

## Georgia

### National Procedures for Extradition

Updated on 10/03/2021

<b>The Central Authority responsible for extradition</b>	Office of the Prosecutor General of Georgia  24 Gorgasali Street, 0134 Tbilisi, Georgia  Telephone: +995 32 240 51 43 / +995 32 240 50 34; +995 32 240 53 56 / +995 32 240 53 14 / +995 32 240 55 19. E-mail: <a href="mailto:extraditions@pog.gov.ge">extraditions@pog.gov.ge</a>
If different from the Central Authority, the authority to which the request should be sent	
<b>Channels of communication</b> for the request for extradition:  (directly, through diplomatic channels or other)	All extradition requests must be directed to the central authority (Office of the Prosecutor General).  Requests can also be transmitted through Interpol or diplomatic (not recommended) channels.
<b>Means of communication</b> (eg. by post, fax, e-mail <sup>1</sup> ):	Georgia recommends sending extradition requests in electronic format to <a href="mailto:extraditions@pog.gov.ge">extraditions@pog.gov.ge</a> . If documents are received by e-mail, deadline for receipt is considered met.  Electronic requests can be either electronically signed (any e-signature that is allowed under the local law of requesting state is acceptable) or electronic copies of paper documents. In order to ensure the authenticity of communications we only accept submissions that are sent from government e-mails. We could automatically confirm the receipt of any incoming request if your message will have the tracking tool "delivery report" turned on.
<b>Language requirements:</b>	Georgian, English, Russian (depends on the applicable treaty/agreement).
<b>Documentation required:</b>	<ul style="list-style-type: none"><li>• Extradition request;</li></ul>

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

	<ul style="list-style-type: none"> <li>• the original or an authenticated copy of the conviction and sentence or detention order immediately enforceable or the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting country;</li> <li>• a statement of the offences for which extradition is requested. The time and place of their commission, their legal descriptions and a reference to the relevant legal provisions set out as accurately as possible;</li> <li>• a copy of the relevant enactments or, where this is not possible, a statement of the relevant law;</li> <li>• a description of the person concerned, together with any other information which will help to establish his identity and nationality;</li> <li>• Where relevant facts are only described in a very long indictment or judgment, Georgia requires abridged version of the statement of facts of a case.</li> </ul>
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<b>Provisional arrest:</b>	<b>Time limit for presentation of formal extradition request if the person is in provisional arrest</b>	<b>40 days</b> from the arrest, where the European Convention on Extradition is applied.
	<b>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)?</b>	No

<b>Extradition procedures:</b>	<p>Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p> <p><b>Ordinary extradition procedure:</b></p> <p>In case the ordinary extradition procedure is concerned, the Chamber of Criminal Cases of Tbilisi City Court examines the admissibility of extradition based on the motion filed by the Office of the Prosecutor General of Georgia. The ruling on the admissibility of extradition issued by Tbilisi City Court may be appealed by the parties within 7 days after its pronouncement at the Chamber of Criminal Cases of the Supreme Court of Georgia. The Supreme Court appoints the first hearing on the examination of the appeal within 5 days after its submission. The Ministry of Justice of Georgia is notified regarding the court decision on the admissibility of extradition within 5 days after it is delivered. In case the extradition is found admissible by the court, the Minister of Justice of Georgia issues an order on granting or refusing the extradition of the person concerned. On the other hand, in case the court finds extradition of an individual to a foreign state</p>
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	<p>inadmissible, the Minister of Justice of Georgia issues an order on refusing extradition.</p> <p><b>Simplified extradition procedure:</b></p> <p>Georgian legislation provides simplified extradition procedure. Namely, extradition of a person can only be carried out through the simplified procedure if the person subject to extradition consents to such procedure in the presence of a judge. In particular, the prosecutor fills a motion to the court on scheduling a court hearing with the purpose of obtaining the consent from the person subject to extradition regarding the application of simplified extradition procedure. The relevant court schedules a hearing within 24 hours after receiving the motion. The consent expressed by the person is final and cannot be revoked.</p> <p>Within 15 days after the expression of the consent to the simplified extradition procedure, the prosecutor fills a motion to the court on the admissibility of extradition. The motion is examined within 24 hours after its submission and the Ministry of Justice is immediately notified about the decision of the court. The Minister of Justice then issues an order regarding the extradition within 20 days after the person subject to extradition expresses consent to the simplified extradition procedure.</p> <p>The requesting country is notified about the decision of the Minister of Justice within the same period (20 days after the expression of the consent). The surrender of the person concerned is preferable to take place within 10 business days from the date of the notification of the extradition decision to the authorities of the requesting State.</p>
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<p><b>Detention</b> before and after the receipt of the extradition request: (deadlines, conditional release, etc)</p>	<p>Before the receipt of the extradition request, the person concerned may be held in custody no longer than 40 days starting from the moment of the arrest when the European Convention on Extradition is applied. If the request for extradition is received within the mentioned period, extradition detention can be prolonged by the decision of the court. The maximum period of detention for extradition purposes is 9 months.</p> <p>Alternatively, depending on the specific circumstances of the case any constraint measure other than detention (e.g. bail) can also be applied with respect to the fugitive.</p>
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<p><b>Statutes of limitation</b> for the purpose of prosecution and for the execution of sentences: (general principles)</p>	<p><b>Limitation period for prosecution:</b></p> <p>According to the Criminal Code of Georgia (CCG), the statute of limitations flows from the moment of the commission of offence and tolls with bringing charges. Statute of limitations is determined correspondingly to the seriousness of crimes.</p> <p>CCG differentiates three types of offences in terms of seriousness: the minor crimes, the serious crimes and the grave crimes. The</p>
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deliberate or neglectful crimes punishable with the deprivation of liberty for up to 5 years as a maximum penalty constitute minor crimes. The deliberate offences which envisage 10 years of deprivation of liberty as a maximum penalty or neglectful offences which are punishable with the deprivation of liberty for more than 5 years constitute serious offences. All other offences that entail the deprivation of liberty for more than 10 years or a life imprisonment as a maximum penalty pertain to the category of grave crimes.

Accordingly, minor offences become statute-barred after 6 years from the commission of the crime, serious offences - after 10 years and the grave offences are statute-barred after 30 years from the commission of crime.

**Exceptional rules apply in the following cases:**

Minor crimes punishable with the deprivation of liberty for up to 2 years as a maximum penalty are statute-barred after 2 years from their commission.

Crimes punishable under Articles 332-342<sup>1</sup> (misconduct in public office crimes) of CCG become statute barred after 15 years from their commission unless any of them is a grave crime. In the latter case 30 years of limitation applies.

Crimes punishable under Articles 137-141 (sexual offences) of CCG become statute barred after 20 years from their commission unless any of them is a grave crime. In the latter case 30 years of limitation applies.

Limitation period for prosecution is interrupted if a person is evading from the investigation or the court.

**The statute of limitations are not applied to the following crimes:**

- Torture;
- Threat of torture;
- Inhuman or degrading treatment.

The limitation period is not also applied where the following crimes are committed against minor:

- Sexual offences;
- Engagement in prostitution;
- Promotion of prostitution;
- Knowingly Illegal production or selling of a pornographic work or other items;
- Engagement of minors in illegal production and selling of pornographic works or other similar items;
- Offering a meeting of a sexual character to a minor.

**Limitation period for the enforcement of judgment:**

Pursuant to the Criminal Code of Georgia, time limits for the execution of a judgement for minor offences is 6 years, for serious offences -10 years and for grave offences - 15 years. The minor

	<p>crimes which are punishable with the deprivation of liberty for up to 2 years as a maximum penalty are statute-barred after 2 years from their commission.</p> <p>Time limits for the execution of judgment is interrupted if a person is evading to serve a sentence.</p>
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<b>Provisions concerning extradition of nationals:</b>	The Constitution of Georgia prohibits extradition of Georgian nationals unless international treaty provides otherwise.
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<b>Surrender:</b> (eg. deadlines)	The strict deadline for surrender is established only in case of applying simplified extradition procedure (see above).
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<b>Other relevant information:</b> (such as specific requirements concerning double criminality)	Double criminality is a mandatory requirement in extradition proceedings. However, Georgia applies <i>in abstracto</i> approach when examining foreign extradition requests.
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<b>Links</b> to national legislation, national guides on procedure:	<p>Georgian legislative acts can be found on the following webpage of the Legislative Herald of Georgia - <a href="https://matsne.gov.ge">matsne.gov.ge</a>. Most of the legislative acts are also available in English and Russian languages.</p> <p>International Co-operation in Criminal Matters Act of 2010: <a href="https://matsne.gov.ge/en/document/view/112594?publication=4">https://matsne.gov.ge/en/document/view/112594?publication=4</a></p> <p>Code of Criminal Procedure: <a href="https://matsne.gov.ge/en/document/view/90034?publication=106">https://matsne.gov.ge/en/document/view/90034?publication=106</a></p> <p>Web-site of the Central Authority: <a href="http://www.pog.gov.ge">www.pog.gov.ge</a></p>
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