

## **Georgian Law on Occupied Territories**

(Last updated on 20 November 2011)

Georgia is a sovereign, unified and indivisible state and the presence of any other country's troops on its territory without the clear and voluntary consent of the Georgian state is the military occupation of a sovereign state's territory in accordance with 1907 Hague Regulations, IV Geneva Convention of 1949 and Common International Law.

### **Article 1. The Goal of the Law**

**The following amendments and additions should be made to the Law of Georgia “on Occupied territories” (legislative news of Georgia, 28-30.10.2008, Article 172)**

The goal of the present Law is to define the status of the territories that are occupied as a result of military aggression of the Russian Federation and establish special legal regime on those territories.

### **Article 2. Occupied Territories and Marine Zones**

For the purpose of the present Law the occupied territories and marine zones are (later – occupied territories):

- a) Territory of Abkhazian Autonomous Republic;
- b) Tskhinvali region (territory of former Autonomous Region of South Ossetia);
- c) In the Black Sea: Georgian inland territorial waters and territorial sea, their bottom and subsoil and territorial sea from the state border between Georgia and the Russian Federation on the Psou River towards south along the administrative border on the Enguri River, where that river flows into the Black Sea, on which Georgia realizes its sovereignty, as well as the marine zones: adjacent zone, special economic zone and continental trail, where Georgia in accordance with its legislation and International Law, in particular 1982 UN Convention on Marine Law, enjoys fiscal, sanitary, immigration and customs rights and has sovereign rights and jurisdiction on special economic zone and continental trail.
- d) An air space above the territories considered by the sub-paragraphs “a” “b” and ‘c’.

### **Article 3. Legal Regime of Occupied Territories**

In the frames of this law state of emergency applies to the occupied territories, as well as special legal regime, which implies restrictions on free movement, conduction of economic activities defined by the present Law, real estate transactions and other issues discussed in the present Law in the occupied territories.

### **Article 4. Restriction of Free Movement on the Occupied Territories**

1. Foreign nationals or stateless persons can enter the occupied territories only:
  - a) from Zugdidi Municipality to Abkhazian Autonomous Republic;
  - b) From Gori Municipality to Tskhinvali region (former Autonomous Region of South Ossetia).

2. Entering the occupied territories from any other direction by foreign nationals or stateless persons is forbidden and punishable in accordance with Georgian Criminal Code.
3. In exceptional case, the special permission to enter the occupied territories from the prohibited directions can be issued in accordance with the procedures established by the legal acts of the Georgian Government, if this serves to the interests of Georgian state, peaceful regulation of the conflict, de-occupation or humanitarian aims.

**Article 5. Right to Immovable Property on the Occupied Territories**

1. Any transaction concerning immovable property on the occupied territories that is done in violation of Georgian legislation is considered to be annulled from the moment such a transaction is made and that transaction shall bear no legal consequences.
2. On the occupied territories, property is permitted for inheritance only in case of legal heredity or if heirs according to the testament belong to the line of legal heirs.

**Article 6. Restriction of Economic Activities on the Occupied Territories**

1. The following activities are forbidden on the occupied territories:
  - a) any economic activity (entrepreneurial or non-entrepreneurial), whether or not it is implemented for getting profit, income or compensation, if this activity according to the legislation of Georgia, needs relevant license or permission, undergoing authorization or registration or if such activity according to the legislation of Georgia requires agreement when such does not exist;
  - b) transportation of military or dual purpose goods in and out of the occupied territories;
  - c) international air, marine and railway travel, as well as international road transportation transfers
  - d) use of state resources;
  - e) organizing of money transfers;
  - f) funding or any kind of support of the activities stipulated in the “a-e” sub-paragraphs.
2. The prohibited activities indicated in the 1<sup>st</sup> paragraph of the present article can be conducted only in particular cases with the special consent issued in accordance with the procedures established by the legal act of the Georgian Government, if this serves to the interest of the Georgian state, peaceful regulation of the conflict, de-occupation or humanitarian aims.
3. Violation of the requirements of this article shall bear responsibilities established by the Georgian legislation.
4. The sanctions defined by Georgian legislation for activities considered in the 1<sup>st</sup> sub-paragraph of this article shall apply to the persons/entities, i.e. which directly or indirectly participate in the capital of those entities implementing the activities indicated in the first paragraph of this article and /or somehow influence decision-making process.
5. The persons under paragraph 4 are:
  - a) a person/entity which owns a share of more than 5% in the legal entity implementing activities foreseen by the 1<sup>st</sup> paragraph of this article;
  - b) a person/entity which owns a share of more than 25% in the legal entity defined by sub-paragraph “a” of this paragraph;
  - c) a person/entity owns a share of more than 50% in the legal entity defined in the sub-paragraph “b” of this paragraph.

#### **Article 7. Protection of Human Rights and Cultural Heritage on the Occupied Territories**

1. Occupied territories are the essential part of Georgia and the legislation of Georgia applies to those territories. The responsibility for violation of universally recognized human rights on the occupied territories shall be borne by the Russian Federation in accordance with the norms of International Law.
2. Georgian executive authorities are obliged to periodically inform international organizations about the violation of human rights on the occupied territories.
3. The responsibility is borne by the Russian Federation, as of the state that conducted military occupation, for the compensation of material and moral damage of Georgian citizens, stateless persons and foreign nationals, who legally entered the occupied territories..
4. The responsibility for the protection of the cultural heritage on the occupied territories is borne by the Russian Federation.

#### **Article 8. Illegal Bodies (Officials)**

1. Any agency (position of the state official) that is not formed (appointed/elected) in accordance with Georgian legislation or/and which de-facto fulfills legislative, executive or judicial functions or other activities that fall under the competence of Georgian state and local self-government bodies on the occupied territories shall be considered illegal.
2. Any act issued by the aforementioned bodies shall be considered nonexistent and they shall not bear any legal consequences.
3. .

#### **Article 9. Obligations of Georgian Authorities**

1. When the stipulations of the present Law are violated the Georgian authorities are obliged to use all mechanisms defined by Georgian legislation and International Law in order to pursue the legal interests and security of Georgia.
2. Georgian government is obliged to ensure that bilateral agreements are formalized with other contracting states so that those states use sanctions in accordance with their national legislations, against the side which violates the stipulations of the present Law.

#### **Article 10. Transitional Provision**

1. The Georgian government within a month after entering this law into force shall ensure adoption of all legal acts which are foreseen by this law and defines special regime on the occupied territories.
2. As derived from the Ceasefire Agreement made on 12 August 2008 this law shall be applicable on the following territories: village Perevi of Sachkhere Region, Qurta, Eredvi and Azhara municipalities and Akhagori Municipality.

#### **Article 11. Entry into Force**

1. The present Law shall take effect upon its publication.
2. The 1<sup>st</sup> sub-paragraph of the 5<sup>th</sup> article, 6<sup>th</sup> and 8<sup>th</sup> articles of the present Law shall extend on the relations that were established since 1990.
3. The legal regime indicated in the present Law shall be valid in the occupied territories till Georgian jurisdiction is fully restored on those territories.