

ON OPERATIVE-INVESTIGATIVE ACTIVITIES

Chapter I -

General Provisions

Article 1 - Operative-investigative activities

1. Operative investigative activity is a system of measures performed by the special services of state agencies within the scope of their authority by overt or covert methods provided for by this Law in order to protect human rights and freedoms, the rights of legal persons, and public security against criminal and other unlawful encroachments.

2. The terms used in herein have the following meanings for the purposes of this Law:

a) interview of a person - a personal interview between an operative or an investigator and a natural person who has some information on an incident being investigated or on persons related to such incident; an interview is voluntary and an interviewee is not warned about criminal liability for giving false testimony or for refusing to testify. An operative or an investigator shall duly prepare a report on the interview, which shall not be made available to the interviewee for inspection;

b) collection of information - official collection by an operative or an investigator of the facts that are essential for performing the tasks specified in Article 3 of this Law from forensic, operative-investigative or other sources of information;

c) surveillance - operational surveillance which is covertly performed by an operative, an investigator or an operative-investigative body directly or by operational and technical means;

d) test purchase - a purchase or the creation of the situation of a purchase (without an intention of resale or consumption) of objects or substances by an operative, an investigator or an operative-investigative body based on information obtained from operative-investigative activities;

e) controlled delivery - for the purpose of solving a crime and identifying the perpetrator, controlled movement within the territory of Georgia (or in cases provided for by international agreement, outside Georgia as well), from a foreign state into Georgia or through Georgia of real evidence or of an object the free sale of which is prohibited or restricted by law;

f) identification of a person - establishing the identity of an accused person or of a person to be verified on the basis of fingerprint files, or traces, smells or secretions left at a crime scene;

g) examination of objects and documents - the examination of objects and documents by visual or technical means, which is not treated as expert opinion;

h) electronic communication identification data - the following information as specified in Article 8(3) of the Law of Georgia on Electronic Communications: data required for identifying and tracing the source of a relevant communication; data required for identifying the addressee of a communication; information required for identifying the date, time and duration of a communication; data required for identifying the type of a communication; data required for identifying the communication equipment or possible communication equipment of a user; data required for identifying the location of mobile communication equipment;

i) secret collaborator (confidant) - a natural person who has attained the age of 18 years and who voluntarily, on the basis of a contract, collaborates with an operative-investigative body or with an investigator and who carries out his/her contractual obligations;

j) setting up an undercover organisation - the establishment of an organisation of any legal form by an operative-investigative body or an investigator in order to infiltrate a criminal organisation.

Law of Georgia No 2267 of 16 December 2005 - LHG I, No 55, 27.12.2005, Art.370

Law of Georgia No 3619 of 24 December 2010 - LHG I, No 51, 29.9.2010, Art.332

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Law of Georgia No 3537 of 1 May 2015 - website, 18.5.2015

Article 2 - Principles of operative-investigative activities

1. Operative-investigative activities are based on the principles of protecting and respecting human rights and freedoms, safeguarding the rights of legal persons, as well as on legality, secrecy and the combination of overt and covert methods.

2. Operative-investigative measures may be carried out only where prescribed by law and where it is necessary to accomplish legitimate objectives in a democratic society, such as ensuring national security or public safety, preventing disturbances or the commission of crimes, protecting the interests of the economic well-being of the country and the rights and freedoms of its citizens.

3. Operative-investigative measures are necessary in a democratic society where required due to urgent public need or where they constitute



appropriate and proportionate means for achieving a legitimate purpose.

4. The extent of operative-investigative measures and the information obtained through such measures shall be proportionate to the legitimate purpose and objective of the operative-investigative measure.

5. An operative-investigative measure may not be implemented if it:

- a) poses a threat to human life, health, honour, dignity and property;
- b) prejudices the rights of legal persons;
- c) is connected with deceit, blackmail, coercion or with the commission of a crime or other unlawful acts.

Law of Georgia No 1370 of 20 April 2005 - LHG I, No 19, 28.4.2005, Art. 140

Law of Georgia No 1682 of 17 June 2005 - LHG I, No 35, 4.7.2005, Art.21

Law of Georgia No 3619 of 24 December 2010 - LHG I, No 51, 29.9.2010, Art.332

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Article 3 - Objectives of operative-investigative activities

The objectives of operative-investigative activities are to:

- a) identify, put an end to and prevent a crime or any other unlawful act;
- b) identify a person who prepares, commits or who has committed a crime or other unlawful act;
- c) for the purpose of presenting him/her to a relevant state authority, locate a person who, despite having been summoned, fails to appear before an investigation or a court; to search for an accused or convicted person and ensure their appearance before a relevant state authority if such person avoids the application of an imposed measure of coercion or the serving of an imposed sentence;
- d) search for and identify the property lost due to criminal or other unlawful activity;
- e) search for a missing person;
- f) obtain necessary facts in a criminal case;
- g) identify (name, surname, age, citizenship) the perpetrator of a crime or of any other unlawful act;
- h) provide information and analytical support for the management of prison facilities.

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Law of Georgia No 3537 of 1 May 2015 - website, 18.5.2015

Article 4 - Legal grounds for operative-investigative activities

1. The legal grounds for operative-investigative activities are the Constitution of Georgia, the international agreements of Georgia, this Law and other normative acts of Georgia.

2. State authorities conducting operative-investigative activities may, within the scope of their powers, under this Law and in a prescribed manner, with the consent of the Chief Prosecutor of Georgia, issue departmental normative acts with respect to certain issues related to operative-investigative activities.

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Law of Georgia No 663 of 30 May 2013 - website, 24.6.2013

Article 5 - Publicity and operative-investigative activities

1. Operative-investigative activities are highly classified. The data, documents and sources relating to such activities shall be made available for inspection in a prescribed manner only to the persons specified in this Law, and to the Data Protection Inspector and a person designated by him/her, within the limits envisaged by the Law of Georgia on Personal Data Protection.

¹. A prosecutor may, by a reasoned order, declassify documents and materials relating to operative-investigative activities (except for the documents and materials specified in Article 21(2) of this Law) in order to use them as evidence, unless the declassification of such documents and materials prejudices the vital interests of the country in respect of defence, economy, foreign relations, intelligence activities, state security and public order.

2. The disclosure of information on operative-investigative activities by a person to whom such information has been confided or who has become



aware of such information in connection with his/her official duties, shall incur criminal liability for disclosing a state secret.

3. (Deleted - 1.8.2014, No 2635).

4. Information on a secret collaborator engaged in operative-investigative activities or the source of information may not be revealed or disclosed irrespective of the elapsed time, except as provided for by this Law.

5. (Deleted - 1.8.2014, No 2635).

Law of Georgia No 2468 of 25 December 2009 - LHG I, No 1, 4.1.2010, Art.370

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Article 6 - Legal guarantees for protecting human rights and freedoms, as well as the rights of legal persons in operative-investigative activities

1. Operative-investigative activities may not be carried out in pursuance of objectives that are not provided for in this Law.

2. A person who considers that an operative-investigative measure conducted with respect to him/her has resulted in an unlawful restriction of his/her rights and freedoms may appeal against the lawfulness of such an operative-investigative measure to a higher state authority, prosecutor or court. If such operative-investigative measures are recognised as unlawful, the information obtained by such measures shall be deemed inadmissible evidence in accordance with the Criminal Procedure Code of Georgia. The burden of proving the lawfulness of an operative-investigative measure shall be with the authority that conducted the operative-investigative measure.

3. Authorities (public servants) conducting operative-investigative activities shall be prohibited from secretly participating in the activities of the legislative, executive and judiciary bodies, or in the activities of the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara and of local self-government bodies. It shall be prohibited to secretly participate in the activities of officially registered public and political organisations or religious organisations, unless such activities are intended to subvert or forcibly change the constitutional order of Georgia, to encroach on the independence of the country, to violate the territorial integrity of Georgia or unless such organisations are engaged in war propaganda or violence, or incite national, local, religious or social discord. In those cases, the consent of the Chief Prosecutor of Georgia is required.

4. Information that has been obtained by operative-investigative activities and that is not related to a person's criminal activities, but contains details of his/her private life, may not be disclosed or used for any purpose. Such information may not be stored and it must be immediately destroyed. The destruction of such information shall be notified to the Chief Prosecutor of Georgia and the court in the territory where the operative-investigative measure has been conducted or the court according to the place of investigation.

4¹. The materials obtained through an operative-investigative measure specified in Article 7(3) of this Law shall be destroyed upon the lapse of 6 months after the termination of the operative-investigative measure. Such materials shall be destroyed by the prosecutor who filed a motion with the court for the conduct of the operative-investigative activities and with the participation of the court that issued the relevant ruling. A report shall be prepared on the destruction of the materials and shall be signed by the prosecutor and the judge. The report on the destruction of the materials, signed by the prosecutor and the judge, shall be submitted to the Personal Data Protection Inspector, to the Commission for Destroying Information/Personal Data Obtained as a Result of Operative-Investigative Activities and shall be entered into the Court Register of Secret Investigative Activities.

5. The unlawful restriction of the rights and freedoms of natural and legal persons by bodies (public servants) conducting operative-investigative activities shall carry liability under the legislation of Georgia.

Law of Georgia No 289 of 5 May 2000 - LHG I, No 18, 15.5.2000, Art.46

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Law of Georgia No 663 of 30 May 2013 - website, 24.6.2013

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Chapter II -

Conduct of Operative-Investigative Measures

Article 7 - Concept of an operative-investigative measure

1. An operative-investigative measure is an action carried out by a state body or an official duly authorised under this Law, who/which, within the scope of his/her/its powers, ensures the fulfilment of the objectives specified in Article 3 of this Law.

2. In order to accomplish these objectives, the bodies conducting operative-investigative activities may, overtly or covertly:

- a) interview a person;
- b) collect information and conduct surveillance;
- c) carry out a test purchase;
- d) carry out a controlled delivery;



- e) examine objects and documents;
- f) identify a person;
- g) censor the correspondence of an arrested, detained and convicted person;
- h) obtain electronic communication identification data;
- i)(Deleted - 1.8.2014, No 2635).
- j) infiltrate a secret collaborator or an operative into a criminal group in a prescribed manner;
- k) set up an undercover organisation in a prescribed manner;

l) monitor Internet communications by observing and participating in open and **closed** Internet communications in the global information network (Internet), and creating situations of the illegal obtaining of computer data in order to identify a perpetrator. [(**the normative content related to the words of the same provision 'observe internet communications' shall be repealed**) - **decision No1/2/519 of the Constitutional Court of Georgia of 24 October 2012 – website 30.10.2012**].

3. A body conducting operative-investigative activities may, in accordance with the procedure laid down in Chapter XVI¹ of the Criminal Procedure Code of Georgia, obtain electronic communication identification data from an electronic communications company in the following cases: when searching for a missing person; when searching for an accused or convicted person for the purpose of bringing him/her before a relevant state authority if such person avoids the application of coercive measures imposed on him/her or the serving of an imposed sentence; when searching for property lost as a result of a crime.

3¹. The operative-investigative measures specified in paragraph 2(h) and (i) of this article may also be conducted in respect of a judge by an order of the chairperson of the Supreme Court upon a reasoned request of the Chief Prosecutor of Georgia.

4. (Deleted - 1.8.2014, No 2635).

5. (Deleted - 1.8.2014, No 2635).

6. The list of measures specified in paragraph 2 of this article may be changed or supplemented only under this Law.

7. A report shall be prepared at the time of conducting an operative-investigative measure; the report shall describe the circumstances in which technical means were used. The report, along with the obtained materials, shall be stored in accordance with this Law.

8. An official of the body conducting an operative-investigative activity shall personally participate in the conduct of the measures specified in paragraph 2 of this article, and at the same time, such official may use the assistance of specialists in a specific field, and the voluntary overt or covert assistance of certain persons.

Law of Georgia No 289 of 5 May 2000 - LHG I, No 18. 15.5.2000, Art.46

Law of Georgia No 808 of 24 December 2004 - LHG I, No 39, 25.12.2004, Art.187

Law of Georgia No 1370 of 20 April 2005 - LHG I, No 19, 28.4.2005, Art.140

Law of Georgia No 1682 of 17 June 2005 - LHG I, No 35, 4.7.2005, Art.214

Law of Georgia No 2941 of 28 April 2006 - LHG I, No 14. 15.5.2006, Art.95

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Law of Georgia No 2468 of 25 December 2009 - LHG I, No 1, 4.1.2010, Art.1

Law of Georgia No 3619 of 24 December 2010 - LHG I, No 51, 29.9.2010, Art.332

Law of Georgia No 6251 of 22 May 2012 - website, 29.5.2012

Decision of the Constitutional Court of Georgia No 1/2/519 of 24 October 2012 - website, 30.10.2012

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Law of Georgia No 3537 of 1 May 2015 - website, 18.5.2015

Article 8 - Legal grounds for conducting operative-investigative measures

1. The legal grounds for conducting operative-investigative measures shall be:

a) an instruction of the prosecutor, or of the investigator with the consent of the prosecutor, on the conduct of an operative-investigative measure in respect of a case conducted by him/her/them;

b) an instruction of the prosecutor, or of the investigator with the consent of the prosecutor, on the conduct of an operative-investigative measure when there is a duly received report or notification that a crime or any other unlawful action is being prepared, or is in progress or has been committed, and



which requires the conduct of an investigation, but there are no elements of a crime or of any other unlawful action that would be sufficient to commence an investigation, and in such case, the period of the operative-investigative measure shall not exceed 7 days;

- c) an order for the search for a person who is hiding from an investigation, or from the court or who is avoiding the serving of a sentence;
- d) a person gone missing, or the discovery of an unidentified body or ownerless property;
- e) an inquiry and request of a body conducting operative-investigative activities;
- f) an inquiry and request of an international law enforcement organisation or of a foreign law enforcement body under an agreement on legal assistance;
- g) in the case specified in Article 55(2) of the Imprisonment Code, a written order of the Director of the Penitentiary Department of the Ministry of Corrections.

2. In the cases specified in paragraph 1(b) and (e) of this article, if a request for an operative-investigative measure is related to the collection of information on the criminal act of a person, then, where there is no sufficient information for the commencement of an investigation, the period of the operative-investigative measure shall not exceed 7 days.

3. If the operative information on the criminal action of a person requires the collection of additional data, the period specified under paragraph 2 of this article for an operative-investigative measure may be extended for up to 3 months on the basis of a reasoned decree of the head of the operative-investigative body and with the consent of the prosecutor.

4. The period specified in paragraph 3 of this article for an operative-investigative measure may be extended for up to 6 months on the basis of a request of the deputy head of the relevant state agency authorised to conduct operative-investigative activities and with the consent of the Deputy Chief Prosecutor of Georgia.

5. In exceptional cases, the period specified in paragraph 4 of this article for an operative-investigative measure may be extended for up to 12 months on the basis of a request of the head of the relevant state agency authorised to conduct operative-investigative activities and with the consent of the Chief Prosecutor of Georgia. The duration of an operative-investigative measure may not be extended any further.

6. In the case specified in paragraph 1(g) of this article, operative-investigative measures shall continue until the grounds for their commencement have been eliminated, but not longer than 12 months.

Law of Georgia No 496 of 26 October 2004 - LHG I, No 32, 10.11.2004, Art.145

Law of Georgia No 1370 of 20 April 2005 - LHG I, No 19, 28.4.2005, Art.140

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Law of Georgia No 3619 of 24 December 2010 - LHG I, No 51, 29.9.2010, Art.332

Decision of the Constitutional Court of Georgia No 2/1/484 of 29 February 2012 - website, 13.3.2012

Law of Georgia No 6060 of 24 April 2012 - website, 3.5.2012

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Law of Georgia No 3537 of 1 May 2015 - website, 18.5.2015

Article 9 - Conditions for conducting operative-investigative activities

1. An individual person's citizenship, nationality, sex, position, place of residence, membership of public associations, or religious or political beliefs shall not prevent the conduct of operative-investigative measures with respect to such person in the territory of Georgia unless otherwise provided for by law.

2. (Deleted - 1.8.2014, No 2635).

3. Operative-investigative measures that ensure coherence in the activities of the operational agencies and investigators of the Ministry of Internal Affairs of Georgia, the Ministry of Justice of Georgia, the Ministry of Corrections of Georgia, the Ministry of Defence of Georgia, the Ministry of Finance of Georgia, the State Security Service of Georgia, the Georgian Intelligence Service and the Special State Protection Service of Georgia (only when conducting operative-investigative measures), and the protection of the rights and freedoms of their employees, shall be carried out under this Law in accordance with the procedures laid down by the normative acts of the respective state agency.

Law of Georgia No 2265 of 22 July 1999 - LHG I, No 38(45), 4.8.1999, Art.184

Law of Georgia No 432 of 28 April 2000 - LHG I, No 24. 30.6.2000, Art.66

Law of Georgia No 808 of 24 December 2004 - LHG I, No 39, 25.12.2004, Art.187

Law of Georgia No 1370 of 20 April 2005 - LHG I, No 140, 28.4.2005, Art. 140

Law of Georgia No 2267 of 16 December 2005 - LHG I, No 55, 27.12.2005, Art.370

Law of Georgia No 4128 of 27 December 2006 - LHG I, No 49, 29.12.2006, Art.362



Law of Georgia No 5034 of 22 June 2007 - LHG I, No 26. 11.7.2007, Art.241

Decision of the Constitutional Court of Georgia No 1/3/407 of 26 December 2007 - LHGIV, No 1, 4.1.2008, p.117

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Law of Georgia No 960 of 30 December 2008 - LHG I, No 41, 30.12.2008, Art.334

Law of Georgia No 1015 of 27 February 2009 - LHG I, No 4. 12.3.2009, Art.15

Law of Georgia No 2987 of 27 April 2010 - LHG I, No 24. 10.5.2010, Art.153

Law of Georgia No 4410 of 11 March 2011 - website, 17.3.2011

Law of Georgia No 4732 of 3 June 2011 - website, 22.6.2011

Law of Georgia No 1786 of 13 December 2013 - website, 28.12.2013

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Law of Georgia No 3937 of 8 July 2015 - website, 15.7.2015

Article 10 - Termination of operative-investigative measures

1. An operative-investigative measure shall be terminated if:

- a) a specific objective as provided for in Article 3 of this Law has been accomplished;
- b) circumstances confirming the infeasibility of a specific objective as provided for in Article 3 of this Law have been established;
- c) specific circumstances excluding the grounds for prosecuting the person concerned have been established;
- d) the period for conducting an operative-investigative activity has elapsed.

2. The time limits and the procedure for conducting and terminating operative-investigative measures shall be provided for by this Law and the departmental normative acts.

Law of Georgia No 3537 of 1 May 2015 - website, 18.5.2015

Article 11 - Use of the results of operative-investigative activities

1. The results of operative-investigative activities may be used for preparing and conducting investigative and procedural actions, as well as for carrying out measures aimed at preventing, or putting an end to or solving a crime.

2. The materials obtained as a result of operative-investigative activities shall not serve as grounds for restricting the rights and freedoms of natural and legal persons.

Chapter III -

Agencies Conducting Operative-Investigative Activities

Article 12 - Agencies conducting operative-investigative activities

1. Within the scope of their powers, operative-investigative activities may be performed by:

a) the operational agencies and investigation units of the Ministry of Internal Affairs of Georgia;

a¹) the authorised units of the State Security Service of Georgia;

b) the operational agencies of the Special State Protection Service of Georgia;

c) the operational agencies and investigation units of the Ministry of Finance of Georgia;

d) the Analytical Department, the Investigation Department and the security services of the Penitentiary Department of the Ministry of Corrections of Georgia and the security services of penitentiary institutions;

e) the operative, investigative and intelligence units of the Ministry of Defence of Georgia;

f) the operational agencies of the Georgian Intelligence Service;



g) the investigators of the Prosecutor's Office;

h) (deleted - 3.6.2011, No 4732);

i) the investigators of the relevant units of the Ministry of Justice of Georgia and the employees of the Operations Division of the Ministry of Justice of Georgia.

2. The list of agencies conducting operative-investigative activities may be changed only by this Law.

3. The agencies conducting operative-investigative activities shall perform the tasks entrusted to them independently, through collaboration and with the assistance of individual persons.

Law of Georgia No 2265 of 22 July 1999 - LHG I, No 38(45), 4.8.1999, Art.184

Law of Georgia No 432 of 28 April 2000 - LHG I, No 24. 30.6.2000, Art.66

Law of Georgia No 847 of 10 April 2001 - LHG I, No 11, 30.4.2001, Art. 40

Law of Georgia No 1339 of 20 March 2002 - LHG I, No 7, 5.5.2002, Art.38

Law of Georgia No 2163 of 7 May 2003 - LHG I, No 15, 4.6.2003, Art.100

Law of Georgia No 808 of 24 December 2004 - LHG I, No 39, 25.12.2004, Art.187

Law of Georgia No 2267 of 16 December 2005 - LHG I, No 55, 27.12.2005, Art.370

Law of Georgia No 4128 of 27 December 2006 - LHG I, No 49, 29.12.2006, Art.362

Law of Georgia No 4749 of 11 May 2007 - LHG I, No 18, 22.5.2007, Art.163

Law of Georgia No 5034 of 22 June 2007 - LHG I, No 26. 11.7.2007, Art.241

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Law of Georgia No 747 of 18 December 2008 - LHG I, No 39, 24.12.2008, Art.245

Law of Georgia No 960 of 30 December 2008 - LHG I, No 41, 30.12.2008, Art.334

Law of Georgia No 1015 of 27 February 2009 - LHG I, No 4. 12.3.2009, Art.15

Law of Georgia No 2702 of 9 March 2010 - LHG I, No 12, 24.3.2010, Art.44

Law of Georgia No 2987 of 27 April 2010 - LHG I, No 24. 10.5.2010, Art.153

Law of Georgia No 3619 of 24 December 2010 - LHG I, No 51, 29.9.2010, Art.332

Law of Georgia No 4410 of 11 March 2011 - website, 17.3.2011

Law of Georgia No 4732 of 30 June 2011 - website, 22.6.2011

Law of Georgia No 1643 of 27 November 2013 - website, 16.12.2013

Law of Georgia No 1786 of 13 December 2013 - website, 28.12.2013

Law of Georgia No 3537 of 1 May 2015 - website, 18.5.2015

Law of Georgia No 3937 of 8 July 2015 - website, 15.7.2015

Article 13 - Duties of agencies conducting operative-investigative activities

1. The agencies authorised to conduct the tasks related to the operative-investigative activities provided for by this Law shall:

a) within the scope of their powers, take all measures to protect human rights and freedoms, and property and public safety;

b) comply with the written instructions of prosecutors and investigators and court decisions;

c) execute inquiries and requests from relevant international specialised organisations and from foreign specialised organisations under agreements on legal assistance;

d) provide information to agencies conducting operative-investigative activities in the territory of Georgia and render necessary assistance;

e) observe the rules of secrecy in conducting operative-investigative activities;

f) assist in ensuring the protection of their colleagues, their family members and relatives from criminal and other unlawful encroachment, and in



ensuring the personal security of the participants of criminal proceedings, of their family members and relatives and the protection and storage of their property.

2. In order for the officials of the agencies conducting operative-investigative activities to properly perform their official duties, they shall be provided with the relevant conditions to ensure their special professional training, their professional development and medical services.

3. When exercising prosecutorial supervision or when authorising an operative-investigative measure, the prosecutor shall be provided with all the official documents, except as provided for in Article 16(3) of the Law of Georgia on Prosecution Service.

Law of Georgia No 1370 of 20 April 2005 - LHG I, No 19, 28.4.2005, Art. 140

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Article 14 - Rights of agencies conducting operative-investigative activities

The agencies authorised to conduct operative-investigative activities may:

a) overtly and/or covertly carry out the operative-investigative measures specified in Article 7 of this Law;

b) establish, on a gratuitous or remuneration basis, collaborative relations with persons who have agreed, on a confidential basis, to assist the agencies conducting operative-investigative activities;

c) set up and use information systems that ensure the accomplishment of operative-investigative tasks;

d) use, on the basis of an oral or written agreement, the buildings and property of enterprises, institutions, organisations and military units, as well as property transferred to state ownership, and residential and non-residential buildings, and vehicles and other property of natural persons;

e) for conspiracy purposes, use documents in which the identity of the officials of the agencies conducting operative-investigative activities, and the identity of the units, of the relevant organisations' premises and vehicles, as well as the identity of the citizens collaborating with these organisations on a confidential basis, are disguised.

f)(deleted - 1.8.2014, No 2635).

g)(deleted - 1.8.2014, No 2635).

Law of Georgia No 289 of 5 May 2000 - LHG I, No 18, 15.05.2000, Art.46

Law of Georgia No 3619 of 24 December 2010 - LHG I, No 51, 29.9.2010, Art.332

Law of Georgia No 5549 of 20 December 2011 - website, 28.12.2011

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Article 15 - Legal and social protection guarantees for employees of agencies conducting operative-investigative activities

1. Employees of the agencies conducting operative-investigative activities shall qualify for the legal and social protection guarantees of the agency in which they are employed.

2. No one is authorised to interfere with the lawful actions of an agency or of an official of an agency conducting operative-investigative activities, except for persons duly authorised by law. The work performed by an official of an agency conducting operative-investigative activities may not be evaluated according to the quantitative indicators of the results of the operative-investigative activities.

3. An official authorised to conduct operative-investigative activities shall be subordinated to his/her immediate superior when conducting operative-investigative activities. In the case of receiving a manifestly unlawful order or instruction, an official shall be guided by the law, or if he/she has grounds to believe that a crime may be committed or is being committed as a result of obeying the unlawful order, he/she shall report it to a superior body and a prosecutor.

4. An official of a state institution or of a military unit shall, in the case of operative-investigative activities, assist, within the scope of his/her powers, the agency conducting the operative-investigative activities.

5. A lawful request of an agency conducting operative-investigative activities shall be binding upon any natural or legal person.

Chapter IV -

Assistance Provided by Citizens to Agencies Conducting Operative-Investigative Activities

Article 16 - Assistance provided by citizens to agencies conducting operative-investigative activities

1. Certain persons may, with their consent, be engaged in the preparation or conduct of operative-investigative measures. Furthermore, at their request,



the fact of collaboration, including contractual collaboration with the agencies conducting operative-investigative activities, may be kept confidential. These persons shall keep secret the information they learn during the preparation or conduct of operative-investigative activities, and shall not knowingly provide false information to such agencies or use such collaboration for personal interests.

2. Agencies conducting operative-investigative activities may enter into contracts with persons of full age and capacity, irrespective of their citizenship, national origin, sex, social status, language, education, or political or religious beliefs, in accordance with the conditions specified in paragraph 3 of this article and Article 6(3) of this Law.

3. Agencies conducting operative-investigative activities may not use, on the basis of a contract, the assistance of a member of the Parliament of Georgia, members of the Constitutional and Supreme Courts of Georgia, the Public Defender of Georgia, a judge, a prosecutor, a defence lawyer, an investigator or other persons provided for in Articles 63 and 64 of the Constitution of Georgia.

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Article 17 - Legal and social protection guarantees for citizens assisting agencies conducting operative-investigative activities

1. Persons assisting agencies conducting operative-investigative activities shall be protected by the State.

2. If, due to the assistance provided to an agency conducting operative-investigative activities, there arises a real threat of an unlawful encroachment on the life, health or property of a person or his/her family members and relatives, the agency shall take necessary measures to prevent such unlawful actions, and to identify the guilty person and bring him/her to justice.

3. Information on persons collaborating on a confidential basis with agencies conducting operative-investigative activities is a state secret and may be disclosed only with the written consent of such persons or of their heirs or in cases expressly provided for by law.

4. Persons collaborating with agencies conducting operative-investigative activities may receive remuneration.

5. Persons who have agreed to enter into a contract for collaboration with the agencies conducting operative-investigative activities shall receive assurances from the State that all the contractual obligations will be honoured.

6. The period of collaboration with agencies conducting operative-investigative activities shall be counted towards the length of service of the citizen as their main occupation. Such persons shall have the right to a pension in accordance with the legislation of Georgia.

7. Where necessary, in order to ensure the security of a person collaborating with the agencies conducting operative-investigative activities, and the security of his/her family members, special security measures shall be implemented in accordance with the legislation of Georgia.

8. If a person engaged in a contractual collaboration with agencies conducting operative-investigative activities dies during his/her participation in an operative-investigative measure, the family of the deceased, as well as his/her dependants, shall be provided with a one-time allowance from the relevant budgetary funds in the amount of 10 years' salary, and shall be awarded a survivor's pension in the prescribed manner.

9. If a person engaged in a contractual collaboration with agencies conducting operative-investigative activities sustains a wound, contusion or injury due to which he/she is no longer able to continue the collaboration, such person shall be provided with a one-time allowance from the relevant budgetary funds in the amount of 5 years' salary, and shall be awarded a disability pension.

10. A person engaged in a contractual collaboration with agencies conducting operative-investigative activities and involved, in the prescribed manner, in the activities of a criminal group for the purpose of solving a crime and identifying the perpetrators, shall not be held criminally liable if he/she, during that period, does not commit a violent crime and/or his/her actions do not cause serious damage.

Chapter V -

Financing Operative-Investigative Activities

Article 18 - Financing operative-investigative activities

The ministries and agencies of Georgia authorised to conduct operative-investigative activities shall receive funds from the state budget of Georgia for their activities. In order to conduct operative-investigative activities, property transferred into state ownership may be transferred to the bodies referred to in this article. The rules for agencies conducting operative-investigative activities regarding spending the funds or using and disposing of property transferred into state ownership shall be determined by the legislation of Georgia.

Law of Georgia No 5549 of 20 December 2011 - website, 28.12.2011

Chapter VI -

Control and Supervision of Operative-Investigative Activities

Article 19 - Departmental control



The heads of the agencies conducting operative-investigative activities shall be personally liable for the legality of the organisation and conduct of operative-investigative activities.

Article 20 - Judicial control over operative-investigative activities

Judicial control over operative-investigative activities shall be exercised in accordance with this Law and the Criminal Procedure Code of Georgia.

Law of Georgia No 2635 of 1 August 2014 - website, 18.8.2014

Article 21 - Prosecutorial supervision

1. Supervision of the strict and consistent observance of the law during operative-investigative activities, and of the lawfulness of the decisions made during the conduct of operative-investigative activities, shall be exercised by the Chief Prosecutor of Georgia and prosecutors subordinated to him/her.

2. Information on persons who secretly assist or used to assist operative-investigative agencies, or who collaborate or used to collaborate with them, as well as the methods, tactics and organisation for obtaining information of an operative-investigative nature, shall not be subject to prosecutorial supervision.

3. The restriction specified in paragraph 2 of this article shall not apply to persons provided for in Article 16(4) of the Law of Georgia on Prosecution Service.

Law of Georgia No 482 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art.198

Law of Georgia No 663 of 30 May 2013 - website, 24.6.2013

Chapter VII -

Final Provisions

Article 22 -Final provisions

1. This Law shall enter into force on 15 May 1999.

2. The state authorities specified in Article 12 of this Law shall, in accordance with the legislation of Georgia, ensure the preparation and registration of departmental normative acts governing operative-investigative activities within 3 months after this Law enters into force.

President of Georgia

Eduard Shevardnadze

Tbilisi

30 April 1999

№1933-III

