

**LAW OF GEORGIA**  
**ON INTELLIGENCE ACTIVITIES**

**Chapter I - General Provisions**

**Article 1 - Scope of the Law**

This Law determines the goals, scope and main areas of intelligence activities, and specially authorised institutions and/or their structural divisions ('intelligence institution') of the executive authority of Georgia, which carry out intelligence activities in order to protect the national interests of Georgia from foreign threats.

**Article 2 - Intelligence activities**

1. Intelligence activities are gathering, processing, analysing and realising information regarding foreign threats against the national interests of Georgia, and facilitating the implementation of the strategic policy of the State in the fields of national security and defence.
2. Intelligence activities shall be secret. Documents, materials and other data reflecting these activities constitute a state secret.
3. The procedures and conditions for classifying documents, materials and other data related to intelligence activities shall be determined by the Law of Georgia on State Secrets.

**Article 3 - Definition of terms used in the Law**

The terms used herein have the following meanings for the purposes of this Law:

- a) intelligence information - data about the plans, goals, activities, and real and potential opportunities of foreign states, organisations and persons, directed against the national interests of Georgia, as well as information regarding other events and circumstances related to state security;
- b) National Intelligence Programme - a document approved by the Prime Minister of Georgia based on the National Security Concept of Georgia, which determines the main goals, areas and priorities of intelligence activities;
- c) foreign counter-intelligence activities - a type of intelligence activities which are carried out outside Georgia in order to ensure the safety of intelligence activities and persons involved in them, and of diplomatic missions and consular offices of Georgia, and citizens of Georgia being on a long-term business trip and their family members, whose activities are related to information containing a state secret.

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**Article 4 - Legal grounds for intelligence activities**

The legal grounds for intelligence activities are the Constitution of Georgia, the treaties and international agreements of Georgia, this Law, and other legislative and subordinate normative acts of Georgia.

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**Article 5 - Goals, scope and main areas of intelligence activities**

1. The goals of intelligence activities are to define foreign threats and risks, to provide necessary intelligence information to the country's state and political officials in order for them to make decisions in political, economic, scientific, technical, defence, informational, and environmental fields and other fields of national security.
2. The scope of intelligence activities shall be determined by this Law and it may be limited or expanded only by the law.
3. The main areas of intelligence activities shall be determined by this Law and the National Intelligence Programme.

**Article 6 - Principles, methods and means of intelligence activities**

1. The principles of intelligence activities are:
  - a) lawfulness;
  - b) strict compliance with and respect for the principles of human rights and freedoms;



- c) objectivity and impartiality;
- d) political neutrality;
- e) accountability;
- f) unity and centralisation;
- g) determination;
- h) effective functioning;
- i) continuity;
- j) planning;
- k) secrecy.

2. While carrying out intelligence activities, both overt and covert and special methods and means are used, the specific nature of which is determined by the conditions of these activities.

## **Chapter II - Intelligence System of Georgia**

### **Article 7 - Intelligence system of Georgia**

1. A unity of intelligence institutions creates the intelligence system of Georgia.
2. The institutions within the intelligence system of Georgia are as follows: the Georgian Intelligence Service ('the Service'), the intelligence subdivisions of the Ministry of Defence of Georgia, and the intelligence subdivisions of authorised bodies within the system of the Ministry of Internal Affairs of Georgia.
3. The institutions within the intelligence system of Georgia shall, within their competence, carry out intelligence activities in the following fields:
  - a) the Service - political, economic, scientific and technical, military and political, informational, and environmental fields and international fight against terrorism;
  - b) the intelligence subdivisions of the Ministry of Defence of Georgia - military, military and political, military and strategic, military and economic, military and technical, and informational and environmental fields;
  - c) the intelligence subdivisions of authorised bodies within the system of the Ministry of Internal Affairs of Georgia – the protection and control of the State Border, territorial waters, continental shelf and exclusive economic zone of Georgia.
4. The structure of intelligence institutions, and their management and rules of operation shall be established by the legislation of Georgia.
5. The employees of intelligence institutions shall be entitled to the legal and social protection guarantees of employees of those institutions where they are recruited.
6. In the case of urgent necessity, the employees of the institutions within the intelligence system of Georgia may be coopted to other institutions within the intelligence system, on the basis of mutual agreement.
7. No person, legal or natural, other than persons authorised to do so by law, may interfere with the activities of officials or intelligence institutions carrying out intelligence activities.
8. A person who is allowed to have access to the data of intelligence institutions shall go through a procedure necessary for being granted access to documents containing state secrets. This procedure requires from a person to undertake a written obligation not to disclose these data. Failure to fulfil this obligation shall be punishable in accordance with the legislation of Georgia.
9. After being de-classified, the historically and scientifically valuable documents of intelligence institutions shall be transferred for permanent storage to a legal entity under public law called the National Archives of Georgia, in accordance with the Law of Georgia on State Secrets.
10. The documents of intelligence institutions, which include data about their personnel structure and those persons and/or organisations that confidentially work (have worked) with them, as well as data regarding the methods and means used by these institutions, shall be stored in the archives of these institutions and shall not be subject to de-classification. The case referred to in Article 14(3) of this Law shall be an exception.
11. No person, legal or natural, other than persons authorised to do so by the legislation of Georgia, may request information regarding those persons or organisations who confidentially work (have worked) with intelligence institutions.

### **Article 8 - Objectives of the intelligence system of Georgia**

The objectives of the intelligence system of Georgia are to:



- a) define and identify existing or possible foreign threats, challenges and risks directed against the national interests of Georgia;
- b) provide gathered, systematised, processed and analysed information regarding the plans, intentions and abilities of foreign countries, organisations and persons, directed against the national security interests of Georgia, to state and political officials in order for them to make decisions in political, economic, scientific, technical, defence, informational, and environmental fields and other fields of national security.
- c) implement the National Intelligence Programme in order to ensure the prevention of threats and/or to ensure national security;
- d) address issues related to national, regional and global security within its competence, evaluate situations, predict the possible development of events, and prepare respective recommendations for state and political officials if a threat of crisis occurs or exists;
- e) carry out foreign counter-intelligence activities through a respective intelligence institution;
- f) co-operate with the respective services of foreign countries regarding issues of regional and global threats.

#### **Article 9 - Managing the intelligence system of Georgia**

1. The main body within the intelligence system of Georgia is the Service.
2. Intelligence institutions shall be obliged to provide gathered intelligence information to the Service in accordance with established procedures and forms.
3. Upon assignment by the Prime Minister of Georgia, the Service shall prepare and the Government of Georgia shall approve procedures for exchanging intelligence information between intelligence institutions.
4. The Prime Minister of Georgia shall make decisions regarding the expediency of inter-agency negotiations and co-operation between intelligence institutions and foreign intelligence and counter-intelligence services.

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#### **Article 10 - Rights and obligations of intelligence institutions**

1. Intelligence institutions shall, within their competence:
  - a) co-operate with persons on a voluntary basis, openly or confidentially;
  - b) use operative, operative-technical, engineering-technical, radio-electronic and other special means in order to obtain intelligence information;
  - c) if necessary, for the purpose of secrecy, cipher their documentation, personnel, subdivisions, buildings and constructions, and transportation means of departmental and organisational belonging;
  - d) enter into contracts with enterprises, institutions and organisations (irrespective of their legal form), based on the need to carry out intelligence activities;
  - e) for the purposes of secrecy, establish organisations of various legal forms, based on the need to carry out intelligence activities;
  - f) ensure their own safety, and protect their employees, their sources of operative information, operational and technical means, buildings and constructions, and informational data, from unlawful encroachments;
  - g) provide obtained intelligence information to higher state authorities;
  - h) co-operate with the special services of foreign countries.
2. In order to obtain intelligence information, intelligence institutions may use methods and means provided for by the Law of Georgia on Operative-Investigative Activities and the Law of Georgia on Counter-Intelligence Activities.

#### **Article 11 - Assisting the intelligence system of Georgia**

1. Governmental institutions shall assist intelligence institutions in every possible way in order for them to carry out intelligence activities.
2. Enterprises, institutions and organisations (irrespective of their legal form) shall co-operate with intelligence institutions based on respective agreements.

### **Chapter III - Legal Status and Social Protection of Persons who Work (have Worked) With Intelligence Institutions Confidentially**

#### **Article 12 - Persons who work (have worked) with intelligence institutions confidentially**



1. In order to achieve the goals of intelligence activities, intelligence institutions may work with persons who voluntarily agree to confidential co-operation, with an appropriate payment or without payment. The procedure for and forms of co-operation with such persons shall be determined by a normative act of the head of the intelligence institution with whom the person is working confidentially.
2. In order to ensure the safety of persons who work (have worked) with intelligence institutions confidentially, and their family members, special protection measures may be implemented if necessary.
3. A person who confidentially works with an intelligence institution shall be held responsible in accordance with the legislation of Georgia for disclosing information protected by law, of which he/she has become aware in the course and/or as a result of co-operation with the intelligence institution.

#### **Article 13 - Rights and responsibilities of persons who confidentially work with intelligence institutions**

1. A person who confidentially works with an intelligence institution shall have the right to:
  - a) enter into a contract for confidential co-operation with the intelligence institution or work with them in other existing forms;
  - b) receive explanations from the employees of the intelligence institution regarding his/her tasks and rights and responsibilities;
  - c) use identity documents that are encrypted by the intelligence institution for the purposes of secrecy;
  - d) receive appropriate payment;
  - e) receive compensation for damage and loss caused to his/her health or property during the period of co-operation with the intelligence institution.
2. A person who confidentially works with an intelligence institution shall:
  - a) not disclose the fact or the terms of co-operation with the intelligence institution;
  - b) not provide the intelligence institution with false or slanderous information;
  - c) protect information containing state secrets shared with or known to him/her.

#### **Article 14 - Social protection of persons who work (have worked) with intelligence institutions confidentially**

1. The social protection of persons who work (have worked) with intelligence institutions confidentially shall be determined by a normative act of the head of a respective intelligence institution.
2. A person who works (has worked) with an intelligence institution and is not a citizen of Georgia, may, upon his/her request, be granted Georgian citizenship in accordance with the legislation of Georgia.
3. The period of co-operation of a person referred to in paragraph 2 of this article with an intelligence institution shall be counted towards his/her total length of service, provided he/she has been granted Georgian citizenship.

### **Chapter IV - Supervision and Control over the Intelligence System of Georgia**

#### **Article 15 - Supervision by the Prime Minister of Georgia**

The Prime Minister of Georgia shall exercise official supervision over the operation of the intelligence system of Georgia.

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#### **Article 16 - Parliamentary control**

Parliamentary control of the institutions within the intelligence system of Georgia shall be exercised by the Parliament of Georgia through the Defence and Security Committee. The forms of parliamentary control shall be determined by the legislation of Georgia.

### **Chapter V - Final Provisions**

#### **Article 17 - Invalidated normative acts and entry of this Law into force**

1. Upon entry into force of this Law, the Law of Georgia of 19 March 1999 on Intelligence Activities (Legislative Herald of Georgia , No 12(19), 1999, Art. 38) shall be invalidated.



2. This Law shall enter into force upon its promulgation.

President of Georgia

M. Saakashvili

Tbilisi

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