

***LAW OF GEORGIA ON AMENDMENTS TO
THE “CRIMINAL CODE OF GEORGIA”***

Article 1. The Criminal Code of Georgia ("saqartvelos sakanonmdeblo macne"¹) No. 41(48), 1999) shall be amended as follows:

1. Article 6:

a) heading shall be drafted as follows:

"Article 6. Extradition and surrender of the Criminal"

b) Paragraph 1 and paragraph 2 of article 6 shall be drafted as follows:

“1. The citizen of Georgia as well as the stateless person permanently residing in Georgia shall in no way be extradited to the other state for criminal prosecution or for serving a sentence unless otherwise provided by the International Treaty of Georgia. Surrender of the citizen of Georgia as well as the stateless person permanently residing in Georgia to the International Criminal Court (ICC) shall be carried out in cases and in manner provided by the Statute (the Rome Statute) of the International Criminal Court and the law of Georgia on “Cooperation of Georgia with the International Criminal Court”.

2. The citizen of a foreign state as well as the stateless person being on the territory of Georgia, may be extradited to another state or surrendered to the ICC for criminal prosecution or for serving a sentence in manner and to the extent determined by the International Agreement of Georgia. “

2. Paragraphs 2 and 3 of Article 143 shall be drafted as follows:

"2. The same act committed:

a) Repeatedly

b) With coercion, blackmail or deceit

c) Against two or more minors

d) With taking abroad of the aggravated party

e) By violence dangerous to life or health or the threat of such violence

f) By abusing an official power;

g) Knowingly against the person in grave condition or a person materially or otherwise dependant upon the perpetrator

Shall be punished by the deprivation of liberty for the period from twelve to seventeen years.

3. Acts envisaged by paragraph 1 and 2 of this article:

a) Committed by the organized group

b) Which resulted in deprivation of life of the minor or other grave consequence.

¹ Official periodical of the Parliament of Georgia

Shall be punished by the deprivation of liberty for the period from fifteen years to life imprisonment."

3. To article 342 the following note shall be added:

„**Note:** The malfeasance provided in articles 332, 333, 334, 335, 336, 338, 339, 341 and 342 of this chapter regarding crimes committed by the public servants also includes crimes committed by the representatives of the ICC.“

4. To article 381 the following note shall be added:

„**Note:** Crimes against Judicial Authorities provided in this Chapter also include crimes against the ICC.“

5. Article 408 shall be drafted as follows:

”Article 408. Crimes against Humanity

Crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, expressed in murder, massive extermination, serious injury to body or health, deportation, forced confinement, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group on political, racial, national, ethnic, cultural, religious, gender or other grounds, the crime of apartheid, other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health,

Shall be punishable by imprisonment for the period from eight to twenty years or life imprisonment.

6. Article 409 shall be drafted as follows:

"Article 409. Ecocide

1. Ecocide, that is the poisoning of atmosphere, soil or water resources, and massive destruction of flora or fauna, or any other action that could have resulted in ecological disaster-

Shall be punishable with the deprivation of liberty for a period from eight to twenty years.

2. The same action committed during the armed conflict, -

Shall be punishable with the deprivation of liberty for a period from ten to twenty years.

7. Article 411:

a) Subparagraph ”f” of paragraph 1 of article 411 shall be drafted as follows:

”f) Making improper use of a flag of cease-fire, national flag, flag of hostile party, as well as the emblem of the United Nations, Red Cross or Red Crescent and/or of any other protective emblems or signals recognized by international humanitarian law, which resulted in death or serious personal injury;”

b) Subparagraph ”j” of paragraph 1 of article 411 shall be drafted as follows:

”j) Attack on property of hostile party, including any historic monument, pieces of art, a sacred place as on the part of the cultural heritage of peoples, which resulted in destruction and appropriation of property, provided not justified by military necessity; Shall be punished by the imprisonment for a period from ten to fifteen years. ”

c) Subparagraphs "d" and "e" of paragraph 2 of article 411 shall be drafted as follows:

"d) Compelling the nationals of hostile party, a prisoner of war or other protected person to serve in the forces of a hostile Power, or to take part in the operations of war directed against their own country, notwithstanding the fact whether he was or was not in military service before the commencement of the war.

e) Abuse of right of impartial trial of a prisoner of war, a national of hostile power or other protected person"

8. Article 413

a) Subparagraph "a" of article 413 shall be drafted as follows:

"a) Looting, i.e. acquisition of property of the wounded or dead, as well as the acquisition of property of civilians which is left in the area of hostilities or robbery of settlement (populated area) or locality"

b) Subparagraph "c" of article 413 shall be drafted as follows:

"c) In military operation or armed conflict employing of weapons, military devices, means or weapon of mass destruction, also employing methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which violate the international law of armed conflict; and if such weapons, military devices and weapons, or methods of warfare are subject to universal prohibition.

9. To article 413 the following note shall be added:

”**Note:** For the crimes provided for in this chapter military commander of armed forces or its sub-units or/and other superior shall be criminally responsible under this chapter even in cases when aforementioned crimes were committed by forces under his or her effective command or/and control, as a result of his or her omission"

Article 2. This law enters into force on the 15th day of its publication.

The President of Georgia

Eduard Shevardnadze