebareobis an identifikaciis Sesaxeb, romelTa povna an identifikacia aucilebelia daxmarebis uzrunvelyofisaTvis;

(c) moTxovnis safuZvelis Semadgeneli arsebiTi garemoebebis mokle gadmocema;

(d) nebismieri savaldebulo proceduris an pirobis motivebi da detaluri aRwera;

(e) informacia, romelic moTxovnis mimRebi saxelmwifos kanonmdeblobiT aucilebelia moTxovnis SesrulebisaTvis; da

(f) moTxovnili daxmarebis gawevisaTvis saWiro nebismieri sxva saTanado informacia.

3. sasamarTlos moTxovnis miRebis Semdeg, monawile saxelmwifo moiTaTbirebs sasamarTlosTan zogadad an romelime konkretuli sakiTxis Taobaze, misi erovnuli samarTliT gaTvaliswinebuli pirobebis Sesaxeb, romlebic SeiZleba gamoyenebul iqnen 2(e) punqtis Tanaxmad. TaTbiris msvlelobisas, monawile saxelmwifo sasamarTlos acnobebs misi erovnuli kanonmdeblobiT gaTvaliswinebuli konkretuli pirobebis Sesaxeb.

4. am muxlis debulebebi, calkeul SemTxvevebSi, aseve gavrceldeba sasamarTlosadmi wardgenil moTxovnaze daxmarebis Sesaxeb.

muxli 97

TaTbirebi

1. rodesac monawile saxelmwifo miiRebs am nawilis Tanaxmad wardgenil moTxovnas, romlis mimarTac is daadgens moTxovnis Sesrulebis xelSemSleli an damabrkolebeli problemis arsebobas, saxelmwifo dauyovnebliv moiTaTbirebs sasamarTlosTan sakiTxis gadawyvetis mizniT. Inter alia, problemebi SeiZleba Semdegi iyos:

(a) moTxovnis SesrulebisaTvis saWiro informaciis ukmarisoba;

(b) gadacemis Sesaxeb moTxovnis SemTxvevaSi, is faqti rom, miuxedavad yvela mcdelobisa, Zebnili piris adgilsamyofeli ver iqna dadgenili an rom Catarebuli gamoZiebis Sedegad dadginda, rom piri, romelic saxelmwifom daakava, aSkarad ar aris dakavebis orderSi miniSnebuli piri; an

(c) is faqti, rom moTxovnis misi amJamindeli saxiT SesrulebisaTvis moTxovnis mimReb saxelmwifos dasWirdeba meore saxelmwifosTan dadebuli xelSekrulebidan gamomdinare valdebulebis darRveva.

muxli 98

TanamSromloba imunitetis moxsnasTan da gadacemis Taobaze TanxmobasTan dakavSirebiT

1. sasamarTlos ar SeuZlia waradginos moTxovna gadacemis an daxmarebis Sesaxeb, romelic aiZulebs moTxovnis mimReb saxelmwifos imoqmedos   Tavisi   saerTaSoriso-samarTlebrivi   valdebulebis sawinaaRmdegod saxelmwifos an piris diplomatiuri imunitetis an meore saxelmwifos sakuTrebis mimarT, sanam sasamarTlo ar   miaRwevs   am meore saxelmwifosTan TanamSromlobas imunitetis moxsnis Taobaze.

2. sasamarTlos ar SeuZlia waradginos moTxovna gadacemis Sesaxeb, romelic aiZulebs moTxovnis mimReb saxelmwifos imoqmedos Tavisi saerTaSoriso   SeTanxmebidan   gamomdinare   valdebulebebis sawinaaRmdegod, romlis Tanaxmadac saWiroa gadamcemi saxelmwifos Tanxmoba am saxelmwifos xelisuflebis qveS myofi piris sasamarTlosadmi gadacemisaTvis, Tu   sasamarTlo Tavdapirvelad ar miaRwevs gadamcemi saxelmwifos   TanamSromlobas gadacemis Sesaxeb Tanxmobis micemis Taobaze.

muxli 99

93-e da 96-e muxlebis Tanaxmad wardgenil moTxovnaTa Sesruleba

1. daxmarebis Sesaxeb moTxovnebi Sesruldeba moTxovnis mimRebi saxelmwifos kanonmdeblobiT dadgenili saTanado proceduris Sesabamisad da, Tu kanonmdebloba amas ar krZalavs, moTxovnaSi gansazRvruli wesiT, maT Soris masSi miTiTebuli procedurebis SesrulebiT an moTxovniT

gansazRvruli pirebis   Sesrulebis procesze daswrebiT an maT mier moTxovnis Sesrulebisadmi daxmarebis gaweviT.

2. gadaudebeli moTxovnis SemTxvevaSi, dokumentebi an sasamarTlos moTxovnaze sapasuxod miRebuli mtkicebulebebi   unda gaigzavnos dauyovnebliv.

3. pasuxebi moTxovnis mimRebi saxelmwifosagan gadacemul iqneba originalis enaze da dedanis formiT;

4. am nawilis sxva muxlebisaTvis zianis miyenebis gareSe, Tu es saWiroa iseTi moTxovnis SesrulebisaTvis, romelic SeiZleba Sesruldes yovelgvari iZulebiTi zomebis gareSe, kerZod, piris dakiTxva an misgan mtkicebulebebis mopoveba nebayoflobiT safuZvelze, aseve amis gakeTeba moTxovnis   mimRebi   monawile   saxelmwifos   xelisuflebis warmomadgenlebis daswrebis gareSe,   Tu es arsebiTad mniSvnelovania moTxovnis Sesasrulebad,   da   raime cvlilebebis Setanis gareSe sazogadoebrivi daniSnulebis obieqtis an adgilis daTvaliereba, prokurors SeuZlia amgvari   moTxovna Seasrulos pirdapir saxelmwifos teritoriaze, Semdegi saxiT:

(a) rodesac monawile saxelmwifo aris is saxelmwifo,   romlis teritoriazec savaraudod Cadenil iqna danaSauli, da rodesac ukve arsebobs dadgenileba misaRebobis Sesaxeb me-18   da   me-19 muxlebis Tanaxmad, prokurors SeuZlia pirdapir   Seasrulos moTxovna, moTxovnis mimReb saxelmwifosTan yovelgvari SesaZlo TaTbiris Sesabamisad;

(b) prokurors SeuZlia amgvari moTxovnis Sesruleba moTxovnis mimReb saxelmwifosTan TaTbiris Sedegad da am   saxelmwifos mier wamoyenebuli nebismieri saTanado pirobebisa da gamoTqmuli interesebis Sesabamisad. rodesac monawile saxelmwifo aRmoaCens raime problemas am qvepunqtiT gaTvaliswinebuli moTxovnis SesrulebasTan dakavSirebiT, is dauyovnebliv moiTaTbirebs sasamarTlosTan am sakiTxis gadawyvetis misniT.

5. debulebebi, romlebic 72-e muxlis Sesabamisad mosmenil an dakiTxul pirs nebas rTaven miuTiTos SezRudvebze, romlebic gamiznulia erovnul TavdacvasTan an uSiSroebasTan dakavSirebuli konfidencialuri informaciis gaxsnis dauSveblobisaTvis,   aseve   SeiZleba gamoyenebul

iqnan am muxlis   Sesabamisad wardgenili daxmarebis Sesaxeb moTxovnis Sesrulebis mimarT.

muxli 100

xarjebi

1. moTxovnis mimRebi saxelmwifos teritoriaze moTxovnaTa Sesrulebis Cveulebriv xarjebs Tavis Tavze iRebs es saxelmwifo, garda Semdegi xarjebisa, romelTa anazRaurebas Tavis Tavze iRebs sasamarTlo:

(a) mowmeTa da eqspertTa mgzavrobisa da uSiSroebis uzrunvelyofasTan an patimrobaSi myof pirTa 93-e muxlis Tanaxmad gadayvanasTan dakavSirebuli xarjebi;

(b) werilobiTi an zepiri Targmnisa da stenografirebis xarjebi;

(c) mosamarTlis, prokuroris, prokuroris moadgileTa, mdivnis, mdivnis moadgileTa da sasamarTlos nebismieri organos TanamSromelTa mgzavrobis da sadReRamiso xarjebi;

(d) eqspertis daskvnis an sasamarTlos mier moTxovnili eqspertizis xarjebi;

(e) dakavebis saxelmwifos mier sasamarTlosTvis gadacemuli piris transportirebasTan dakavSirebuli xarjebi;

(f) TaTbirebis Semdeg warmoSobili nebismieri gauTvaliswinebeli xarjebi, romlebic SeiZleba warmoiSvas moTxovnis Sesrulebisas.

2. pirveli punqtis debulebebi, Sesabamis SemTxvevebSi, gamoiyeneba monawile saxelmwifoTa sasamarTlosadmi wardgenili moTxovnebis mimarT. am SemTxvevaSi, sasamarTlo Tavis Tavze iRebs Cveulebriv xarjebs.

muxli 101

debuleba pirobebis ucvlelobis Sesaxeb

1. am statutis Tanaxmad sasamarTlosTvis gadacemuli piri ar unda iqnes sisxlissamarTlebrivi wesiT devnili, dasjili an dapatimrebuli gadacemamde Cadenili nebismieri qmedebisaTvis, romelic ar warmoadgens im danaSaulis safuZvlis Semadgenel qmedebas an denad qmedebas, romlisTvisac piri iqna gadacemuli.

2. sasamarTlos SeuZlia sasamarTlosTvis piris gadamcemi saxelmwifosagan moiTxovos pirveli punqtiT gaTvaliswinebul pirobebze uaris Tqma, da, Tu saWiroa, sasamarTlo uzrunvelyofs damatebiTi informaciis miwodebas 91-e muxlis Tanaxmad. monawile saxelmwifoebs eZlevaT pirobebze uaris Tqmis uflebamosileba da isini Seecdebian amgvarad moiqcnen.

muxli 102

terminebis gamoyeneba

am statutis miznebisaTvis:

(a) "gadacema" niSnavs saxelmwifos mier piris sasamarTlosadmi gadacemas, am statutis Sesabamisad;

(b) "eqstradicia" niSnavs erTi saxelmwifos mier meorisadmi piris gadacemas, xelSekrulebis, konvenciis an erovnuli kanonmdeblobis Tanaxmad.

nawili 10. aRsruleba

muxli 103

saxelmwifoTa roli Tavisuflebis aRkveTis sasjelTa aRsrulebaSi

1. (a) Tavisuflebis aRkveTis sasjeli moxdili iqneba saxelmwifoSi, romelsac miuTiTebs sasamarTlo im saxelmwifoTa siidan, romlebic acnobeben sasamarTlos msjavrdebuli piris miRebis Tanxmobas.

(b) msjavrdebuli pirebis miRebis survilis gamocxadebis dros, saxelmwifos SeuZlia miRebas daurTos pirobebi, sasamarTlosTan SeTanxmebiT da am nawilis Tanaxmad.

(c) saxelmwifo, romelic miTiTebulia konkretul saqmesTan dakavSirebiT, saswrafod Seatyobinebs sasamarTlos, iRebs Tu ara sasamarTlos is arCevans.

2. (a) aRmasrulebeli saxelmwifo sasamarTlos Seatyobinebs yvela garemoebis Sesaxeb, maT Soris pirveli punqtis Tanaxmad SeTanxmebuli pirobebis Sesrulebaze, romelTac SeuZliaT arsebiTi zegavlena moaxdinon Tavisuflebis aRkveTis pirobebze da xangrZlivobaze. moxseneba amgvari cnobili an momavalSi mosalodneli garemoebebis Sesaxeb sasamarTlom unda miiRos ara nakleb 45 dRis vadaSi. am periodis ganmavlobaSi aRmasrulebeli saxelmwifo ar miiRebs aranair zomebs, romelTac SeiZleba ziani miayenon mis valdebulebebs 110-e muxlis Tanaxmad.

(b) rodesac sasamarTlo ar eTanxmeba (a) qvepunqtSi aRniSnul garemoebebs, is amis Sesaxeb acnobebs aRmasrulebel saxelmwifos da moqmedebs 104-e muxlis pirveli punqtis Sesabamisad.

3. pirveli punqtiT gaTvaliswinebuli miTiTebis Sesaxeb gadawyvetilebis gamotanisas sasamarTlo mxedvelobaSi miiRebs Semdegs:

(a) princips, romlis Tanaxmadac monawile saxelmwifoebma unda gainawilon Tavisuflebis aRkveTis sasjelis aRsrulebis pasuxismgebloba, samarTliani ganawilebis principis Sesabamisad, rac gaTvaliswinebulia procedurisa da mtkicebis wesebiT;

(b) patimrebTan mopyrobis sayovelTaod aRiarebuli saerTaSoriso saxelSekrulebo standartebis gamoyenebas;

(c) msjavrdebulis Sexedulebebs; da

(d) msjavrdebulis erovnebas;

(e) danaSaulTan an msjavrdebulTan an ganaCenis efeqtur aRsrulebasTan dakavSirebul sxva iseT faqtorebs, romlebic konkretul viTarebaSi mxedvelobaSi unda iqnas miRebuli aRmasrulebeli saxelmwifos miTiTebisas.

4. Tu arc erTi saxelmwifo ar iqna miTiTebuli pirveli punqtis Tanaxmad, Tavisuflebis aRkveTis sasjeli moxdili iqneba maspinZeli (adgilsamyofeli) saxelmwifos mier uzrunvelyofil Tavisuflebis aRkveTis dawesebulebaSi, me-3 muxlis me-2 punqtSi naxsenebi Stab-binis Sesaxeb xelSekrulebaSi gadmocemuli pirobebis Sesabamisad. am SemTxvevaSi, Tavisuflebis aRkveTis sasjelis aRsrulebasTan dakavSirebiT warmoSobili xarjebi anazRaurebul iqneba sasamarTlos mier.

muxli 104

aRmasrulebeli saxelmwifos Secvla

1. sasamarTlos nebismier dros SeuZlia miiRos gadawyvetileba msjavrdebuli piris sxva saxelmwifos TavisuflebisAaRkveTis dawesebulebaSi gadayvanis Sesaxeb.
2. msjavrdebuls SeuZlia nebismier dros mimarTos sasamarTlos aRmasrulebeli saxelmwifodan misi gadayvanis TxovniT.

muxli 105

ganaCenis aRsruleba

1. saxelmwifos mier 103-e muxlis 1(b) punqtis Sesabamisad gansazRvruli pirobebis SesrulebiT, Tavisuflebis aRkveTis ganaCeni savaldebuloa monawile saxelmwifoebisaTvis,   romlebsac misi Secvla araviTar garemoebebSi ar SeuZliaT.

2. mxolod sasamarTlos aqvs ufleba ganixilos yvela gancxadeba apelaciis da gadasinjvis Taobaze. aRmasrulebelma saxelmwifom xeli ar unda SeuSalos msjavrdebuli piris mier amgvari gancxadebis gakeTebas.

muxli 106

zedamxedveloba ganaCenis aRsrulebaze da Tavisuflebis aRkveTis pirobebze

1. Tavisuflebis aRkveTis ganaCenis aRsruleba eqvemdebareba sasamarTlos zedamxedvelobas da unda Seesabamebodes sayovelTaod aRiarebuli saerTaSoriso saxelSekrulebo standartebs.

2. Tavisuflebis aRkveTis pirobebi regulirdeba aRiarebuli saerTaSoriso saxelSekrulebo standartebis aRmasrulebeli saxelmwifos kanonmdeblobiT da unda Seesabamebodes patimrebTan mopyrobis sayovelTaod aRiarebul saerTaSoriso saxelSekrulebo standartebs; araviTar SemTxvevaSi es pirobebi ar unda iyos ufro metad an naklebad xelsayreli, vidre aRmasrulebel saxelmwifoSi imave danaSaulTa CadenisaTvis msjavrdebul pirTa Tavisuflebis aRkveTis pirobebi.

3. mimowera msjavrdebulsa da sasamarTlos Soris unda iyos daubrkolebeli da konfidencialuri.

muxli 107

piris gadacema sasjelis moxdis Semdeg

1. sasjelis moxdis Semdeg piri, romelic ar aris aRmasrulebeli saxelmwifos qveSevrdomi, aRmasrulebel saxelmwifos kanonmdeblobis Sesabamisad SeiZleba gadaeces saxelmwifos, romelic valdebulia miiRos is, an sxva saxelmwifos, romelic Tanaxmaa mis miRebaze, gadasacemi piris survilis mxedvelobaSi miRebiT, garda im SemTxvevisa, rodesac aRmasrulebeli saxelmwifo nebas rTavs pirs darCes mis teritoriaze.

2. Tu arc erTi saxelmwifo Tavis Tavze ar iRebs pirveli punqtis Tanaxmad piris sxva saxelmwifosadmi gadacemis xarjebs, amgvari xarjebi anazRaurebul iqneba sasamarTlos mier.

3. 108-e muxlis debulebebis Sesabamisad, aRmasrulebel saxelmwifos aseve SeuZlia, misi erovnuli samarTlis Sesabamisad, ganaxorcielos piris eqstradicia an gadacema saxelmwifosadmi, romelmac moiTxova piris eqstradicia an gadacema gasamarTlebis an ganaCenis aRsrulebis mizniT.

muxli 108

sxva samarTaldarRvevebisaTvis sisxlissamarTlebrivi devnas an dasjis SezRudva

1. msjavrdebuli, romelic imyofeba aRmsrulebeli saxelmwifos patimrobaSi, ar SeiZleba iqnes sisxlissamarTlebrivi wesiT devnili an dasjili an gadaeces eqstradiciis gziT mesame saxelmwifos nebismieri qmedebisaTvis, romelic Cadenil iqna piris aRmasrulebel saxelmwifosadmi

gadacemamde, Tu amgvari sisxlissamarTlebrivi devna, dasja an eqstradicia ar aris nebadarTuli sasamarTlos mier aRmasrulebeli saxelmwifos moTxovniT.

2. sasamarTlo gadawyvets am sakiTxs msjavrdebulis mosazrebaTa mosmenis Semdeg.

3. pirveli punqti aRar gamoiyeneba, Tu msjavrdebuli 30 dReze meti xniT nebayoflobiT darCeba aRmsrulebeli saxelmwifos teritoriaze sasamarTlos mier daniSnuli mTliani sasjelis moxdis Semdeg, an am saxelmwifos teritoriaze dabrundeba misi datovebis Semdeg.

muxli 109

jarimebisa da sakonfiskacio zomebis aRsruleba

1. monawile saxelmwifoebi uzrunvelyofen sasamarTlos mier me-7 nawilis Tanaxmad daniSnuli jarimebisa da konfiskaciebis aRsrulebas, mesame bona fide mxareTa uflebebisTvis zianis miyenebis gareSe da maTi erovnuli kanonmdeblobiT gaTvaliswinebuli procedurebis Sesabamisad.

2. Tu monawile saxelmwifos ar SeuZlia konfiskaciis Sesaxeb gadawyvetilebis Sesruleba, is miiRebs zomebs sasamarTlos mier sakonfiskaciod gamocxadebuli fuladi mogebis, sakuTrebisa an qonebis Rirebulebis anazRaurebisaTvis, mesame bona fide mxareTa uflebebisTvis zianis miyenebis gareSe.

3. qoneba, an uZravi qonebis an, saqmis garemoebaTa mixedviT, sxva qonebis gayidvidan miRebuli mogeba, romelic miRebulia monawile saxelmwifos mier sasamarTlos gadawyvetilebis aRsrulebis Sedegad, unda gadaeces sasamarTlos.

muxli 110

sasamarTlos mier sasjelis Semcirebis sakiTxis ganxilva

1. aRmasrulebeli saxelmwifo pirs ar aTavisuflebs sasamarTlos mier daniSnuli sasjelis moxdamde.

2. mxolod   sasamarTlos aqvs ufleba gadawyvitos sasjelis Semcireba, da is sakiTxs gadawyvets piris mosmenis Semdeg.

3. rodesac piri moixdis sasjelis or mesameds, an 25 wels uvado TavisuflebisaRkveTis SemTxvevaSi, sasamarTlo axdens   sasjelis gadasinjvaSi, raTa gansazRvros, SesaZlebelia Tu ara misi Semcireba. amgvari gadasinjva ar moxdeba zemoxsenebuli periodis gasvlamde.

4. me-3 punqtiT gaTvaliswinebuli gadasinjvisas, sasamarTlos SeuZlia Seamciros sasjeli, Tu is daadgens erTi an meti qvemoCamoTvlili faqtoris arsebobas:

(a) piris sasamarTlosTan gamoZiebasa da sisxlissamarTlebriv devnaSi TanamSromlobis survili, romelic adrec arsebobda da axlac grZeldeba;

(b) piris nebayoflobiTi daxmareba sxva saqmesTan   dakavSirebiT gamotanili sasamarTlo gadawyvetilebebisa da   brZanebebis aRsrulebis xelSewyobis mizniT, da, kerZod,   daxmareba jarimis, konfiskaciis an anazRaurebis Sesaxeb dadgenilebaSi miTiTebuli qonebis adgilsamyofelis dadgenaSi, romelic SeiZleba gamoyenebul iqnes dazaralebulTa sasargeblod; an

(c) sxva faqtorebi, romlebic amtkiceben garemoebaTa aSkara da arsebiT cvlilebas, romelic sakmarisia sasjelis Semcirebis dasabuTebisaTvis, rogorc gaTvaliswinebulia procedurisa da mtkicebis wesebiT.

5. Tu sasamarTlo me-3 punqtiT gaTvaliswinebuli   Tavdapirveli gadasinjvis Sedegad daadgens, rom ar aris gamarTlebuli sasjelis Semcireba, is SemdgomSi moaxdens   sasjelis Semcirebas procedurisa da mtkicebis wesebiT gaTvaliswinebuli drois SualedebiT da kriteriumebis   safuZvelze.

muxli 111

gaqceva

damnaSaved cnobili piris gaqcevis da aRmasrulebeli   saxelmwifos datovebis SemTxvevaSi, am saxelmwifos, sasamarTlosTan TaTbiris Semdeg, SeuZlia saxelmwifos, romelSic piri imyofeba, mosTxovos piris gadacema ormxrivi an mravalmxrivi xelSekrulebis Sesabamisad, an

SeuZlia sasamarTlos mimarTos moTxovniT, raTa am ukanasknelma moiTxovos piris gadacema. sasamarTlos SeuZlia gasces gankarguleba piris sasjelis moxdis saxelmwifosadmi an sasamarTlos mier miTiTebuli saxelmwifosadmi gadacemis Sesaxeb.

nawili 11. monawile saxelmwifoTa asamblea

muxli 112

monawile saxelmwifoTa asamblea

1. am statutiT iqmneba monawile saxelmwifoTa asamblea. yovel monawile saxelmwifos hyavs erTi warmomadgeneli asambleaSi, romelsac SeiZleba Tan axldes moadgileebi da mrCevlebi. sxva saxelmwifoebi, romelTac xeli moaweres statuts an daskvniT aqts, SeiZleba iyvnen damkvirveblebi asambleaSi.

2. asamblea:

(a) ganixilavs da, saWiroebis SemTxvevaSi, miiRebs mosamzadebeli komisiis rekomendaciebs;

(b) prezidiums, prokurors da mdivans warudgens administraciul mimoxilvas sasamarTlos saqmeTa marTvasTan dakavSirebiT;

(c) ganixilavs me-3 punqtis Tanaxmad dafuZnebuli biuros moxsenebebsa da saqmianobas da miiRebs Sesabamis zomebs amasTan dakavSirebiT;

(d) ganixilavs da amtkicebs sasamarTlos biujets;

(e) wyvets, 36-e muxlis Sesabamisad, mosamarTleTa raodenobis Secvlis sakiTxs;

(f) 87-e muxlis me-5 da me-7 punqtebis Sesabamisad, ganixilavs TanamSromlobis ararsebobis sakiTxebs;

(g) axorcielebs nebismier sxva funqcias, romelic ar ewinaaRmdegeba am statutsa da procedurisa da mtkicebis wesebs.

3. asambleas gaaCnia biuro, romlis SemadgenlobaSi Sedian asambleis mier sami wlis vadiT arCeuli Tavmjdomare, Tavmjdomaris ori moadgile da 18 wevri.

biuro warmomadgenlobiTi xasiaTis organoa, romlis Seqmnis dros mxedvelobaSi miiReba samarTliani geografiuli ganawilebis da msoflios ZiriTadi samarTlebrivi sistemebis saTanado warmodgenis principebi.

biuro ikribeba imdenjer, ramdenjerac saWiroa, magram weliwadSi erTxel mainc. is asambleas exmareba misi movaleobebis SesrulebaSi.

4. asambleas SeuZlia, saWiroebisamebr, damxmare organoebis Seqmna, maT Soris sasamarTlos sainspeqcio, SefasebiTi da sagamoZiebo saqmianobis efeqturobis da ekonomiurobis amaRlebis mizniT damoukidebeli sazedamxedvelo organoebis Seqmna.

5. sasamarTlos Tavmjdomares, prokurors da mdivans an maT warmomadgenlebs SeuZliaT, saWiroebisamebr, miiRon monawileoba asambleis da biuros sxdomebSi.

6. asamblea ikribeba sasamarTlos adgilsamyofelis adgilas an gaeros Stab-binaSi weliwadSi erTxel da, rodesac garemoebebi amas moiTxoven, gamarTavs specialur sesiebs. Tu sxva ram ar aris gaTvaliswinebuli statutiT, specialuri sesiebi mowveul iqneba biuros mier misi sakuTari iniciativiT an monawile saxelmwifoTa erTi mesamedis moTxovniT.

7. yovel monawile saxelmwifos gaaCnia erTi xma. miRebul unda iqnes yvela zoma imisaTvis, raTa asambleasa da biuroSi gadawyvetileba miRweul iqnes konsensusiT. konsensusis miRwevis SeuZleblobis SemTxvevaSi, Tu sxva ram ar aris gaTvaliswinebuli statutiT:

(a) gadawyvetilebebi arsebiT sakiTxebze miiReba damswreTa da kenWisyraSi monawileTa ori mesamediT, im pirobiT rom monawile saxelmwifoTa absoluturi umravlesoba Seadgens kenWisyris qvorums;

(b) gadawyvetilebebi procedurul sakiTxebze miiReba damswre da kenWisyraSi monawile saxelmwifoTa ubralo umravlesobiT.

8. monawile saxelmwifos, romelsac gaaCnia davalianeba sasamarTlos xarjebis anazRaurebisTvis fuladi Senatanebis mimarT, ar eqneba xma asambleaSi da biuroSi, Tu misi davalianeba Seadgens an aRemateba wina ori sruli wlis fuladi Senatanebis odenobas. amisda miuxedavad, asambleas SeuZlia neba darTos am saxelmwifos monawileoba miiRos asambleisa da biuros kenWisyraSi, Tu is darwmundeba, rom gadauxdeloba ganpirobebulia monawile saxelmwifos nebisagan damoukidebeli garemoebebiT.

9. asamblea iRebs Tavis sakuTar proceduris wesebs.
10. asambleis oficialuri da samuSao enebi igivea, rac gaeros generaluri asambleisa.

nawili 12. finansireba

muxli 113

safinanso debulebebi

Tu sxva ram sagangebod ar aris gaTvaliswinebuli, yvela safinanso sakiTxi, romelic dakavSirebulia sasamarTlosTan da monawile saxelmwifoTa asambleasTan, biurosa da damxmare organoebis CaTvliT, regulirdeba am statutiT da monawile saxelmwifoTa asambleis mier miRebuli safinanso debulebebiTa da wesebiT.

muxli 114

xarjebis anazRaureba

sasamarTlos da monawile saxelmwifoTa asambleis xarjebi, misi biurosa da damxmare organoebis CaTvliT, gadaixdeba   sasamarTlos fuladi saxsrebidan.

muxli 115

sasamarTlosa da monawile saxelmwifoTa asambleis fuladi saxsrebi

sasamarTlos da monawile saxelmwifoTa asambleis xarjebi, misi biurosa da damxmare organoebis CaTvliT, romlebic gaTvaliswinebulia monawile saxelmwifoTa asambleis mier damtkicebuli biujetiT, gadaixdeba Semdegi wyaroebidan:

(a) monawile saxelmwifoTa daricxuli Senatanebi;

(b) gaerTianebuli erebis organizaciis mier mowodebuli fuladi saxsrebi, generaluri asambleis damtkicebiT, kerZod, uSiSroebis sabWos situaciis gadmocemasTan dakavSirebuli xarjebis anazRaurebisaTvis.

muxli 116

nebayoflobiTi Senatanebi

115-e muxlisaTvis zianis miyenebis gareSe, sasamarTlos SeuZlia miiRos da gamoiyenos, rogorc damatebiTi fuladi saxsrebi mTavrobaTa, saerTaSoriso organizaciebis, fizikuri da iuridiuli pirebis da sxva pirebisagan miRebuli Senatanebi, monawile saxelmwifoebis asambleis mier dadgenili saTanado kriteriumebis Sesabamisad.

muxli 117

Senatanebis dadgena

monawile saxelmwifoTa Senatanebi dgindeba daricxuli Senatanebis SeTanxmebuli Skalis Sesabamisad, romelic dafuZnebulia gaeros mier Tavisi regularuli biujetisaTvis miRebul Skalaze, da koreqtirebul iqneba im principebis Sesabamisad, romlebzedac es Skala aris dafuZnebuli.

muxli 118

wliuri revizia

sasamarTlos Canawerebi, saaRricxvo wignebi da angariSebi, misi wliuri safinanso angariSis CaTvliT, yovelwliurad Semowmdeba damoukidebeli revizoris mier.

nawili 13. daskvniTi debulebebi

muxli 119

davebis gadawyveta

1. sasamarTlos sasamarTlo funqciebTan dakavSirebuli yvela dava wydeba sasamarTlos gadawyvetilebiT.

2. nebismieri sxva dava or an met saxelmwifos Soris am statutis ganmartebis an gamoyenebis Taobaze, romelic ver gadawyda molaparakebis gziT misi dawyebidan sami Tvis ganmavlobaSi, gansaxilvelad gadaecema monawile saxelmwifoTa asambleas. asambleas TviTon SeuZlia miiRos zomebi davis   gadawyvetisaTvis an gasces rekomendaciebi davis gadawyvetis   Semdgomi saSualebebis Taobaze, maT Soris davis saerTaSoriso   sasamarTlosadmi gadacemis Taobaze am sasamarTlos wesdebis Sesabamisad.

muxli 120

daTqmebi

am statuts ar SeiZleba gaukeTdes araviTari daTqma.

muxli 121

Sesworebebi

1. am statutis ZalaSi Sesvlidan Svidi wlis gasvlis Semdeg nebismier saxelmwifos SeuZlia gaakeTos ganacxadi masSi Sesworebebis Setanis Sesaxeb. yvela SemoTavazebuli Sesworebis teqsti unda gadaeces gaeros generalur mdivans, romelic dauyovnebliv gadascems mas yvela monawile saxelmwifos.

2. ganacxadis wardgenidan sami Tvis gasvlisTanave, morigi monawile saxelmwifoTa asamblea, damswreTa da kenWisyraSi monawileTa umravlesobiT, wyvets winadadebis miRebis sakiTxs. asambleas SeuZlia uSualod ganixilos winadadeba an moiwvios gadasinjviTi konferencia, Tu zemoxsenebuli sakiTxi amas moiTxovs.

3. monawile saxelmwifoTa asambleaze an gadasinjviT konferenciaze im Sesworebis miRebisaTvis, romelzedac konsensusi ver iqna miRweuli, saWiroa monawile saxelmwifoTa xmebis ori mesamedi.

4. garda me-5 punqtiT gaTvaliswinebuli SemTxvevisa, Sesworeba ZalaSi Sedis yvela monawile saxelmwifosaTvis saratifikacio sigelebis an miRebis dokumentebis Svidi mervedis gaeros generalur mdivanTan deponirebidan erTi wlis Semdeg.

5. am statutis me-5 nawilis yvela Sesworeba ZalaSi Sedis im saxelmwifoebisaTvis, romelTac miiRes Sesworeba, maTi saratifikacio sigelebis an miRebis dokumentebis deponirebidan erTi wlis Semdeg. im saxelmwifos mimarT, romelmac ar miiRo Sesworeba, sasamarTlo ver ganaxorcielebs Tavis iurisdiqcias SesworebaSi miTiTebul danaSaulTan dakavSirebiT, rodesac is Cadenilia am monawile saxelmwifos qveSevrdomTa mier an mis teritoriaze.

6. Tu Sesworeba miRebulia monawile saxelmwifoTa Svidi mervediT me-4 punqtis Sesabamisad, nebismier monawile saxelmwifos, romelic ar miiRebs Sesworebas, SeuZlia   statutidan gasvla am gadawyvetilebis dauyovnebliv ZalaSi SesvliT, 127-e muxlis pirveli punqtis debulebebis miuxedavad,   magram 127-e muxlis me-2 punqtis debulebaTa dacviT, am Sesworebis ZalaSi Sesvlidan araugvianes erTi wlis Semdeg gancxadebis gakeTebiT.

7. gaeros generaluri mdivani monawile saxelmwifoebs gadascems monawile saxelmwifoTa asambleaze an gadasinjviT konferenciaze miRebul Sesworebas.

muxli 122

institucionaluri xasiaTis debulebebis Sesworebebi

1. am statutis gansakuTrebuli institucionaluri xasiaTis   mqone debulebebis, kerZod, muxli 35, muxli 36, punqtebi 8 da 9, muxli 37, muxli 38, muxli 39, punqtebi 1 (pirveli ori winadadeba), 2 da 3, muxli 42, punqtebi 4 da 9, muxli 43, punqtebi 2 da 3, da muxlebi 44, 46, 47 da 49, Sesworebebis Sesaxeb winadadeba SeiZleba wardgenil iqnes nebismier dros, 121-e muxlis pirveli punqtis debulebebis miuxedavad, nebismieri monawile saxelmwifos mier. yvela wardgenili Sesworebis teqsti gadaecema gaeros generalur mdivans an monawile saxelmwifoTa asambleis mier daniSnul sxva pirs, romelic dauyovnebliv gadascems mas monawile saxelmwifoebs da asambleaSi   monawile sxva mxareebs.

2. am muxliT gaTvaliswinebuli Sesworebebi, romlebzedac konsensusi ver iqna miRweuli, miiReba monawile saxelmwifoTa asambleis an, SemTxvevidan gamomdinare, gadasinjviTi konferenciis mier monawile saxelmwifoTa ori mesamediT.

muxli 123

statutis gadasinjva

1. am statutis ZalaSi Sesvlidan Svidi wlis Tavze gaeros generaluri mdivani moiwvevs gadasinjviT konferencias am statutSi Sesworebebis Setanis gansaxilvelad. amgvari gadasinjva SeiZleba Seexos, magram amiT ar unda Semoifarglos, me-5 muxlSi CamoTvlil danaSaulTa nusxas. konferencia Ria iqneba monawile saxelmwifoTa asambleis monawileTaTvis da imave pirobebiT.

2. amis Semdeg nebismier dros, monawile saxelmwifos moTxovniT da pirvel punqtSi Camoyalibebuli miznebisaTvis, gaeros generaluri mdivani, monawile saxelmwifoTa umravlesobis TanxmobiT, moiwvevs gadasinjviT konferencias.

3. 121-e muxlis me-3 - me-7 punqtebis debulebebi gamoiyeneba statutSi yvela gadasinjviT konferenciaze ganxiluli Sesworebis miRebasa da ZalaSi Sesvlisas.

muxli 124

gardamavali debuleba

me-12 muxlis pirveli punqtis debulebebis miuxedavad, saxelmwifos, rodesac is xdeba am statutis monawile saxelmwifo, SeuZlia ganacxados rom, dainteresebuli saxelmwifosaTvis am statutis ZalaSi Sesvlidan Svidi wlis ganmavlobaSi, is ar cnobs sasamarTlos iurisdiqcias me-8 muxlSi gansazRvruli danaSaulTa kategoriis mimarT, rodesac danaSauli savaraudod Cadenilia misi qveSevrdomebis mier an mis teritoriaze. am muxliT gaTvaliswinebuli gancxadeba SeiZleba gauqmebul iqnes nebismier dros. am muxlis debulebebi gadasinjul iqneba 123-e muxlis pirveli punqtis Sesabamisad mowveul gadasinjviT konferenciaze.

muxli 125

xelmowera, ratifikacia, miReba, damtkiceba an SeerTeba

1. es statuti yvela saxelmwifosaTvis xelmosawerad gaixsneba romSi, gaeros sursaTisa da soflis meurneobis organizaciis Stab-binaSi, 1998 wlis 17 ivliss. Semdgom, is darCeba Riad xelmowerisaTvis romSi, italiis sagareo saqmeTa saministroSi, 1998 wlis 17 oqtombramde. am TariRis Semdeg, es statuti darCeba xelmowerisaTvis Riad niu-iorkSi, gaeros Stab-binaSi, 2000 wlis 31 dekembramde.

2. es statuti eqvemdebareba ratifikacias, miRebas an damtkicebas xelmomweri saxelmwifoebis mier. saratifikacio sigelebi da miRebis an damtkicebis dokumentebi deponirdeba gaeros generalur mdivanTan.

3. es statuti Riaa SeerTebisaTvis yvela saxelmwifosaTvis. SeerTebis dokumentebi deponirdeba gaeros generalur mdivanTan.

muxli 126

ZalaSi Sesvla

1. es statuti ZalaSi Seva me-60 saratifikacio sigelis, miRebis, damtkicebis an SeerTebis dokumentis gaeros generalur mdivanTan deponirebidan me-60 dRis Semdeg momdevno Tvis pirvel dRes.

2. yvela saxelmwifosaTvis, romelic axdens statutis ratifikacias, miRebas, damtkicebas an SeerTebas me-60 saratifikacio sigelis, miRebis, damtkicebis an SeerTebis dokumentis deponirebis Semdeg, statuti ZalaSi Seva am saxelmwifos saratifikacio sigelis, miRebis, damtkicebis an SeerTebis dokumentis deponirebidan me-60 dRis Semdeg momdevno Tvis pirvel dRes.

muxli 127

statutidan gasvla

1. monawile saxelmwifos SeuZlia, gaeros generaluri mdivnisadmi mimarTuli werilobiTi gancxadebis meSveobiT, gavides am statutidan.

gasvla ZalaSi Seva gancxadebis miRebis TariRidan erTi wlis Semdeg, Tu gancxadebaSi ufro gviani TariRi ar aris dadgenili.

2. statutidan gasvlis mizeziT saxelmwifo ar Tavisufldeba am statutidan gamomdinare valdebulebebisagan, romlebic warmoiSva misi am statutis monawile saxelmwifod yofnis dros, dagrovili finansuri davalianebis CaTvliT. gasvla zians ar ayenebs saxelmwifos TanamSromlobas sasamarTlosTan gamoZiebisa da sisxlis samarTalwarmoebis sakiTxebze, romelTa mimarT saxelmwifos gaaCnda sasamarTlosTan TanamSromlobis valdebuleba da romlebic daiwyo gasvlis ZalaSi Sesvlis TariRamde; gasvla aseve aranairad zians ar ayenebs im sakiTxis mimdinare ganxilvas, romelic ukve ganixileboda sasamarTlos mier gasvlis ZalaSi Sesvlis TariRamde.

muxli 128

avTenturi teqstebi

am statutis dedani, romlis arabuli, Cinuri, inglisuri, franguli, rusuli da espanuri teqstebi Tanabrad avTenturia, deponirebul iqneba gaeros generalur mdivanTan, romelic mis dadasturebul aslebs ugzavnis yvela saxelmwifos.

amis dasturad, xelmomwerni, maTi Sesabamisi mTavrobebis mier amisaTvis saTanado wesiT uflebamosilni, xels aweren am statuts.

Sesrulebulia romSi, 1998 wlis 17 ivliss.