

GEORGIA

LEGAL BASIS

1. Has your State signed and/or ratified the United Nations Convention on special missions (1969)? If not, does your State intend to sign/ratify the Convention?

Georgia conveyed the instrument of ratification of the United Nations Convention on Special Missions on 23 May 2005 and in accordance with its Article 53, it entered into force on 22 June 2005 for the country.

2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?

As long as Georgian personnel participates in missions organized by the Northern Atlantic Treaty Organization (NATO) and European Union (EU) there is an international legal framework which regulates the pertinent issues with the above-mentioned entities.

3. Has your State adopted a specific national legislation in the field of immunities of special missions?

Georgia does not have a comprehensive legal framework at internal level which would bring about the detailed regulation of special missions related issues. However, in 1999 Law on participation in peace-keeping operations of Georgian military forces was adopted. The Law prescribes rules regarding the implementation of those obligations which are enshrined in various international treaties of Georgia concerning the participation of military and civilian personnel of the country in peace-keeping and peace enforcing operations.

Currently, competent authorities of Georgia are conducting procedures in order to prepare draft law regarding the crisis management operations in the EU's framework. Moreover, interaction between the agencies makes it possible to draw up a law on special missions in general, which would comprehensively set the pertinent issues out in order to effectively implement the international obligations of the country.

a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);

n/a

b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).

n/a

4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.

n/a

5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.

There is no genuine approach in Georgia towards the certain obligations and/or definitions regarding immunity of special missions as the manifestation of customary international law. Georgian governmental bodies solely rely on those international instruments which were consented to be bound by the state and as long as there are hardly any completed or ongoing judicial cases in Georgian courts regarding the immunity of special missions it is difficult to assess authoritatively the possible affiliation of certain provisions from those instruments with customary international rules.

6. Please provide information on the scope of the immunities of special missions, in particular:

a. The extent of the privileges and immunities granted to special missions and to their members;

n/a

b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);

n/a

c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;

n/a

d. The temporal limits of the immunities accorded to special missions.

n/a

NATIONAL PRACTICE AND PROCEDURE

7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of judgement, authority that issued the judgement, name of the parties, main points of law, French or English translation of the judgement or summary of the judgement in English or in French).

n/a

8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?

n/a

a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?

n/a

b. Is the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?

n/a