

**Additional information  
on implementation of the UN Human Rights Committee's recommendations made  
in paragraphs 13 and 14 of the Concluding Observations  
of the Committee  
provided by Georgia,  
in accordance with rule 71, paragraph 5,  
of the Committee's rules of procedure**

**March 2016**

**Paragraph 13: [B1]:**

a) Measures alternative to administrative detention are envisaged by a number of articles of the Code of Administrative Offences of Georgia. In addition to a fine, which is a more common alternative measure, an offender may be subject to correctional services for up to 3 months.

b) In compliance with the Code of Administrative Offences, administrative detention is imposed by a judge of district (city) court, taking into account the circumstances of the case, impact of the crime, personality and financial capabilities of an offender, aggravating and mitigating factors. The Code also defines persons, entitled to apply to court for a detention order (in most cases – officials of the Ministry of Internal Affairs), timeframes of detention, appellate procedures, as well as measures of execution of a judgement. The district court order on administrative detention may be appealed accordingly in the Court of Appeals (Chamber for Administrative Cases) within 48 hours of a decision.

**Paragraph 13: [B2]:**

Administrative detainees are held exclusively in Temporary Detention Isolators under the Ministry of Internal Affairs of Georgia. In compliance with the legislation, the Temporary Detention Department of MIA ensures temporary placement of detainees in Temporary Detention Isolators, where detainees are subject to detailed medical examinations, solely by medical staff (unless the doctor concerned requests the attendance of the staff of the isolator for security purposes).

The Temporary Detention Department regularly conducts internal monitoring of the municipal and regional temporary detention isolators. For this reason the Monitoring Division was established within the Department, which pays unexpected visits to all the TDIs throughout Georgia.

To ensure transparency, the Public Defender of Georgia is given full and unimpeded access to TDIs.

**Paragraph 14: [B2]:**

a) In order to strengthen and refine the jury trial system in Georgia, to ensure the safety of jurors and to effectively cope with functional shortcomings identified in practice and to fully implement the Article 14 of the Covenant on Civil and Political rights as well as other international standards, the Council of Europe with the request of the Ministry of Justice of Georgia (MoJ) prepared a comparative legal research on Jury trial systems in Europe, based on

which the MoJ developed a study about the issues regarding the jurisdiction of jury trial, selection of jurors and the necessity of providing a reasoned decision made by jurors in various European countries. Based on the research and in accordance with the recommendations of international organizations and experts, the respective provisions of the Criminal Procedure Code regulating the jury trial system were revised and draft amendments were prepared by the MoJ within the framework of the Criminal Justice Reform Council.

The draft amendments are fully compatible with Article 14 of the Covenant. They envisage the improvement of jury selection process, ensure their safety and impartiality, as well as provide for the jurors to fully understand their responsibility and the essence of charge and, in general, reaffirm the organization and efficiency of jury trial system. According to the amendments jury trials will operate in pre-defined territorial units; the selection process of jurors will be finalized in a reasonable timeframe; the cases of incompatibility of jurors will be redefined; additional guarantees will be provided to ensure impartiality and safety of jurors; as well as the rules regulating the recusals of and voting by the jurors will be amended; the forms of verdict and questions to be answered by the jurors, to produce well-reasoned and grounded decision, will be prescribed and, finally, changes will be made to the rules regulating appellate revision of jury trial decisions.

b) The Ministry of Justice of Georgia will submit the draft amendments to the Parliament for adoption in 2016.