

Georgia – national procedures for extradition  
Updated 10/11/2014

The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:</p>	<p>Office of the Chief Prosecutor Ministry of Justice of Georgia 24, Gorgasali Str., Tbilisi 0114, Georgia</p> <p>Tel.: +995 32 240 51 43</p> <p>Fax: + 995 32 240 51 42</p> <p>Email: <a href="mailto:international@justice.gov.ge">international@justice.gov.ge</a></p>
<p>If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p>N/A</p>
<p>Channels of communication for the request for extradition (directly, through diplomatic channels or other):</p>	<p>Georgia accepts requests for extradition directly except for the cases when international treaty provides communication only through diplomatic channels.</p>

Means of communication (eg. by post, fax, e-mail <sup>1</sup> ):	<p>In urgent cases Georgia accepts requests for extradition through fax, e-mail or any other means of communication affording evidence in writing and establishing the authenticity of the documents. Such communication must be confirmed by the original documents sent by post.</p> <p>For the time being, Georgia does not accept extradition requests solely in the form of electronic documents even though such documents are encrypted or signed electronically. However, Georgia considers and is open to enter into such arrangements with foreign countries that would make it possible both to send and receive documents via electronic transmission only.</p>
Language requirements:	<p>Georgia requires extradition request and supporting documents to be submitted in the language determined by the relevant international treaty.</p> <p>Under the Council of Europe Convention on Extradition (Paris, 13.XII.1957), in case extradition request and supporting documents are not produced in Georgian language, they have to be accompanied by a translation into English or Russian language.</p>
Documentation required:	<p>Under the Georgian law, documentation required for the purpose of extradition is determined by the applicable bilateral or multilateral international treaties.</p> <p>When applying Council of Europe Convention on Extradition (Paris, 13.XII.1957), Georgia requires documentation prescribed by Article 12 of the mentioned Convention.</p>

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<sup>1</sup> Please indicate if encryption or electronic signature is required.

Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	<p>Under the Georgian law, a person sought shall be released from provisional arrest if extradition request and supporting documents are not submitted within the time frames established by the relevant international treaty.</p> <p>When applying Council of Europe Convention on Extradition (Paris, 13.XII.1957), extradition documents shall be submitted within 18 days. This period may be extended up to 40 days.</p>
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	Under the Georgian law, there is no need for an explicit request by a foreign state for prolongation of the provisional arrest beyond 18 days as mentioned in Article 16, paragraph 4 of the Council of Europe Convention on Extradition.
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>For the time being, Georgia does not follow simplified forms of extradition procedure but it considers adopting appropriate regulations. All the extradition requests are dealt with within the same legal framework which is as follows:</p> <p>After receiving extradition request and supporting documents from a foreign state, the Office of the Chief</p>	

	<p>Prosecutor, Ministry of Justice of Georgia examines whether they are submitted in observance with the procedures established by the relevant international treaty.</p> <p>In case of establishing the circumstances which exclude the extradition at the initial stage of the proceedings (nationality, asylum status etc.), the Minister of Justice of Georgia issues an order and denies extradition of a person to the requesting state.</p> <p>If the mentioned circumstances are not determined at the initial stage of proceedings, prosecutor files motion concerning the admissibility of extradition before a first instance court.</p> <p>The court of first instance is entitled to hold the first hearing no later than 7 days after receiving extradition documents.</p> <p>Decision of the first instance court may be appealed at the Supreme Court of Georgia within 7 days from the moment of the service of the entire decision. The Supreme Court of Georgia holds the first hearing within 5 days after receiving the appeal. The decision of the Supreme Court of Georgia is final.</p> <p>If the extradition is found inadmissible by court, the Minister of Justice issues an order and denies extradition of the person sought to the requesting state.</p> <p>In case the court finds extradition admissible, the Minister of Justice has discretion either to deny or grant extradition. Before making decision the Minister examines: 1. whether the extradition of a person sought is contrary to the sovereignty, public order or the essential interests of Georgia; 2. whether extradition is contrary to Georgia's human rights obligations. In addition to the circumstances referred to above, the Minister of Justice of Georgia is also entitled to deny extradition for humanitarian or other grounds.</p> <p>The decision of the Minister of Justice of Georgia is not subject to appeal.</p>
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<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>After the arrest a person sought may be held in police custody for 48 hours. Within the following 24 hours the competent Georgian court hears prosecution motion for extradition detention for 3 months. The court is also authorized to apply other preventive measure (e.g. bail) instead of extradition detention.</p> <p>Despite the fact that the court orders 3 months extradition detention, a person sought must be released if extradition request and supporting documents are not submitted within the time frames established by the relevant international treaty.</p> <p>When applying Council of Europe Convention on Extradition (Paris, 13.XII.1957), extradition documents shall be submitted within 18 days. This period may be extended up to 40 days.</p> <p>In case extradition documents are not submitted within the time frames established by the relevant international treaty, a person held in custody must be released immediately. If the extradition request and supporting documents are submitted in due time Detention warrant remains valid for the remaining period of the three months.</p> <p>If extradition request is received within the time frames established by the relevant international treaty, the person sought remains in custody before the expiration of 3 months period of extradition detention. The decision on extradition may be made within the 3 months detention period. In case 3 months period is not enough for finalizing extradition procedures, it may be extended for additional 3 months but no more than twice. The maximum aggregate period of extradition detention is 9</p>

	months.
Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):	<p><i>Statute of limitation for the purpose of prosecution</i></p> <p>Under Georgian law, statute of limitation for the purpose of prosecution is determined in correspondence with the seriousness of crime. The Criminal Code of Georgia defines three types of offences in terms of seriousness: the minor crimes, the serious crimes and the grave crimes. A deliberate or neglectful crime which is punishable by the deprivation of liberty for up to five years as a maximum penalty belongs to the category of minor crimes; deliberate crime punishable with the deprivation of liberty for up to ten years and the neglectful crime punishable with the deprivation of liberty for more than five years belong to serious crimes, while, any crime, which is punishable by the deprivation of liberty for more than ten years or life imprisonment belongs to grave crimes.</p> <p>According to Article 71 of the Criminal Code of Georgia, the statute of limitation for the purpose of prosecution flows from the moment of committing an offence and tolls with bringing charges against a person. Statute of limitation is determined correspondingly to the seriousness of crimes. In particular, minor offences are statute-barred after the expiration of 6 years from the commission of crime; serious offences are statute-barred after the expiration of 10 years, while grave offences are statute-barred after 25 years from the commission of crime. Besides, there are two exceptions from the above indicated rules. Namely, statute of limitation for minor crimes punishable by the deprivation of liberty for up to two years as a maximum penalty and the crimes punishable under 332-342<sup>1</sup> of the Criminal Code of Georgia which do not belong to the category of grave offences are statute-barred after the expiration of 2 and 15 years respectively.</p> <p><i>Statute of limitation for the execution of sentences</i></p> <p>According to Article 76 § 1 of the Criminal Code of</p>

	<p>Georgia, a judgment is no longer enforceable if the established time limits have been elapsed. The same Article also defines the mentioned time limits correspondingly to the seriousness of the crimes. Time limits for minor crimes are 6 years, for serious crimes - 10 years and for grave crimes - 15 years.</p> <p>In addition, if a person is evading from appearing before the investigation authorities or from enforcing the sentence, the statute of limitation for the purpose of prosecution or for the execution of sentence is interrupted.</p>
Provisions concerning extradition of nationals:	Under the Constitution of Georgia, a Georgian national shall not be extradited to a foreign state unless international treaties binding for Georgia provide otherwise.
Surrender (eg. deadlines):	<p>Under the Georgian law, procedures related to the surrender of the person sought are determined by the applicable international treaty.</p> <p>When applying Council of Europe Convention on Extradition (Paris, 13.XII.1957), Georgia follows to the procedures envisaged by Article 18 of the mentioned Convention.</p>
Other particularly relevant information (such as, specific requirements concerning double criminality):	Double criminality is a precondition for granting extradition request. Under the Georgian law, the requirement dual criminality is deemed fulfilled, irrespective of whether the Georgian legislation places the offence within the same category of offence or denominates the offence by the same terminology as the requesting state, provided that the conduct underlying the offence for which extradition is sought is a criminal

	<p>offence under the Criminal Code of Georgia.</p> <p>In addition, the following circumstances are also taken into account when examining dual criminality requirement:</p> <p>If the request for extradition refers to the crime which was not punishable in Georgia at the time of its commission in the requesting state, extradition is denied irrespective of whether the crime in question is punishable when the request is received or when the decision on extradition is made.</p> <p>Similar approach also applies in case the crime for which extradition is requested has already been decriminalized in Georgia at the time of receiving extradition request or making final decision on extradition.</p>
<p>Links to national legislation, national guides on procedure,</p>	<p><a href="http://www.pog.gov.ge">www.pog.gov.ge</a> (official website of the Chief Prosecutor's Office of Georgia)</p> <p><a href="http://www.matsne.gov.ge">www.matsne.gov.ge</a> (national legislation)</p>