



**საქართველოს მუდმივი წარმომადგენლობა გაერთიანებული ერების
ორგანიზაციასთან**

PERMANENT MISSION OF GEORGIA TO THE UNITED NATIONS

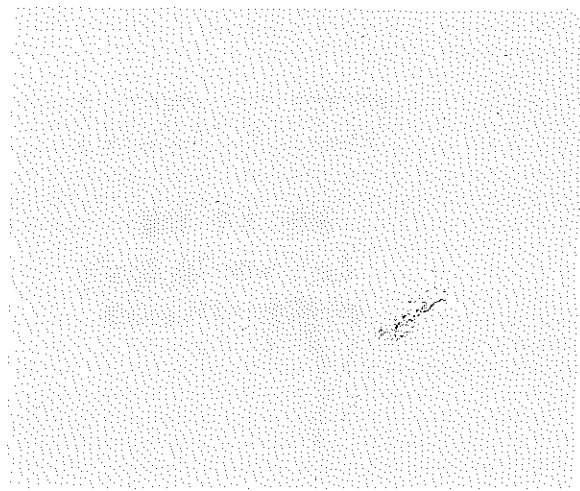
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The Permanent Mission of Georgia to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and in response to the Note Verbal #LA/COD/59/1 dated 18 December 2015, has the honour to submit information and observations on the scope and application of universal jurisdiction in Georgia, pursuant to the General Assembly resolution 70/119 of 14 December 2015, entitled "The scope and application of the principle of universal jurisdiction".

The Permanent Mission of Georgia to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 20 May 2016

Office of Legal Affairs of the United Nations
New York



Information and observations on the scope and application of universal jurisdiction in Georgia

Prepared by the Ministry of Justice of Georgia

There are two modalities in which Georgia exercises its criminal jurisdiction - territoriality and extraterritoriality. The latter, according to Article 5 of the Criminal Code of Georgia (CCG) is based on principles of active personality (due regard paid to double criminality requirement), protective principle and principle of universal jurisdiction. The latter is stipulated in Article 5(3) of the CCG which is read as follows "a foreign citizen or a stateless person shall be criminally liable for a crime committed abroad . if criminal liability for committing the crime is established by an international treaty to which Georgia is a State party "

Georgia is a State party to the following international documents envisaging to greater or lesser degree the principle of universal jurisdiction - the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Conventions of 1949 and its Additional Protocol I of 1977 and the Statute of International Criminal Court (as amended by the 2010 Kampala Amendments).

Furthermore, according to Article 6 of the Law of Georgia on International Treaties of Georgia the latter treaties shall be an integral part of the legislation of Georgia. The same provision further stipulates that international treaties to which Georgia is a party shall prevail over domestic normative acts unless they contradict the Constitution, constitutional law or constitutional concordat of Georgia and that provisions of duly published treaties determining the specific rights and obligations and not requiring transposition in domestic legislation by adopting specific acts, shall be directly applicable in Georgia.

To transfer its international obligations into domestic legislation Georgia has respectively amended its criminal legislation. The CCG contains a separate chapter entirely dedicated to crimes against humanity and violations of international humanitarian law. In particular, Chapter XLVII of the Code outlaws the following actions:

- "Planning, preparation, commencement or execution of an act of aggression" (Article 404),
- "Calling for planning, preparation, commencement or execution of an act of aggression" (Article 405),
- "Manufacturing, purchasing or selling weapons of mass destruction" (Article 406);
- "Genocide" (Article 407),
- "Crime against humanity" (Article 408),
- "Ecocide" (Article 409),
- "Participation of mercenaries in armed conflicts or military actions" (Article 410),
- "Intentional breach of the provisions of the international humanitarian law during armed conflicts" (Article 411);
- "Intentional breach of provisions of the international humanitarian law during armed conflicts between states or within a state, by endangering health or by mutilation" (Article 412),
- "Other violations of the provisions of the international humanitarian law" (Article 413)