

Georgia—national procedures for transfer of sentenced persons
Updated 05/06/2019

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 the transfer of sentenced persons:</p>	<p>Department of Public International Law Ministry of Justice of Georgia 24a Gorgasali Str., Tbilisi 0114, Georgia Tel.: +995 322 40 52 04 Fax: +995 322 40 52 04 Email: Intlawdep@justice.gov.ge</p>
<p>Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned is/are the same (name of the institutions, address, telephone, fax and e-mail where available):</p>	<p>Department of Public International Law Ministry of Justice of Georgia 24a Gorgasali Str., Tbilisi 0114, Georgia Tel.: +995 322 40 52 04 Fax: +995 322 40 52 04 Email: Intlawdep@justice.gov.ge</p>
<p>Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):</p>	<p>Georgia accepts requests for the transfer of sentenced persons directly except for the cases when international treaty provides communication only through diplomatic channels.</p>

Means of communication (e.g. by post, fax, e-mail ¹):	<p>In urgent cases Georgia accepts transfer requests through fax, e-mail or any other means of swift communication. The hard copies of the documents transmitted electronically must be simultaneously sent to the central authority via regular mail.</p> <p>For the time being, Georgia does not accept 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>
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Language requirements:	Georgian, English and Russian (CETS 112).
Documentation required:	Georgia usually requires documents under Article 6 of the European Convention on the Transfer of Sentenced Persons (CETS 112). If the other treaty with different requirements is in place the latter applies.
Continued enforcement or conversion of the sentence ² :	Foreign sentence subject to the transfer request is converted by competent Georgian court before the transfer takes place. The court ruling concerning the conversion of sentence is communicated to the foreign central authority. Georgia does not take final decision

¹ Please indicate if encryption or electronic signature is required.

² In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	on transfer until the foreign central authority affirmatively consents to the transfer with the converted sentence set out by the Georgian Court.
General rules on early release:	<p>Transferred prisoners similarly to the domestic ones are subject to early release (Article 289 of the Code of Criminal Procedure).</p> <p>Convicts can be eligible for early release where owing to their behaviour at prison establishment the aims of the criminal punishment are fully achieved. Decision on early release is taken by the Parole Council, Ministry of Justice of Georgia. Earliest possible date for early release depends on the seriousness of criminal offence subject to a conviction (Article 72 of the Criminal Code).</p> <p>Georgian law differentiates three types of criminal offences in terms of seriousness (Article 12 of the Criminal Code):</p> <ol style="list-style-type: none"> 1. Minor crimes, punishable with deprivation of liberty for up to five years; 2. Serious offences, punishable with deprivation of liberty for five to ten years; 3. Grave offences, punishable with deprivation of liberty for more than ten years. <p>Convicts are eligible for early release (Article 72.3 of the Criminal Code):</p> <ol style="list-style-type: none"> 1. After serving at least half of the entire sentence for minor offences; 2. After serving at least two thirds of the entire sentence for serious offences; 3. After serving at least three fourths of the entire sentence for grave offences;

	Without regard to the seriousness of crimes convict becomes eligible for early release after serving at least six months of the entire sentence.
Scope of application with regard to transfer of mentally disordered persons:	Application of the European Convention on the Transfer of Sentenced Persons (CETS 112) to the persons with mental disorders may largely depend on individual circumstances of a case. Therefore, prior consultation is required.
Scope of application with regard to nationals and/or residents:	<p>Georgia applies the Convention (CETS 112) to its citizens and stateless persons with permanent residence in Georgia.</p> <p>As a sentencing state Georgia is unable to surrender persons who are nationals of multiple countries and Georgia is one of them.</p>
Other particularly relevant information (such as practice regarding time limits or revocation of consent):	Generally, Georgian law does not set any limits for the revocation of consent. Hypothetically, consent is revocable until actual surrender takes place.
Links to national legislation, national guides on procedure:	<ol style="list-style-type: none"> 1. The Law on International Co-operation in Criminal Matters (Chapter V); 2. Code of Criminal Procedure (Article 289);

	3. Criminal Code of Georgia (Articles 12 and 72) .
For Parties to the Additional Protocol	
Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):	Georgia has had no practice related to the said provisions and it would interpret the text as per its ordinary meaning.
Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):	Georgia has had no practice related to the said provisions and it would interpret the text as per its ordinary meaning.
Documentation required:	As per applicable treaty.