



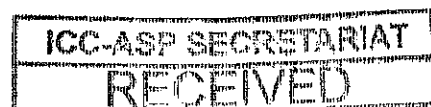
№ 45/41257

The Embassy of Georgia to the Kingdom of the Netherlands presents its compliments to International Criminal Court and has the honor to transfer the documentation regarding the Implementing legislation questionnaire for State parties and Law of Georgia on Cooperation of Georgia with the International Criminal Court.

Please be informed that the contact person, concerning the Rome Statute full implementation is Mr. Teimuraz Antelava, Director of International Public Law Department at the Ministry of Justice of Georgia. Contact details are the following: [tantelava@justice.gov.ge](mailto:tantelava@justice.gov.ge), telephone: +995322405908.

The Embassy of Georgia avails itself of this opportunity to renew to International Criminal Court the assurances of its highest consideration.

Enclosure: 26 pages



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## Implementing legislation questionnaire for States Parties

1. Has your Government adopted any national legislation implementing the Rome Statute ("the Statute"), or otherwise enacted legislation to the Rome Statute?

Yes.

5. In implementing the Statute, did your Government draft a stand-alone legislation or did it incorporate the Articles or substantive provisions of the Statute into pre-existing law?

On 14 August 2003 the Parliament of Georgia adopted *Law of Georgia on Cooperation of Georgia with the International Criminal Court*.<sup>1</sup> It is separate, comprehensive legal act that governs matters of cooperation between the International Criminal Court<sup>2</sup> and Georgia, determines national state agency responsible for cooperation between the International Court and Georgia, defines forms of mutual legal assistance in the course of cooperation.

The Law is composed of 9 Chapters and 50 Articles. Chapter I contains general provisions, Chapter II defines national agency responsible for cooperation with the International Court and its functions, Chapter III deals with jurisdictional aspects of the International Court, Chapter IV regulates procedures regarding request of the International Court, Chapter V determines procedural aspects of surrender of a person to the International Court, Chapter VI relates to different forms of cooperation between Georgia and the International Court, Chapter VII contains appeal procedures, Chapter VIII regulates execution of the International Court decisions and Chapter IX contains transitional and final provisions.

The law (except Article 49) came into force on the date of entry into force of the Statute for Georgia and was amended in 20.04.2005, 23.06.2005, 01.11.2008, 09.03.2010, 24.09.2010.

At the same time, other Georgian legal acts contain relevant provisions indispensable for ensuring of cooperation between Georgia and the International Court: *Law of Georgia on Mutual Legal Assistance in Criminal Matters, Criminal Procedure Code of Georgia, etc.*

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<sup>1</sup> referred to as "the Law"

<sup>2</sup> referred to as "the International Court"

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes into domestic law?

Core crimes of international concern had been included in relevant legislative act before the Statute came into force for Georgia.<sup>3</sup> On 22 July 1999 the Parliament of Georgia adopted a new *Criminal Code of Georgia*.<sup>4</sup> According to Article 1, paragraph 1, of the Code it establishes the ground for criminal liability, determines which conduct shall be criminal and metes out relevant punishment or other punitive measure. In Chapter XLVII (*Crimes against Peace of Humanity, Security and International Humanitarian law*) of the Code following crimes have been included:

- Preparation for and Waging of Aggressive War (Article 404)
- Calling for Unleashing of Aggressive War (Article 405)
- Production, Purchase or Sale Of Weapon of Mass Destruction (Article 406)
- Genocide (Article 407)
- Crimes against Humanity (Article 408)
- Ecocide (Article 409)
- Participation of Mercenary into Armed Conflict or Hostility (Article 410)
- Intentional Violation of Norms of International Humanitarian Law in Armed Conflict (Article 411)
- Intentional Violation of Norms of International Humanitarian Law in Armed Conflict of International or Non-international Character by Endangering Health or by Mutilation (Article 412)
- Other Violation of Norms of International Humanitarian Law (Article 413)

Above-mentioned Articles do not contain provisions on reference to the Statute. Exception is Article 413. Subparagraph "d" of this Article is worded as follows:

"d) any other war crime that is envisaged by a treaty of Georgia and is not punishable under Article 411 or Article 412 of this Code -  
[shall be punishable by...]."

Georgia signed the Statute on 18 July 1998 and deposited its instrument of ratification on 5 September 2003. International treaties hold high position in the hierarchy of normative acts of Georgia. International treaty of Georgia unless it contradicts to the Constitution of Georgia, the Constitutional Agreement, shall take precedence over domestic normative

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<sup>3</sup> Georgia is a party to and incorporated into national legislation provisions of international legal instruments such as Genocide Convention of 1948, Four Geneva Conventions of 1949 and Additional Protocols, etc.

<sup>4</sup> referred to as "the Code"

acts.<sup>5</sup> At the same time, international treaty of Georgia is integral part of Georgian legislation.<sup>6</sup> Provisions of officially promulgated international treaties of Georgia that establish concrete rights and obligations and need no adoption of implementing national normative acts shall have direct legal force.<sup>7</sup>

Coming from the above-mentioned legal grounds and due to the fact that the Statute is a treaty in force for Georgia, Article 413, subparagraph "d", of the Code should be considered as (indirect) reference to the Statute, provided that (1) committed war crime is stipulated by the Statute and (2) it is not punishable under Articles 411-412 of the Code.

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court and if yes, how?

(a) Arrest and surrender / (b) Interim release

Conditions and procedures of surrender of a person to the International Court are determined in Chapter V of the Law.

#### *Request for Arrest and Surrender*

A person shall be surrendered to the International Court if from a request and supporting materials it appears that the act committed is within the jurisdiction of the International Court.<sup>8</sup> If the International Court is considering an application challenging its jurisdiction pursuant to Articles 17-19 of the Statute, the Responsible Agency<sup>9</sup> may postpone the execution of a request until the International Court makes a decision on this matter.<sup>10</sup> If a citizen of Georgia is surrendered to the International Court, the Responsible Agency shall be entitled to apply to the International Court with a request to return the person to Georgia following the completion of the proceedings.<sup>11</sup>

Request of the International Court for arrest and surrender of a person must contain:

- data required for identification of the person, as well as indication of his/her alleged whereabouts;<sup>12</sup>

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<sup>5</sup> Article 6.2, *Constitution of Georgia*

<sup>6</sup> Article 6.1, *Law of Georgia on International Treaties of Georgia*

<sup>7</sup> *Ibid.*, Article 6.3

<sup>8</sup> Article 20.1, *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>9</sup> Ministry of Justice of Georgia

<sup>10</sup> Article 20.2, *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>11</sup> *Ibid.*, Article 20.3

<sup>12</sup> *Ibid.*, Article 21.1(a)

- copy of the warrant of arrest;<sup>13</sup>
- grounds for arrest.<sup>14</sup>

At the same time, a request for arrest and surrender of a *convicted* person must additionally contain:

- a copy of the judgment of conviction;<sup>15</sup>
- information on the terms of sentence served and remained, if a person has already been convicted and sentenced to imprisonment.<sup>16</sup>

Finally, information about substantial circumstances of the case that is sufficient for assessment of factual circumstances shall be attached to a request.<sup>17</sup>

The Law also determines procedures regarding searching for and arrest of a person. Such a request of the International Court must contain:

- exact data about a person to whom a request refers, as well as indication of his/her supposed whereabouts;<sup>18</sup>
- summary of circumstances of the case, as well as indication about time and place of commission of a crime;<sup>19</sup>
- notice that warrant of arrest or a judgment of conviction is in force with respect to the person;<sup>20</sup>
- notice that a request for surrender will be further presented after arrest of a person.<sup>21</sup>

If the Responsible Agency satisfies a request it shall ensure carrying out of procedures regarding searching for and arrest of a person.<sup>22</sup> After arresting of a person the Responsible Agency immediately informs the International Court and requests forwarding of a request for surrender.<sup>23</sup>

#### *Detention and Temporary Release*

Responsible Agency within 48 hours after arrest of a person applies to a court with a request to issue order of detention of the person for the purpose of his/her surrender to

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<sup>13</sup> Article 21.1(b), *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>14</sup> *Ibid.*, Article 21.1(c)

<sup>15</sup> *Ibid.*, Article 21.2(a)

<sup>16</sup> *Ibid.*, Article 21.2(b)

<sup>17</sup> *Ibid.*, Article 21.3

<sup>18</sup> *Ibid.*, Article 22.1(a)

<sup>19</sup> *Ibid.*, Article 22.1(b)

<sup>20</sup> *Ibid.*, Article 22.1(c)

<sup>21</sup> *Ibid.*, Article 22.1(d)

<sup>22</sup> *Ibid.*, Article 22.2

<sup>23</sup> *Ibid.*, Article 22.4

the International Court. Court makes decision within subsequent 24 hours. If during this period decision is not made arrested person shall be released.<sup>24</sup> If Georgian legislation prohibits the detention of a prosecuted person, the Responsible Agency, after consultations with the International Court, shall be entitled to employ preventive measure other than detention in relation to that person.<sup>25</sup> The Law authorizes a person to appeal court decision about detention within 5 days.<sup>26</sup>

Detention with a purpose of surrender shall last during the entire surrender proceedings.<sup>27</sup> When reasonable grounds exist the prosecuted person shall be entitled to apply at any time to the Supreme Court of Georgia for temporary release. Before making decision on this issue the Responsible Agency shall immediately inform the International Court.<sup>28</sup> If a person subject to surrender upon a request of the International Court is in custody or in penitentiary institution, he/she shall not be released or brought out to another country without prior consent of the Responsible Agency. Consent of the Responsible Agency shall be also a must for any mitigation of his/her custodial conditions.<sup>29</sup>

The Law also regulates procedures related to the termination of detention imposition of which is based on Article 92 of the Statute. If a request with supporting materials is not submitted to the Responsible Agency within 60 days after detention, it shall be terminated.<sup>30</sup> If a person is released from detention on this ground, it shall not preclude his/her further arrest and surrender to the International Court if a request for surrender together with supporting materials is forwarded afterwards.<sup>31</sup>

#### *Execution of Surrender*

Decision on surrender of a prosecuted person shall be made by the Responsible Agency.<sup>32</sup> If a prosecuted person or the Responsible Agency is challenging the jurisdiction of the International Court, decision on the issuance of the permit shall be postponed until the International Court passes its decision.<sup>33</sup> The Responsible Agency, upon an agreement with the International Court, shall also be entitled to postpone surrender if a person is detained or criminal procedure is instituted against him/her for any other charges.<sup>34</sup> However, in such cases the Responsible Agency shall be entitled to make decision on temporary transfer

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<sup>24</sup> Article 23.1, *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>25</sup> *Ibid.*, Article 23.3

<sup>26</sup> *Ibid.*, Article 23.5

<sup>27</sup> *Ibid.*, Article 24.1

<sup>28</sup> *Ibid.*, Article 24.2

<sup>29</sup> *Ibid.*, Article 24.3

<sup>30</sup> *Ibid.*, Article 25.1

<sup>31</sup> *Ibid.*, Article 25.3

<sup>32</sup> *Ibid.*, Article 27.1

<sup>33</sup> *Ibid.*, Article 27.2

<sup>34</sup> *Ibid.*, Article 28.2

of a prosecuted person if after consultations with the International Court the following is determined:

- period for which the International Court is seeking transfer of a person;<sup>35</sup>
- that a person shall remain in detention during the entire period of transfer;<sup>36</sup>
- that following the completion of the proceedings a person shall be returned upon a request of the Responsible Agency.<sup>37</sup>

If Georgia receives a request for surrender from the International Court and also a request for extradition of the same person from another country, the Responsible Agency shall make decision in accordance with Article 90 of the Statute.<sup>38</sup> At the same time, procedures regarding extradition and surrender are regulated by another legal act – *Law of Georgia on Mutual Legal Assistance in Criminal Matters* that was adopted on 21 July 2010. Article 32, paragraph 4, of this Law provides that in case of competing requests of surrender received from the International Court and another state, a request of the International Court shall prevail.

#### (c) Cooperation with OTP investigations

The Law stipulates the possibility of conducting of on-site investigation on the territory of Georgia by the International Court's representatives. Namely, according to Article 39 of the Law the Responsible Agency at the request of the International Court shall be entitled to authorize the representative of the International Court to carry out investigation in Georgia in accordance with provisions of the Statute. At the same time, the Responsible Agency shall notify relevant Georgian state body in charge for conducting of investigation about such authorization given to the International Court.

#### (d) Cooperation with the Court on the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes;

Among other forms of cooperation between Georgia and the International Court, Article 32 of the Law envisages identification and/or seizure of proceeds, assets and items holding material value and instrumentalities of crimes for the purpose of confiscation. Article 42 of the Law regulates procedure of confiscation of objects and items holding material value. Objects or items holding material value and confiscated for securing of evidence may be transferred to the International Court at its request for the purpose of confiscation,

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<sup>35</sup> Article 29(a), *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>36</sup> *Ibid.*, Article 29.(b)

<sup>37</sup> *Ibid.*, Article 29(c)

<sup>38</sup> *Ibid.*, Article 18.1

providing transfer to the Trust Fund envisaged by Article 79 of the Statute or making compensation.<sup>39</sup> Such objects and items are:

- instrumentalities of crime;<sup>40</sup>
- proceeds of crime, such as money or value obtained, revenue or profits;<sup>41</sup>
- gift or money that served or was used for the commission of crime and/or was given for the commission of the crime.<sup>42</sup>

Objects and items shall be seized and arrested until they are transferred to the International Court or until the Responsible Agency notifies the International Court about its refusal to transfer such objects and items to the latter.<sup>43</sup> Objects and items holding material value shall not be transferred to the International Court, if:

- victim resides in Georgia and object or item holding material value shall be returned to him/her;<sup>44</sup>
- the third person has legitimate right over object or item holding material value;<sup>45</sup>
- a person who did not participate in the commission of the crime proves that he has acquired the property right in a *bona fide* manner over the object or item holding material value in Georgia or abroad and his/her place of residence or location is in Georgia;<sup>46</sup>
- Object or item holding material value is necessary for ongoing criminal proceedings or it is subject to confiscation in Georgia.<sup>47</sup>

If person enjoys afore-mentioned rights, transfer of objects or items to the International Court shall be postponed until their legal status is determined.<sup>48</sup>

(e) Enforcement of Sentences;

Procedures relating to the enforcement of sentences are regulated by Chapter VIII of the Law.

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<sup>39</sup> Article 42.1 , *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>40</sup> *Ibid.*, Article 42.2(a)

<sup>41</sup> *Ibid.*, Article 42.2(b)

<sup>42</sup> *Ibid.*, Article 42.2(c)

<sup>43</sup> *Ibid.*, Article 42.3

<sup>44</sup> *Ibid.*, Article 42.4(a)

<sup>45</sup> *Ibid.*, Article 42.4(b)

<sup>46</sup> *Ibid.*, Article 42.4(c)

<sup>47</sup> *Ibid.*, Article 42.4(d)

<sup>48</sup> *Ibid.*, Article 42.5



At the request of the International Court, decision that entered into force may be executed in Georgia if the convicted person is a citizen of Georgia and/or permanently resides in Georgia and/or has property on the territory of Georgia.<sup>49</sup> Pecuniary penalty may also be executed in Georgia if the convicted person has a permanent residence abroad but has property on the territory of Georgia.<sup>50</sup>

### *Imprisonment*

Imprisonment imposed by the International Court shall be executed on the territory of Georgia upon the consent of the Responsible Agency.<sup>51</sup> Such decision shall be made by the Responsible Agency in-coordination with the agency in charge for execution of imprisonment. The International Court shall be informed about the decision by the Responsible Agency.<sup>52</sup> Upon the request of the International Court the Responsible Agency provides any information related to execution of sentence imposed by the International Court. At any time the International Court shall be entitled to send its representative to Georgia to observe the imprisonment conditions and to meet with the convicts. Relations between the International Court and a convict shall be confidential.<sup>53</sup>

If a convict submits a motion for his/her release on parole, pardon, appeal or renewal of proceedings due to newly discovered circumstances, the Responsible Agency shall immediately forward such motion with all necessary documentation to the International Court. The International Court shall have exclusive authority to reduce the terms of imprisonment or mitigate the sentence in any other manner.<sup>54</sup>

### (f) Other forms of cooperation (see in particular Article 93 of the Rome Statute)

Other forms of cooperation are envisaged by Chapter VI of the Law. In accordance with Article 32 of the Chapter, cooperation with the International Court shall include execution of any procedural measure stipulated by the Statute and Georgian legislation that facilitates investigation of crimes within the jurisdiction of the International Court. Such procedural measures may be:

- identification and whereabouts of persons;
- taking of evidence, including witness testimony under oath, and the

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<sup>49</sup> Article 45.1, *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>50</sup> *Ibid.*, Article 45.2

<sup>51</sup> *Ibid.*, Article 46.1

<sup>52</sup> *Ibid.*, Article 46.2

<sup>53</sup> *Ibid.*, Article 46.3

<sup>54</sup> *Ibid.*, Article 46.4

- production and delivery of evidence necessary to the International Court, including opinions and reports of experts and specialists;
- questioning of a person being investigated or prosecuted by the International Court;
  - service of documents, including judgments;
  - temporary transfer of detained persons;
  - identification of location of places and objects;
  - execution of searches and seizures;
  - provision of records and documents, including judicial (courtroom) records and documents;
  - protection of victims and witnesses and the preservation of evidence;
  - facilitation of voluntary appearance before the International Court of witnesses and experts;
  - execution of exhumation, examination of places and objects.

List of measures provided above is not exhaustive. It includes any other form of assistance that is not prohibited by Georgian legislation and that will facilitate investigation of crimes within the jurisdiction of the International Court.<sup>55</sup>

If Georgia receives competing request on cooperation other than surrender from the International Court and from another state, the Responsible Agency shall make decision in accordance with Article 93.9 of the Statute.<sup>56</sup>

As a rule, requests of the International Court are executed in accordance with the procedural rules established by the Georgian legislation. However, at the request of the International Court, procedures established by the International Court may be used.<sup>57</sup> At the same time, Article 4 of the Law stipulates that the Responsible Agency and other relevant state bodies shall execute a request within prescribed time limit and in accordance with procedures envisaged by the Statute and Georgian legislation.

Article 17 of the Law regulates procedures regarding use of Georgian territory for transportation of persons. At the request of the International Court the Responsible Agency issues a permit for transportation of arrested person through Georgian territory.<sup>58</sup> No permission is required for transportation of a person by air without landing on the territory of

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<sup>55</sup> Article 32(m), *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>56</sup> *Ibid.*, Article 18.2

<sup>57</sup> *Ibid.*, Article 34

<sup>58</sup> *Ibid.*, Article 17.1

Georgia.<sup>59</sup> In case of unscheduled landing, transported person shall be arrested and transferred to the preliminary detention center. The Responsible Agency shall immediately apply to the International Court for issuing a request for transportation. If within 72 hours following arrest such request is not received, arrested person shall be released. Person shall be re-arrested if a request is received afterwards and permission for transportation shall be issued.<sup>60</sup> Permit for transportation shall not be appealed.<sup>61</sup>

**8. Does the implementing legislation designate a channel of communication with the Court?**

According to Article 3, paragraph 1, of the Law a national state agency responsible for cooperation between the International Court and Georgia is the Ministry of Justice of Georgia, that receives requests for cooperation from the International Court, takes relevant measures required for the execution of requests, and, when necessary, coordinates activities of appropriate national bodies in the course of execution of requests.

Article 3, paragraph 2, of the Law grants wide authority to the Responsible Agency in performing functions imposed on the agency regarding cooperation with the International Court - to receive a request for cooperation from the International Court; to develop cooperation procedures, to ensure provision of the relevant information to the International Court about results of the execution of the request, on behalf of Georgia to forward to the International Court evidence and information gathered by the Georgian state authorities, etc.

Article 5 of the Law imposes obligation on the Responsible Agency to consult with the International Court if execution of a request:

- contradicts to fundamental legal principles of the state;
- relates to national security of the state;
- endangers ongoing investigation of another case;
- relates to internal or diplomatic immunity.

According to Regulation of Department of Public International Law of the Ministry of Justice approved by the order N35 (17.02.2010) of the Minister of Justice, cooperation with the International Court, as well as coordination of cooperation between the International Court and other governmental agencies and provision of representation is function of the above-mentioned Department.

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<sup>59</sup> Article 17.2, *Law of Georgia on Cooperation of Georgia with the International Criminal Court*

<sup>60</sup> *Ibid.*, Article 17.3

<sup>61</sup> *Ibid.*, Article 17.4

**Law of Georgia**  
**on Cooperation of Georgia with the International Criminal Court**

**Chapter I**  
**General Provisions**

**Article 1. Scope of the Law**

1. This Law governs matters of cooperation of Georgia with the International Criminal Court (hereinafter the International Court) established by the Rome Statute of the International Criminal Court as of 17 July 1998 (hereinafter the Statute); determines a national state agency responsible for cooperation with the International Court and defines the forms of mutual legal assistance in the course of cooperation.

2. Terms used in this Law shall have the meaning as defined in the Statute.

**Article 2. Legal grounds of cooperation with the International Court**

The Constitution of Georgia, the Statute, this Law and other legislative acts of Georgia shall be the legal grounds of cooperation of Georgia with the International Court.

**Chapter II**  
**National State Agency Responsible for Cooperation of Georgia with  
the International Court**

**Article 3. A national state agency responsible for cooperation of Georgia with the International Court**

1. A national state agency responsible for matters of cooperation of Georgia with the International Court shall be the Ministry of Justice of Georgia (hereinafter the Responsible Agency), which receives a request for cooperation from the International Court, takes measures required for the execution of a request, and, when necessary, coordinates activities of relevant national bodies in the course of execution of a requests.

2. In the course of cooperating with the International Court the Responsible Agency shall have the authority:

- a) to receive a request for cooperation from the International Court;
- b) to decide on admissibility of cooperation with the International Court; to develop cooperation procedures; when necessary, to take a decision on challenging the jurisdiction of the International Court;
- c) to decide on necessary measures to be taken for the purpose of cooperation; to determine a specific state agency having authority to execute a request;
- d) to inform the International Court on the results of execution of a request;
- e) to consult with the International Court on matters related to a request in cases provided by the Statute;
- f) when necessary, to take measures to appoint a public attorney and/or to render other legal

aid in accordance with law;

g) to make decision on surrender of a person to the International Court;

h) forward a request received from the International Court to relevant competent state authority on institution of criminal proceedings in accordance with Article 70, paragraph 4(b), of the Statute;

i) to make decision on a request of the International Court regarding the execution of imprisonment on the territory of Georgia, for receipt of a convicted person and executing of pecuniary penalty imposed by the International Court and/or reimbursement of other expenses;

j) to determine form of executing of a request and necessary conditions for its enforcement for the purpose of ensuring urgent measures to be taken as indicated in a request;

k) on behalf of Georgia to forward to the International Court evidence and information gathered by the relevant Georgian state agencies that enables the International Court to commence prosecution;

l) in cases provided by the Statute to request reimbursement of expenses from the International Court incurred in the course of execution of a request;

m) to perform other functions assigned by the Statute and this Law.

#### Article 4. Obligations of state agencies for the execution of requests of the International Court

The Responsible Agency and relevant state agencies to which a request of the International Court is forwarded shall execute a request within the prescribed time limit and in accordance with procedures envisaged by the Statute and the Georgian legislation.

#### Article 5. Consultation with the International Court

The Responsible Agency shall have the authority to hold consultations with the International Court on matters related to a request as prescribed by the Statute. Consultation with the International Court shall be obligatory if the execution of a request:

a) contradicts to fundamental legal principles of a state, as indicated in Article 93, paragraph 3, of the Statute;

b) affects interests of national security;

c) jeopardizes ongoing investigation of another criminal case or prosecution;

d) relates to internal or diplomatic immunity.

### Chapter III

#### Jurisdiction of the International Court

#### Article 6. Determination of jurisdiction and jurisdictional disputes

1. The International Court shall have the jurisdiction over crimes committed on the territory of Georgia and falling within the jurisdiction of the International Court according to the Statute. If the International Court considers that it has jurisdiction over a specific offence, the Responsible Agency may, after consultation with prosecution bodies determined by the Criminal Procedure Code of Georgian, accept a request of the International Court or challenge the jurisdiction of the International Court in accordance with Article 19 of the Statute.

2. If the Responsible Agency does not challenge the jurisdiction of the International Court or, having examined the matter, it arrives at the conclusion that jurisdiction of the International Court shall prevail, all the relevant materials of the case shall be forwarded to the International Court. Forwarding of materials to the International Court shall result in suspension of proceedings carried out by the relevant state agencies.

3. A decision on challenging the jurisdiction of the International Court is not subject to appeal.

#### Article 7. Forwarding evidence and/or information to the International Court

1. The Responsible Agency shall be entitled to forward to the International Court evidence and/or information gathered by Georgian prosecution authorities in the course of investigation, if the evidence and/or information makes it possible for the International Court to commence prosecution or if it facilitates the ongoing investigation.

#### Article 8. Referral of a situation to the International Court

1. In accordance with Article 14 of the Statute the Responsible Agency makes decision to refer a situation to the International Court with a view of its investigation, when grounds exist to consider that the crime falling under the jurisdiction of the Court has been committed.

2. The Responsible Agency shall immediately forward its decision made pursuant to Article 14 of the Statute to the International Court.

### Chapter IV

#### Request of the International Court

#### Article 9. Form of a request from the International Court and conditions of its receiving

1. A request of the International Court or its relevant body is submitted to the Responsible Agency in a written form.

2. A request and materials attached to it shall be done in Georgian language or be accompanied with a duly approved translation into Georgian.

3. A request on conducting search, arrest or other urgent measures subject to further approval may be done with assistance of International Criminal Police (Interpol) or by other means provided by the Statute.

4. If the Responsible Agency considers that a request of the International Court is not in compliance with established form or/and it cannot accept a request for further consideration, the Responsible Agency shall, in accordance with the Statute, immediately inform the International Court providing relevant grounds and shall immediately consult the International Court.

5. If the Responsible Agency considers that a request of the International Court is not acceptable or refuses to execute a request, it shall immediately inform the International Court on unacceptability of a request or refusal to execute a request, providing reasons for either decision. Before final refusal on execution of a request the Responsible Agency shall consult with the

International Court.

#### Article 10. Content of a request of the International Court

1. Content of a request of the International Court shall meet the requirements for carrying out of the relevant procedural measures established by the Statute.
2. A request shall include:
  - a. comprehensive review of substantial circumstances of the case, as well as their legal qualification;
  - b. detailed and full information about a person being prosecuted, as well as detailed information on persons, place or objects detection or identification of which is necessary for the execution of a request;
  - c. comprehensive description of the object of a request and the procedures to be conducted, as well as the assistance sought;
3. If a request does not meet requirements determined by Paragraphs 1 and 2 of this Article, the Responsible Agency may request from the International Court elimination of deficiencies.

#### Article 11. Consideration and execution of a request

1. The Responsible Agency considers a request received and defines a state agency competent for execution of a request, at the same time determines possible measures to be taken within the framework of cooperation.
2. If immediate execution of a request may hinder ongoing investigation of a case or prosecution that is not related to a request, the Responsible Agency shall be entitled, in accordance with Article 94 of the Statute, to suspend execution of a request for a period agreed with the International Court. This period shall not exceed the time limit prescribed by the Criminal Procedure Code of Georgia for the completion of investigation.
3. When a request is considered, the Responsible Agency decides on cooperation and its scope.
4. The Responsible Agency or/and state agency executing of a request shall inform a person who pursuant to Georgian legislation is authorized to file appeal and who has a residence or carries out activities in Georgia about decision made regarding acceptance of a request.

#### Article 12. Ensuring of protection of national security

1. If the Responsible Agency has a reasonable ground to believe that execution of a request may endanger the national security of Georgia, it shall immediately inform the National Security Council of Georgia and shall cooperate with the International Court in accordance with Article 72 of the Statute.
2. In case envisaged by Paragraph 1 of this Article, the National Security Council of Georgia shall be entitled to make decision on suspending measures regarding the execution of the request.

3. The Responsible Agency, upon the motion of the National Security Council of Georgia, may refuse to execute a request of the International Court for cooperation, if the execution of a request may threaten the national security of Georgia.

#### Article 13. Matters related to immunity

If a request of the Court is related to conducting of criminal prosecution against person who enjoys immunity under Georgian legislation, the Responsible Agency notifies the relevant state agency on the existence of the grounds for initiation of criminal proceeding in relation to this person and facilitates the carrying out of relevant actions related to immunity envisaged by the Constitution and other legislative acts of Georgia.

#### Article 14. Serving of case materials to a person concerned

1. By decision of the Responsible Agency a person to whom a request of the International Court is related has the right to be served with case materials.

2. The right referred to in Paragraph 1 of this Article may be restricted:

- a) in the interests of proceedings to be held in the International Court;
- b) when a substantial legal ground exists, if the International Court so requires;
- c) due to need for immediate taking of appropriate measures;
- d) for the purpose of preservation of confidential information.

#### Article 15. Request of Georgia

1. In case of existed facts of a crime within the jurisdiction of the International Court, state agencies carrying out prosecution shall be entitled to apply to the International Court with a request through the Responsible Agency.

2. A request filed by Responsible Agency on behalf of Georgia with the Court shall meet requirements stipulated by the Statute and this Law.

#### Article 16. Reimbursement of expenses related to execution of a request of the International Court

1. A request of the International Court shall, as a rule, be executed without reimbursement. Exceptions to this rule are the expenses related to:

- a) transportation and protection of witnesses and experts/specialists or temporary transfer of detained person;
- b) translation, interpretation or drawing up of shorthand records;
- c) travel and per diem of judge, prosecutor, deputy prosecutor, registrar, deputy registrar and/or other personnel of the International Court;
- d) Forensic expertise and report of specialist prepared at the request of the Court;
- e) transportation of a person who shall be surrendered to the International Court;
- f) any unforeseeable expenses stemming from the consultations with the International Court regarding the execution of a request;
- g) execution of the decision.



2. Expenses referred to in Paragraph 1 of this Article shall be reimbursed by the International Court pursuant to procedures established by the Statute.

3. Expenses related to assistance rendered by the Georgian state authorities to each other in the course of execution of a request of the International Court shall not be reimbursed.

4. Expenses related to execution of decision about detention made upon the motion of the Responsible Agency, as well as, when necessary, expenses related to protection of detained person shall be reimbursed from the State Budget.

#### Article 17. Use of Georgian territory for transportation of a person

1) At the request of the Court the Responsible Agency issues a permit for transportation of arrested person through territory of Georgia.

2) No permission is required for transportation of arrested person by air without landing on the territory of Georgia.

3) In case of unscheduled landing, transported person shall be arrested and transferred to the preliminary detention center envisaged by the Georgian legislation. The Responsible Agency shall immediately apply to the International Court for issuing a request for transportation. If within 72 hours following arrest such request is not received, arrested person shall be released. Person shall be re-arrested if a request is received afterwards and permission for transportation shall be issued.

4) Permit for transportation shall not be appealed.

#### Article 18. Competing requests

1) If Georgia receives a request for surrender from the International Court and also a request for extradition of the same person from another country, the Responsible Agency shall make decision in accordance with Article 90 of the Statute.

2) If Georgia receives similar request on cooperation other than surrender from the International Court and from another state, the Responsible Agency shall make decision in accordance with Article 93, paragraph 9, of the Statute.

3) If, in case of competing requests, the Responsible Agency satisfies a request of another state, the Responsible Agency shall immediately notify the International Court about such decision.

#### Article 19. Compensation for damage

1. Provisions of Georgian legislation relating to compensation for damage caused by unlawful detention or other unlawful act will be applicable only in case when at the request of the International Court the prosecuted person has been subject to procedural measures under this Law on the territory of Georgia.

2. Compensation for damage may be reduced or refused if the prosecuted person intentionally protracted or complicated investigation and detention in whole or in part was caused by his/her fault.

3. Damage caused by unlawful detention or other unlawful act shall not be covered by Georgia, if pursuant to the Statute damage is compensated by the International Court or it makes decision to refuse compensation.

## Chapter V Surrender of a person to the International Court

### Article 20. Legal grounds of surrender

1. A person shall be surrendered to the International Court if from a request and the supporting materials it appears that the act committed is within the jurisdiction of the International Court.

2. If the International Court is considering an application challenging its jurisdiction pursuant to Articles 17-19 of the Statute, the Responsible agency shall be entitled to postpone the execution of a request until the International Court makes a decision on this matter.

3. If a citizen of Georgia is surrendered to the International Court, the Responsible Agency shall be entitled to apply to the International Court with a request to return the person to Georgia following the completion of the proceedings.

### Article 21. Content of a request and materials to be attached

1. A request of the International Court for arrest and surrender of a person must contain:

- a) data required for identification of a person, as well as indication of his/her alleged whereabouts;
- b) copy of the warrant of arrest;
- c) grounds for arrest.

2. A request for arrest and surrender of a person, convicted by the International Court, must contain additionally:

- a) a copy of the judgment of conviction;
- b) information on the terms of sentence served and remained, if a person has already been convicted and sentenced to imprisonment.

3. Information about substantial circumstances of the case that is sufficient for assessment of factual circumstances shall be attached to a request.

### Article 22. A request for searching for and arrest of a person. Preservation of evidence

1. A request on searching for and arrest must contain:

- a) exact data about a person to whom a request refers, as well as indication of his/her supposed whereabouts;

- b) a summary of circumstances of the case, as well as indication about time and place of commission of a crime;
- c) notice that warrant of arrest or a judgment of conviction is in force with respect to the person;
- d) notice that a request for surrender will be further presented after arrest of a person.

2. If the Responsible Agency satisfies a request it shall ensure carrying out of procedures established by legislation regarding searching for and arrest of a person, as well as his/her personal search.

3. When arresting a person, items that may be used as evidence during a trial in the International Court, shall be seized and preserved in a manner prescribed by law.

4. The fact of arrest and seizure of evidence shall be notified to the Responsible Agency, which immediately informs the International Court and requests to immediately forward a request for surrender.

#### Article 23. Execution of Detention of a person for the purpose of surrender

1. Responsible Agency within 48 hours after arrest of a person applies to the Criminal Chamber of Tbilisi City Court with a request to issue order of detention of the person for the purpose of his/her surrender to the International Court. Court makes decision about issuing of order of detention within subsequent 24 hours. If during this period decision is not made by Court arrested person shall be released.

2. The order of detention shall contain:

- a) data on the prosecuted person and conduct he is accused of;
- b) indication that surrender of a person is requested by the International Court;
- c) indication that a person is entitled to appeal the decision and enjoy the right to defense.

3. If Criminal Procedure Code of Georgian prohibits detention of a prosecuted person, the Responsible Agency, after consultations with the International Court, shall be entitled to employ preventive measure envisaged by Georgian legislation other than arrest in relation to that person.

4. During arrest of a person his/her identity with a person indicated in a request shall be established. Person shall be informed about grounds and simplified procedures of his/her surrender to the International Court. Person shall be interrogated with regard to his/her personal data and shall be given explanation about right to defense.

5. A person subject to surrender shall be entitled to appeal order of detention to the Criminal Chamber of a Court of Appeals within 5 days after receiving of copy of the order.

#### Article 24. Detention for the purpose of surrender

1. Detention with a purpose of surrender shall last during the entire surrender proceedings.

2. When reasonable grounds exist the prosecuted person shall be entitled to apply at any time to

the Criminal Chamber of Supreme Court of Georgia for temporary release. Before making decision on this issue the Responsible Agency shall immediately inform the International Court.

3. If a person subject to surrender is in custody or in penitentiary institution, he/she shall not be released or brought out to another country without prior consent of the Responsible Agency. Consent of the Responsible Agency shall be also obligatory for any mitigation of his/her custodial conditions, as well as for paying visit and controlling of his/her correspondence.

#### Article 25. Termination of detention

1. If a request for surrender with supporting materials is not submitted to the Responsible Agency within 60 days after detention imposed pursuant to Article 92 of the Statute, the detention shall be terminated.

2. If a prosecuted person is detained, the time limit indicated in Paragraph 1 of this Article shall be calculated from the moment the person was detained for the purpose of surrender to the International Court.

3. If a person is released from detention under Paragraph 1 of this Article, it shall not preclude his/her further arrest and surrender to the International Court if a request for surrender together with supporting materials is forwarded afterwards.

4. Other provisions of Criminal Procedure Code of Georgia may also be applied in respect of release from detention if they do not contradict to requirements of the Statute.

#### Article 26. Rights of a person subject to surrender

1. A request for surrender and its supporting materials shall be served to the prosecuted person and his legal counsel in a language they understand.

2. The Responsible Agency shall explain to the prosecuted person the ground for his/her surrender, a simplified procedure of surrender and his right to:

- a) challenge the jurisdiction of the International Court;
- b) invoke a defense counsel at his own choice or, where there is no such counsel, to request the Responsible Agency in accordance with Georgian legislation to choose a counsel for him/her or to appoint a counsel in his/her favor for free of charge.

3. A prosecuted person shall be interrogated about his/her personal data and will be explained the grounds for his surrender. The person shall have the right to present arguments against his detention and surrender. The counsel shall have the right to participate in these procedures.

#### Article 27. Issuance of a surrender permit

1. A decision on surrender of a prosecuted person as well as for transfer of object and item holding material value seized and preserved in a proper manner shall be made by the Responsible Agency.

2. If the prosecuted person or the Responsible Agency is challenging the jurisdiction of the International Court, decision on the issuance of the permit will be postponed until the International Court passes its decision on the matter.

3. If the third person, or victim whose residence is in Georgia requests the exercise of ownership right over the object or item holding material value that is seized to be used as evidence, the property or item holding material value may be transferred to the International Court providing that it takes obligation to return mentioned object or item holding material value free of charge upon the completion of proceedings.

#### Article 28. Execution of surrender

1. The decision on surrender shall be executed immediately. With this purpose, the Responsible Agency makes appropriate decision in coordination with the International Court.

2. The Responsible Agency, upon an agreement with the Court, shall be entitled to postpone surrender if a person is detained or criminal procedure is instituted against him/her in Georgia for any other charges.

#### Article 29. Temporary transfer of a person

1. In cases referred to in Article 27, paragraph 2, and Article 28, paragraph 2, of this Law, the Responsible Agency shall be entitled to make decision on temporary transfer of a prosecuted person if after consultations with the Court the following is determined:

- a) period for which the International Court is seeking transfer of a person;
- b) that a person will remain in detention during the entire period of transfer;
- c) that following the completion of the proceedings a person shall be returned upon a request of the Responsible Agency.

#### Article 30. Rule of specialty

A person surrendered to the International Court may be prosecuted, detained or punished for any conduct within the jurisdiction of the International Court.

### Chapter VI Other Forms of Cooperation

#### Article 31. Basic principle of cooperation

1. Georgia shall cooperate with the International Court pursuant to the Statute and Article 32 of this Law if it appears from a request and supporting materials that the act is within the jurisdiction of the International Court.

2. If the International Court is considering an appeal challenging its jurisdiction pursuant to Articles 17-19 of the Statute, the Responsible Agency shall be entitled to postpone execution of a request until the International Court passes a decision on the matter. In such case preliminary measures may be taken by the decision of the Responsible Agency.

#### Article 32. Forms of cooperation

In accordance with this Chapter, cooperation with the International Court shall include execution of any procedural measure envisaged by the Statute and Georgian legislation that

facilitates investigation of crimes within the jurisdiction of the International Court and prosecution, as well as seizure of proceeds of crime. Such procedural measures include:

- a) identification and whereabouts of persons;
- b) taking of evidence, including witness testimony under oath, production and service of evidence necessary for the International Court, including opinions and reports of experts and specialists;
- c) questioning of a person being investigated or prosecuted by the International Court;
- d) service of documents, including judgments;
- e) temporary transfer of detained person;
- f) identification of location of places and objects;
- g) searches, seizures, and confiscations;
- h) provision of documents, including judicial (courtroom) records and documents;
- i) protection of victims and witnesses and the preservation of evidence;
- (j) identification and/or seizure of proceeds, assets and items holding material value and instrumentalities of crimes for the purpose of confiscation;
- (k) facilitation of voluntary appearance before the International Court of witnesses and experts;
- (l) execution of exhumation, examination of places and objects, including uncovering and examination of graves.
- (m) any other type of assistance that is not prohibited by the Georgian legislation and that facilitates investigation of crimes within the jurisdiction of the International Court and prosecution.

#### Article 33. Preliminary measures

1. Upon a request of the International Court, the Responsible Agency shall be entitled to make a decision on use of preliminary measures for the purpose of preserving any legal value and evidence being under threat.

2. In case of emergency the Responsible Agency shall be entitled to decide on using preliminary measures immediately after receipt of a request if sufficient grounds exist. These measures shall be terminated if the International Court fails to submit a relevant request within a time limit prescribed by the Responsible Agency.

#### Article 34. Use of procedural form

As a rule a request of the International Court is executed in accordance with the procedural rules established by the Georgian legislation. At the request of the International Court procedures established by the International Court may be used for execution of a request.

#### Article 35. Transfer of evidence to another state

1. The International Court may apply to the Responsible Agency with a request for issuing of permission for transferring of evidence to another state provided by Georgia.

2. The Responsible Agency satisfies such a request pursuant to provisions of this Chapter if it relates to conduct that is within the jurisdiction of the International Court. In any other case, the matter shall be resolved in accordance with treaties of Georgia on mutual legal assistance and

## Criminal Procedure Code of Georgia.

### Article 36. Interrogation of a Person

1. A person accused in the commission of crime within the jurisdiction of the International Court enjoys following rights:

- a) right to be informed before interrogation that he is accused in the commission of a crime within the jurisdiction of the International Court;
- b) right to be silent;
- c) right to request the defense counsel of his own choice, or demand the counsel to be chosen by the Responsible Agency or appointed for free of charge;
- d) right to be interrogated in the presence of his defense counsel, unless he/she refuses the assistance of the counsel by his own free will.

2. If a person is interrogated in a language he/she does not or inadequately understands, an interpreter shall be assigned. He/she shall also be entitled to receive necessary material translated in a language he/she understands.

3. A person shall have the right to refuse to testify against his/her close people list of which is defined by Criminal Procedure Code of Georgia and by Rules of Procedure and Evidence of the International Court or if by refusing to testify a person desires to prevent the disclosure of information related to state security, in accordance with Article 72 of the Statute. If a person decides to use this right, the Responsible Agency shall decide on admissibility of interrogation of a person.

4. Rights established by this Article shall be explained to a person before he/she is interrogated.

### Article 37. Service of documents

The International Court may forward its decisions or other procedural documents to a recipient in Georgia via diplomatic channels or mail.

### Article 38. Summons to appear before the International Court

1. Summons to appear before the International Court for witness and expert/specialist shall be accompanied with Rules of Procedure and Evidence of the International Court and shall be served to person in language he/she understands. Witness, expert or specialist, who appears before the International Court shall be given guarantee by the Court that he/she shall not be prosecuted, detained or otherwise deprived of liberty for the conduct that took place before he/she appearance before the International Court.

2. Summoned person is not obliged to appear before the International Court if his transportation expenses are not covered by the International Court.

3. If the International Court submits a request envisaged by this article, the International Court shall also submit to Responsible Agency the appropriate documents guaranteeing that the expenses of free movement of witness, expert or specialist shall be covered by the International Court.

#### Article 39. Conducting of investigation measures on the territory of Georgia

1. The Responsible Agency, at the request of the International Court, shall be entitled to authorize the representative of the International Court to carry out investigation in Georgia in accordance with provisions of the Statute.
2. The Responsible Agency shall notify relevant Georgian state body in charge for conducting of prosecution about authorization given to the International Court to carry out investigation measures by its representatives on the territory of Georgia.

#### Article 40. Temporary transfer of detained person

1. A person being in custody in Georgia may be temporarily transferred to the International Court for purposes of identification, interrogation, cross-examination or conducting of other investigation measures in accordance with Article 93 of the Statute.
2. Detained person shall be temporarily transferred to the International Court, if the International Court shall cover the expenses of transportation, provides his/her remaining into custody and return after the purpose of the transfer is fulfilled.

#### Article 41. Transfer of evidence

1. Object, item holding material value, document, written materials and/or any other objects seized for the purpose of substantiation and that pursuant to the Statute and Criminal Procedure Code of Georgia may be used as evidence, shall be transferred to the International Court at its request.
2. If the third person or victim whose location is in Georgia requests the protection of property rights over the confiscated objects or other piece of evidence, it shall be transferred to the International Court if it takes obligation to return object or other evidence free of charge following the completion of proceedings.
3. Transfer of object or other evidence may be postponed if it is necessary for ongoing criminal proceedings in Georgia and if the International Court, after consultation, gives its consent.

#### Article 42. Confiscation of objects or items holding material value

1. Object or item holding material value confiscated for securing of evidence may be transferred to the International Court at its request for the purpose of confiscation, providing transfer to the Trust Fund envisaged by Article 79 of the Statute or making compensation.
2. Objects or items holding material value referred to in this Article are:
  - a) instrumentalities of crime;
  - b) proceeds of crime, such as money or value obtained, revenue or profits;
  - c) gift or money that served or was used for commission of a crime and/or was given for the commission of a crime.
3. Object or item holding material value shall be seized and arrested until it is transferred to



the International Court or the Responsible Agency notifies the International Court on its refusal to transfer.

4. Object or item holding material value shall not be transferred to the International Court, if:

- a) victim resides in Georgia and object or item holding material value shall be returned to him/her;
- b) the third person has legitimate right over object or item holding material value;
- c) a person who did not participate in the commission of the crime proves that he has acquired the property right in a *bona fide* manner over the object or item holding material value in Georgia or abroad and his/her place of residence or location is in Georgia;
- d) object or item holding material value is necessary for ongoing criminal proceedings or it is subject to confiscation on the territory of Georgia.

5. If a person enjoys his/her right envisaged by Paragraph 4 of this Article, transfer of object or item holding material to the International Court shall be postponed until the legal status of the object/item is determined

## Chapter VII Appeal

### Article 43. Appeal to Court

1. Decision of the Responsible Agency regarding a request of the International Court after the completion of proceedings of consideration may be appealed to the Criminal Chamber of the Court of Appeals by a person who is directly and personally affected by the measures undertaken or has a lawful ground for changing or canceling of the decision.
2. If a person who has the right to appeal uses this right in relation to a matter, which, pursuant to the Statute, may be assessed only by the International Court, the Responsible Agency shall forward the appeal to the International Court if the latter has not made a decision on the matter already.
3. An appeal challenging the completion of consideration procedure of request may be filed within 10 days from the date of completion.
4. Criminal Chamber of the Court of Appeals shall decide on the appeal within 15 days from its submission.

### Article 44. Suspension of execution of a request of the International Court

1. Appeal shall result in suspension of execution of a request.
2. In case of emergency envisaged by the Statute, the Responsible Agency shall be entitled to apply to the Supreme Court of Georgia for cancellation of the suspension of execution of a request.
3. If appeal is not satisfied, execution of the decision shall be resumed.

**Chapter VIII**  
**Execution of Decision of the International Court**

**Article 45. Conditions for execution of decisions of the International Court**

1. At the request of the International Court, decision of the International Court that entered into force may be executed in Georgia if the convicted person is a citizen of Georgia and/or permanently resides in Georgia and/or has property on the territory of Georgia.
2. Pecuniary penalty imposed by the International Court may also be executed in Georgia if the convicted person has a permanent residence abroad but has property on the territory of Georgia.
3. Decision of the International Court shall be executed pursuant to procedures established by the Code of Imprisonment, Law of Georgia on Executing Proceedings and the Law of Georgia on Execution of Non- imprisonment Sentences and Probation.

**Article 46. Execution of Imprisonment**

1. Imprisonment imposed by the International Court may be executed on the territory of Georgia after the Responsible Agency gives consent to execute such request.
2. The Responsible Agency, in-coordination with the agency in charge for execution of imprisonment, makes a decision on a request of the International Court regarding executing of imprisonment on the territory of Georgia. The Responsible Agency shall inform the International Court about the decision made.
3. At the request of the International Court the Responsible Agency provides any information related to execution of sentence imposed on a person by the International Court. The International Court may, at any time, send its representative to Georgia to observe conditions of execution of sentence and to meet and converse with the convict. Relations between the International Court and convict shall be confidential.
4. If a convict submits a motion for his/her release on parole, pardon, appeal or renewal of proceedings due to newly discovered circumstances, the Responsible Agency shall immediately forward such motions with all necessary documentations to the International Court. Only the International Court shall be authorized to reduce the terms of imprisonment of a convicted person or mitigate sentence in any other manner.
5. Other matters relating to the execution of the sentence shall be resolved in accordance with the Georgian legislation.

**Article 47. Execution of decisions on confiscation of objects or item holding material value**

In executing of a decision of the International Court on confiscation of object or item holding material value, rules established by this Law and Criminal Procedure Code of Georgia shall apply, if pursuant to the Statute decision is made by the International Court on confiscation of object or item holding material value and the International Court requests Georgia to take measures for the execution of the decision.

#### Article 48. Execution expenses

Transportation expenses related to execution, as well as expenses referred to in Article 100 and Article 103, paragraph 4, of the Statute shall be covered by the International Court. Georgia shall bear other expenses related to execution of the sentence, if it is executed in Georgia.

### Chapter IX Transitional and Final Provisions

#### Article 49. Measures to be taken for the entry into force of this Law

1. Within 30 days from the date of entry into force of this Law the Ministry of Justice of Georgia shall ensure carrying out of all legal and organizational measures necessary for the cooperation with the international Court.
2. The Ministry of Finance of Georgia shall include in 2004 State Budget financial resources necessary for carrying out of responsibilities by the Ministry of Justice of Georgia pursuant to this Law and ensuring of cooperation between the International Court and Georgia.

#### Article 50. Entry into force of this Law

1. This Law, except article 49, shall enter into force on the date of entry into force of the Statute for Georgia.
2. Article 49 shall enter into force on the date of publication of this law.

President of Georgia E. Shevardnadze

14 August, 2003  
N 2972-RS

With amendments of:

20.04.2005 (N1418); 23.06.2005 (N1737); 01.11.2008 (N478); 09.03.2010 (N2706); 24.09.2010 (N3619)

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Note:

*Alphabetic enumeration of Subparagraphs of Articles in English version (translation) of the Law is Latin and does not coincide with Georgian version (original) that uses Georgian alphabetic enumeration.*