

LAW OF GEORGIA ON COOPERATION BETWEEN THE INTERNATIONAL CRIMINAL COURT AND GEORGIA

Chapter I General Provisions

Article 1. Scope of the Law

1. This Law governs matters of cooperation between 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) and Georgia; determines a national state agency responsible for cooperation between the International Court and Georgia 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 with the International Court.

Chapter II National State Agency Responsible for Cooperation between the International Court and Georgia

Article 3. A national state agency responsible for cooperation between the International Court and Georgia

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

2. For the purpose of cooperating with the International Court, the Agency for Cooperation with the International Court shall be established within the Ministry of Justice.

3. 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 acceptability 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; also to determine a specific state authority having the competence to execute the request;
- d) to inform the International Court on the results of execution of the request;
- e) where so provided for in the Statute, to consult with the Court on matters related to the request;
- f) when necessary, and in accordance with law, to take measures to appoint a public attorney and/or to render other legal aid;
- g) to make a decision on surrender a prosecuted person to the International Court;

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

i) to take a decision on a request of the International Court, for the purpose of executing a deprivation of liberty sentence on the territory of Georgia, for accepting the convicted person and executing a fine and/or other reimbursement of expenses imposed by the International Court.;

j) for the purpose of executing urgent measures indicated in the request, to determine the forms and conditions of execution;

k) to forward on behalf of Georgia to the International Court evidence and information gathered by the Georgian state authorities if it makes it possible for the International Court to commence prosecution;

l) when so provided by the Statute, to request reimbursement of expenses, incurred in the course of execution of the request, from the International Court;

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

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

The Responsible Agency and appropriate state authorities who have been forwarded a request of the International Court shall execute the request within the prescribed time limit in accordance with procedures stipulated in the Statute and the Georgian legislation.

Article 5. Consultation with the International Court

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

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

b) affects interests of national security;

c) jeopardizes the on-going investigation or prosecution of another criminal case;

d) violates domestic 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 subject-matter 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 consulting with prosecution bodies determined by the Georgian Code of Criminal Procedure, accept the request of 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. The forwarding of materials to the International Court shall result in suspension of proceedings taking place in the appropriate state authority.

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

Article 7. Forwarding evidence and information to the International Court

1. The Responsible Agency shall have the right to forward to the International Court the evidence and information gathered by Georgian prosecution authorities in the course of investigation, if these evidence and information make it possible for the International Court to start prosecution or if they will facilitate the on-going investigation.

Article 8. Referral of a situation

1. In accordance with Article 14 of the Statute the Responsible Agency, upon a motion of the Prosecutor General of Georgia, takes a decision to refer to the International Court, with a view of its investigation, a situation where there are ground to consider that the crime falling under the jurisdiction of the Court has been committed.

2. The Responsible Agency shall immediately forward such a request 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 shall be submitted to the Responsible Agency in a written form.

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

3. A request on conducting search, arrest or other urgent measures may be carried out via International Criminal Police (Interpol) or other means provided for by the Statute, subject to further approval.

4. If the Responsible Agency considers that a request of the International Court is not of the appropriate form or/and it cannot accept the request for review, the Responsible Agency shall, in accordance with the Statute immediately inform the International Court thereon providing an explanation of appropriate 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 the request, it shall immediately inform the International Court of considering the request unacceptable or refusal to execute the request, providing reasoning for either decision. Before final refusal to execute the request, the Responsible Agency shall consult with the International Court.

Article 10. Contents of a request of the International Court

1. A request of the International Court shall meet the requirements for the employment of the relevant procedural measures under the Statute.

2. A request shall include:

a. comprehensive outline of substantial circumstances of the case and legal qualification thereof;
b. detailed and full information on persons being prosecuted as well as detailed information on persons, locations or objects detection or identification of which is necessary for the execution of the request;

c. comprehensive description of the object of request and the procedures to be conducted, as well as the assistance sought;

3. If a request does not meet requirements under paragraphs 1 and 2 of this Article, the Responsible Agency may request from the International Court elimination of deficiencies.

Article 11. Review and execution of a request

1.The Responsible Agency reviews the request received and determines a state authority competent to execute the request; also specifies possible measures within the framework of cooperation.

2.If immediate execution of the request may hinder an on-going investigation or prosecution of a case not related to the request, the Responsible Agency may, in accordance with Article 94 of the Statute suspend execution of the request for a period to be agreed upon with the International Court. This period shall not exceed the time limit prescribed by the Code of Criminal Procedure of Georgia for the completion of investigation.

3.After a request is reviewed, the Responsible Agency decides whether to cooperate or not and scope of cooperation.

4.The Responsible Agency or/and the authority appointed to execute the request shall forward a decision on accepting the request to persons who under this Law are entitled to challenge it and who have a residence or operate in Georgia.

Article 12. Protection of national security

1.If the Responsible Agency has a reasonable ground to believe that execution of the request may jeopardize the national security of Georgia, it shall immediately inform the National Security Council of Georgia thereon and in cooperate with the International Court in accordance with Article 72 of the Statute.

2.Where a circumstance under paragraph 1 of this Article is the case, the National Security Council of Georgia may take a decision on suspending measures for the execution of the request.

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

Article 13. Matters related to immunity

If the Court request is related to conduct of the criminal prosecution against persons who are granted immunity under Georgian legislation, the Responsible Agency notifies the appropriate state agency on the existence of the grounds for beginning criminal proceeding in relation to the given persons and facilitates the actions related to the immunity according to the Constitution and other legislative acts of Georgia.

Article 14. Serving case materials to the persons concerned

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

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

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

Article 15. Request of Georgia

1.Where there are grounds to consider that a crime within the jurisdiction of the International Court has been committed state prosecution authorities are entitled to file a request with the International Court via of Responsible agency.

2.A request filed by an authorized body on behalf of Georgia with the Court shall meet requirements under the Statute and this Law.

Article 16. Reimbursement of expenses related to execution of the International Court requests

1. Requests 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 arrested persons;
- b) translation, drawing up shorthand records or interpretation;
- c) travel and per diem of judges, prosecutor, deputy prosecutors, registrar, deputy registrars and/or other personnel of International Court;
- d) producing a forensic expertise (expert) reports at the request of the Court;
- e) transportation of a person who is to be surrendered to the International Court Court;
- f) any unforeseeable expenses stemming from the consultations with the International Court on execution of the request;
- g) execution of decision of the International Court.

2. Expenses referred to in paragraph 1 of this Article shall be reimbursed by the International Court in a manner 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 Court request shall not be reimbursed by the Court.

4. Expenses related to execution of an arrest decision upon the motion of the Responsible Agency as well as those related to the defense of the person, when necessary, shall be reimbursed from the State Budget.

Article 17. Use of Georgian territory for transporting a person

1) At the request of the Court, the Responsible Agency issues a permit for transporting by transit the arrested persons.

2) No consent is required if the transit will take place by Georgian air space without landing.

3) In case of unscheduled landing, the person transported by transit shall be detained and transferred to the preliminary detention center. The Responsible Agency immediately applies to the International Court for issuing a request for transit. If within 72 hours following the detention such request is not received, the detained person shall be released. If the request is received later, the release person shall be detained anew and a permit for his transit will be issued.

4) A permit for transporting such a person by transit may not be challenged.

Article 18. Competing requests

1) If Georgia receives requests for surrender or extradition from both the International Court and other state concurrently, the Responsible Agency takes decision in accordance with rules prescribed by Article 90 of the Statute.

2) If Georgia receives identical requests from the International Court and other state concurrently for cooperation in matter not related to surrender or extradition of a person, the Responsible Agency takes a decision in accordance with rules prescribed by Article 93(9) of the Statute.

3) If, in case of competing requests, the Responsible Agency decides to satisfy a request of the other state, the Agency shall immediately notify the International Court thereon.

Article 19. Award of damages

1. Provisions of Georgian legislation relating to award of damages for unlawful detention or other unlawful act will be applicable only if the prosecuted person has been subject to procedural measures under this Law in Georgia at the request of the International Court.

2. Damages to be awarded may be reduced or award of damages may be refused if the prosecuted person intentionally caused the investigation and detention in whole or in part or has intentionally protracted or complicated the proceedings.

3. Damage cause by unlawful arrest or detention or other unlawful act will not be covered by Georgia, if in accordance with the statute the damages must be awarded by the International Court or the International Court takes the decision to refuse the award of damages.

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 the request and the accompanying materials it derives 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 may postpone the execution of the request until the Court makes a decision on this matter.

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

Article 21. Contents of a request and materials to be attached

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

- b) data required for identification of the person and also indication of alleged actual location of the person;
- c) a copy of the warrant of arrest;
- d) reason of arrest.

2. A request for arrest and surrender of a convicted person must contain additionally:

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

3. Such a a request shall be accompanied with a statement of substantial circumstances of the case that are adequate for legal evaluation of the facts.

Article 22. A request for searching for and arrest of a person; preservation of evidence

1. A request concerning the searching for and arrest of a person required by the International Court must contain:

- (a) exact data on the person whom the request refers to and his alleged actual location;
- (b) a summary of circumstances of the case as well as, if possible, place and time of commission of a crime;
- (c) an indication to a warrant of arrest or a convicting decision made in relation to the person;
- (d) an indication that a request for surrender will be further presented.

2. If the Responsible Agency decides in favor of the request, it then applies to the Prosecutor General of Georgia; the latter, in accordance with procedure prescribed by law, issues a warrant of searching for, arrest and searching the person.

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

4. The fact of arresting and seizure of the evidence shall be notified to the Responsible Agency, which on its part immediately informs the International Court thereon and requests the Court to immediately forward a request for surrender to it.

Article 23. Arrest of a person for the purpose of his surrender

1. On the motion of the Responsible Agency, the Prosecutor General of Georgia within 48 hours of the time of arrest of a person applies to the Criminal Chamber of the Supreme Court of Georgia with a request to order arrest of the person for the purpose of his surrender to the International Court. Within next 24 hours the Supreme Court of Georgia shall decide whether to issue such an order or not. If the supreme Court of Georgia is unable to reach the decision in time the arrested person shall be immediately released.

2. The order of arrest shall contain:

- (a) data on the prosecuted person and an act/omission he is accused of;
- (b) an indication that the person's surrender is requested by the International Court;
- (c) an indication that the person is entitled to challenge the decision and exercise the right to defence.

3. If the Georgian Criminal Procedural legislation prohibits arrest of a prosecuted person, the Responsible Agency may, after consulting with the International Court, request the Prosecutor General of Georgia to apply a procedural measure other than arrest in relation to that person.

4. In ordering arrest it should be verified that the arrested person is the person whose arrest is sought in the International Court's request. The arrested person shall be given notice of the grounds for surrender and a summary procedure of surrender. He shall be interrogated with regard to his personal data and shall be given explanation that he has the right to defense.

5. The person subject to surrender shall have the right to challenge the order before the Criminal Chamber of the Supreme Court of Georgia within 5 days of the receipt of a copy of the arrest order.

Article 24. Detention with a view to surrender

1. Detention with a view to surrender shall last during the entire surrender proceedings.

2. When reasonable grounds are present, the prosecuted person shall have the right to apply at any time to the Criminal Chamber of the Supreme Court for temporary release. Before making decision on the release of the person, the Responsible Agency shall immediately inform the International Court thereon.

3. If a person subject to surrender according to the International Court's request is in a pre-trial detention or is serving his sentence in a penitentiary institution, he may not be released or taken out from Georgia without the prior consent of the Responsible Agency. The Responsible Agency's consent shall also be necessary for mitigating such person's conditions, paying visit or censoring his correspondence.

Article 25. Termination of detention

1. Detention of a person arrested in accordance with Article 92 shall terminate if a request of the International Court together with accompanied materials is not submitted to the Responsible Agency within 60 days of the date the person was detained.

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 further detention and surrender upon belated receipt of the request for surrender together with accompanied materials.

4. While releasing a person from detention, other provisions of the Georgian Criminal Procedure Code may apply, if that they do not contradict requirements of the Statute.

Article 26. Rights of a person subject to surrender

1. A request for surrender and its accompanying materials shall be served to the prosecuted person and his legal counsel in a language they understand.
2. The Responsible Agency explains to the prosecuted person the ground for his surrender, a summary procedure for 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 to choose a counsel for him or to appoint a counsel in his favor.
3. A prosecuted person shall be interrogated with regard to his personal data and will be explained the grounds for his surrender. The person shall have the right to offer arguments against his arrest and surrender. His counsel shall have the right to participate in this procedure.

Article 27. Issuance of a surrender permit

1. A decision on surrender of a prosecuted person as well as for transfer of items and property holding material value, seized and preserved in a proper manner shall be taken by the Responsible Agency.
2. If the prosecuted person or the Responsible Agency is challenging the jurisdiction of the International Court, issuance of the permit will be delayed until the International Court passes its decision on the matter.
3. If a third party, or victim whose residence is in Georgia requests the exercise of his/its ownership right over the property or items holding material value that are seized to be used as evidence, the above property or item items holding material value may be transferred to the International Court providing the latter undertakes to returned them free of charge upon the completion of proceedings.

Article 28. Execution of surrender

1. The decision on surrender shall be executed immediately. The Responsible Agency takes an appropriate decision after the agreement with the International Court.
2. The Responsible Agency, having consulted with the International Court, may delay surrender if the person subject to surrender is detained or there are ongoing proceedings against this person for charges other than the ones before the International Court.

Article 29. Temporary surrender of a person

1. In cases referred to in Articles 27(2) and 28(2) of this Law, the Responsible Agency may decide upon temporary surrender of a prosecuted person, if having consulted with the Court the following is determined:
 - a) a period for which the International Court is seeking the surrender of the person;
 - b) that the person will remain in detention during the entire proceedings;
 - c) that following the completion of the proceedings the person will be returned back upon motion of the Responsible Agency.

Article 30. Rule of specialty

A person surrendered to the International Court shall be prosecuted, punished or detained 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 Article 32 of this Law if it derives from the Court's request and materials accompanying it that the act is within the jurisdiction of the Court.

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

Article 32. Forms of cooperation

In accordance with this Chapter, cooperation with the International Court may include any procedural measure under the Statute and Georgian legislation that facilitates investigation and prosecution of crimes within the jurisdiction of the International Court as well as the seizure of the proceeds of crime. Such measures may be include:

- (a) The identification and whereabouts of persons;
- (b) The taking of evidence, including witness testimony under oath, and the production and service of evidence necessary to the Court, including expert opinions and reports;
- (c) The questioning of any person being investigated or prosecuted;
- (d) The service of documents, including judgments;
- (e) The temporary transfer of arrested persons;
- (f) Identification of location of places or objects;
- (g) Searches, seizures, and confiscations;
- (h) The provision of records and documents, including judicial (courtroom) records and documents;
- (i) The protection of victims and witnesses and the preservation of evidence;
- (j) The identification or seizure of proceeds, property and assets of material value and instrumentalities of crimes for the purpose forfeiture;
- (k) Facilitation of voluntary appearance before the Court by persons, witnesses and experts;
- (l) the execution of exhumation, examination of places and objects, including uncovering and examination of graves.
- (m) Any other type of assistance which is not prohibited by the legislation of Georgia and which will facilitate the investigation and prosecution of crimes within the jurisdiction of the International Court.

Article 33. Preliminary measures

1. Based on the request of the International Court's, the Responsible Agency may, for purpose of preserving the legal values and evidence being under threat, take a decision on the use preliminary measures.

2. In case of emergency, the Responsible Agency is entitled to decide on using preliminary measures immediately after receipt of a request, if adequate reasons are at hand. These measures shall be terminated if the International Court fails to submit a relevant request within a time limit set by the Responsible Agency.

Article 34. Use of procedure

as a rule the requests of the International Court is executed in accordance with the procedure established by the Georgian legislation. However, at the request of the International Court, procedures established by the International Court may be used.

Article 35. Transfer of evidence to other state

1. The International Court may apply to the Responsible Agency with a request for a permit for transferring evidence provided by Georgia to an other state.

2. The Responsible Agency will decide in favor of such a request pursuant to the provisions of this Chapter, if the conduct is within the jurisdiction of the International Court. Where this is not the case, the matter shall be resolved in accordance with International treaties of Georgia relative to legal assistance and the code of criminal Procedure of Georgia.

Article 36. Interrogation Of The Person

1. A person suspected of the commission of crime under the jurisdiction of the International Court enjoys following rights during the interrogation:

(a) the right to be given notice that he is suspected of commission of a crime within the jurisdiction of the International Court

(b) Right to refuse to give testimony

(c) the right to invite the defense counsel of his own choice, or he does not have one, to demand the appointment of the counsel by the responsible agency

(d) right to be interrogated in the presence of his defense counsel, unless he refuse the assistance of the counsel by his own free will.

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

3. A person shall have the right to refuse to testify against his close friends and relatives as defined by the Code of Criminal procedure of Georgia and by the Rules of Procedure and evidence of the International Court or 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 the person decides to use this right, the Responsible Agency shall decide on acceptability of interrogating the person.

4. Rights established in this Article shall be explained to the person concerned before he is interrogated.

Article 37. Service of documents

The International Court may forward its decisions or other procedural documents produced in the course of proceedings to a recipient in Georgia by diplomatic channels or by mail.

Article 38. Summons to the International Court

1. A summons for witnesses and experts/specialists before the International Court shall be accompanied with the Rules of Procedure and Evidence relating to self-incrimination and shall be served to person in a language they understand. the witness, expert or specialist, who appeared before the International Court shall be given guarantee by the International Court that he/she will not be prosecuted, arrested or otherwise deprived of his freedom for the conduct that took place before he appeared before the International Court.

2. A 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 the request envisaged in this article, the International Court shall also submit to Responsible Agency the appropriate documents guaranteeing that the expenses of free movement of the witness will be covered by the International Court.

Article 39. Conducting investigation measures on the territory of Georgia

1. The Responsible Agency, at the request of the International Court, shall have the right to authorize the conduct investigative measures on the territory of Georgia by a representative of the International Court, pursuant to Article 99(4) of the Statute.

2. The Responsible Agency shall notify the state authority having the competence to conduct prosecution measures about the fact of authorization of representatives of the International Court for conducting investigative measures on the territory of Georgia.

Article 40. Temporary surrender of arrested persons

1. A person being in custody in Georgia may be temporarily transferred to the International Court for identification, interrogation, cross-examination or other investigation purposes, in accordance with article 93 of the Statute.

2. The person may be temporarily transferred to the International Court, if the International Court covers the expenses of his transportation and his remaining into custody, provided that it will return the person after the purpose of the transfer is fulfilled.

Article 41. Transfer of evidence

1. An object, an item holding material value, documents, written materials and/or any other objects, confiscated for the purpose of substantiation, which under the Statute and the Code of Criminal Procedure of Georgia, could be used as evidence, shall be transferred to the International Court at the letter's request.

2. If a third party, organization or victim whose location is in Georgia requests the protection of his/its property rights over the confiscated objects or other piece of evidence, the object or item may be transferred to the International Court if the latter undertakes to return it free of charge following the completion of proceedings.

3. The transfer of such property or item may be postponed if it is necessary for ongoing proceedings in Georgia and if the International Court, after consultation, gives its consent thereto.

Article 42. Confiscation of objects or items holding material value

1. Objects or items holding material value confiscated for securing of evidence may be transferred to the International Court at the latter's request for the purpose of confiscation, handing in to the Trust Fund established under Article 79 of the Statute or reparation.

2. Objects or items referred to in this Article may be as follows:

a) Instrumentalities of crimes; objects of a criminal conduct.

b) Proceeds of crime, such as money or value obtained, revenue or profits.

g) gift or money that served or was used for commission of a crime and/or was awarded for the commission of a crime;

3. Objects or items holding material value shall be seized and freezed until they are transferred to the International Court or the Responsible Agency notifies the International Court on its refusal to transfer them.

4. Objects or items holding material value shall not be transferred to the International Court if:

a) The victim resides in Georgia and the objects or items holding material value shall be returned to him;

b) Third party has legitimate right over objects or items holding material value;

g) a person who did not participate in the commission of the crime proves that he has acquired the property right over the objects or items holding material value or asset in Georgia or abroad in a *bona fide* manner and that he resides in Georgia;

d) Objects or items holding material value are necessary for ongoing proceedings or they are subject to expropriation in Georgia.

5. If a person uses his right under paragraph 4 of this Article, the transfer to the International Court of the property or asset shall be postponed until the legal status of the objects or items, holding material value is determined.

Chapter VII Challenge

Article 43. Challenging before the Court

1. upon the completion of the review of a request, decision of the Responsible Agency may be challenged before the Criminal Chamber of the Supreme Court of Georgia by a person who has been directly and personally affected by the measures undertaken or has a lawful ground for changing or canceling the decision.

2. If a person who has the right to challenge uses this right in relation to a matter, which, pursuant to the Statute, may be dealt with by the International Court only, the Responsible Agency shall forward the appeal to the International Court if the latter has not made a decision on the matter already.

4. An appeal challenging the completion of the review procedure of request may be filed within 10 days of completion.

5. Criminal Chamber of the Supreme Court of Georgia shall decide upon the appeal within 15 days of its submission

Article 44. Suspension of execution of the International Court's request

1. Challenging of the decision on execution of the request shall suspend its execution.

2. In case of emergency pursuant to the Statute, the Responsible Agency may apply to the Supreme Court of Georgia for cancellation of the suspension of execution of the request.

3. If an appeal challenging the execution is not upheld challenge is not upheld, 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 which entered into force may be executed in Georgia if the convicted person is a citizen of Georgia and/or permanent resident of Georgia and/or his property is on the territory of Georgia.

2. A sentence by the international Court imposing pecuniary penalties may be executed in Georgia also if the person has a permanent residence abroad but his property is on the territory of Georgia.

3. Decisions of the International Court shall be executed pursuant to procedures, of the Law of Georgia on Imprisonment, law of Georgia on punishment execution proceedings or the Law of Georgia on Execution of Non-imprisonment Sentences and Probation.

Article 46. Execution of a deprivation of liberty sentence

1. A deprivation of liberty sentence imposed by the International Court may be executed on the territory of Georgia after the Responsible Agency gives consent to execute the request thereon.

2. The Responsible Agency, having consulted with a state authority competent to execute a deprivation of liberty sentence, makes a decision on executing the deprivation of liberty sentence imposed by the International Court on the territory of Georgia. The Responsible Agency shall notify its decision to the International Court.

3. At the request of the Court, the Responsible Agency provides any information related to execution of sentences. The International Court may, at any time, send its representative to Georgia to check the imprisonment conditions and to meet with and converse with the convicts. Relations between the International Court and such a convict shall be confidential.

4. If the convict submits a motion for his release parole, pardon, appeal or renewal of proceedings due to newly discovered circumstances, as appropriate state authority shall immediately forward such a motion together with other necessary documentation to the International Court. Only the International Court shall have the power to reduce the length of imprisonment or mitigate the sentence in any manner.

5. Other matters relating to the execution of the sentence shall be resolved in accordance with the applicable legislation of Georgia.

Article 48. Execution of decisions on confiscation of objects or assets holding material value

In executing a decision of the International Court on confiscation of objects or assets holding material value, rules established in this Law and the code of criminal procedure of Georgia shall apply, if there is a decision of the International Court on confiscation of objects or assets holding material value and the International Court requests Georgia to take measures for the execution of the aforementioned decision.

Article 49. Execution expenses

Transportation expenses as well as expenses referred to in Article 103(4) of the Statute, shall be reimbursed by the International Court. Georgia shall bear other expenses related to execution of the sentence on its territory.

Chapter IX Transitional and Concluding Provisions

Article 50. Measures to be taken for the entry into force of this Law

1. Within 30 days of the date of entry into force of this Law, the Ministry of Justice of Georgia shall ensure that all the legal and administrative measures necessary for the cooperation with the international Court are taken.

2. The Ministry of Finance of Georgia shall include in the 2004 State Budget financial resources related to the execution of its responsibilities under this law by the Ministry of Justice and the cooperation of Georgia with the International Court.

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

Eduard Shevardnadze