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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**AMNESTY LAW
OF GEORGIA**

AND

**RESOLUTION OF THE PARLIAMENT
OF GEORGIA
ON THE PERSONS INCARCERATED AND PERSECUTED
ON POLITICAL GROUNDS**

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The Law of Georgia on Amnesty

Based on the principle of humanity, pursuant to the demand from society to restore justice, taking into consideration necessity to reduce number of inmates and conditionally sentenced persons and interest of public safety, by means of mechanisms of prevention of and control over criminal situation by state, the Parliament of Georgia hereby grants amnesty as a single, temporal and special measure.

Moreover, Bearing in mind current political-legal situation, the Parliament of Georgia, guided by the criteria determined by the Resolution #1900 (2012) of the Parliamentary Assembly of the Council of Europe, considers that politically persecuted persons currently exist in Georgia, hereby grant political amnesty by this Law.

Article 1. Person who, in the minor age, committed less grave crime prescribed by the Criminal Code of Georgia, except of crime which resulted in loss of life, shall be discharged from criminal responsibility and punishment.

Article 2. Punishment shall be halved for person, who has not been prosecuted for intentional crime previously and who, in the minor age, committed grave or/and most grave crime, except of the crime which resulted in loss of life.

Article 3. Person, who has not been prosecuted for intentional crime previously and who committed less grave crime prescribed by the Criminal Code of Georgia, except of crimes prescribed by the same Code listed below, shall be discharged from criminal responsibility and punishment.

Less grave crime which resulted in loss of life (Art.110; Art.111; Art.112; Art.113; Art.114; Art.115; Art.116; Art.118(2); Art.130(2); Art.133(3); Art.161(2); Art.170(2); Art.188(3); Art.220¹(2); Art.229¹(3); Art.238; Art.240(2); Art.281(2); Art.283(2); Art.289(2); Art.292(3); Art.293(4); Art.295(3); Art.297(3); Art.342(2); Art.342¹(2); Art.397(2); Intentionally grave damage to health (Art.117(1)); Crime against sexual freedom and inviolability (Art.139; Art.140; Art.141); Crime against human rights and freedoms (Art.142; Art.142¹(1-2); Art.143³(1); Art.144²; Art.144³(1); Art.146(1); Art.153; Art.154; Art.155; Art.156; Art.159(2); Art.160(3); Art.161(1); Art.162; Art.163; Art.164; Art.164¹; Art.164²; Art.164³; Art.166); Engagement of minor in anti-social activity (Art. 171(3)); Changeling of a baby (Art.174); Engagement in prostitution (Art.253(1)); Crime against state (Art.320(1); Art.321(1)); Malfeasance (Art.332(1-2); Art.333(1-2); Art.334; Art.335(1); Art.337; Art.339; Art.340; Art.341; Art.342); Disruption of justice and inquiry (Art.364(3-4)); Falsification of evidence in criminal case (Art.369¹(2)); Cover-up of crime (Art.375); Non-reporting of crime (Art.376); Crime against enforcement of court's orders (Art.378(2); Art.381(2)); Calling for aggressive war (Art.405).

Article 4. Punishment shall be reduced by one-third for woman, who committed grave or/and most grave crime prescribed by the Criminal Code of Georgia, except of crime which resulted in loss of life.

Article 5.

(1) Person, who committed reckless crime, except of crime prescribed by the Article 342 of the Criminal Code of Georgia and also crime, which resulted in loss of life, shall be discharged from criminal responsibility and punishment.

(2) Person, who committed reckless crime, which resulted in loss of life, shall be discharged from criminal responsibility and punishment if all substitutes of injured parties, during the

application of this law, will express consent, before the court or investigation, to apply amnesty act on this person.

In case if the substitute of injured party is deceased or can not be searched, abovementioned amnesty shall be applied to the person, prescribed by this Article, if all full-aged and legally capable family-members (father, mother, spouse, child) of the injured party express consent on this matter according to the rule prescribed by this Article.

Article 6. Person, who has not been prosecuted for intentional crime previously and who committed preparation or attempt of less grave or/and grave crime, shall be discharged from criminal responsibility and punishment.

Article 7. Punishment shall be halved for person, who has not been prosecuted for intentional crime previously and who committed preparation or attempt of most grave crime.

Article 8.

(1) Person, who committed crime prescribed by the Article 260, Article 261(3) or/and 261(4) of the Criminal Code of Georgia, shall be discharged from criminal responsibility and punishment if his/her omission is not qualified as a sale of narcotics, the analogy thereof, or precursor, psychotropic substance, the analogy thereof or powerful substance and at the same time if he/she is not prosecuted for intentional crime previously, except of drug-related crime prescribed by the Chapter XXXIII of the same Code, which also is not qualified as a sale.

(2) Person, who committed crime prescribed by the Article 273 of the Criminal Code of Georgia, shall be discharged from the criminal responsibility and punishment.

Article 9. Person, who has not been prosecuted for intentional crime previously and who committed crime prescribed by the Article 239(3) of the Criminal Code of Georgia, shall be discharged from criminal responsibility and punishment.

Article 10. Person, who committed crime prescribed by the Article 339¹ of the Criminal Code of Georgia, shall be discharged from criminal responsibility and punishment.

Article 11.

(1) Person, who committed crime prescribed by the Article 180 of the Criminal Code of Georgia, shall be discharged from criminal responsibility and punishment, if all injured parties or their substitutes during the application of this law, will express consent, before the court or investigation, to apply amnesty act on this person.

(2) In case if the substitute of injured physical person is deceased or can not be searched, abovementioned amnesty shall be applied to the person, prescribed by this Article, if one full-aged legally capable family-member (father, mother, spouse, child) of the injured party express consent on this matter according to the rule prescribed by this Article.

(3) In case of re-organization of injured legal entity, amnesty prescribed by this Article shall be applied if successor (substitute) legal entity will express consent on this matter and in case of liquidation – amnesty prescribed by this Article shall be enforced.

Article 12. Punishment shall be halved for the person, who committed crimes, prescribed by the following articles of the Criminal Code of Georgia: Art.182(2-3); Ar.200(2-3-4); Art.202(2); Art.203(3); Art.205¹(2); Art.208(2); Art.210(2); Art.214(2-3-4); Art.218(2); Art.236(3-4); Art.237(1); Art.239(3); Art.240¹(2-3); Art.276(4); Art.353(2); Art.370(2); Art.384(2); Art.389(1-2).

Article 13. Person, who committed crime prescribed by the Article 260 of the Criminal Code of Georgia, shall be discharged from criminal responsibility and punishment, if his/her omission, at the same time, is qualified pursuant to the Article 262 of the same code.

Article 14. Person, who committed crime prescribed by the Article 261 of the Criminal Code of Georgia, shall be discharged from criminal responsibility and punishment, if his/her omission, at the same time, is qualified pursuant to the Article 263 of the same code.

Article 15. Person, who committed crime prescribed by the Article 177 of the Criminal Code of Georgia, shall be discharged from criminal responsibility and punishment, if his/her omission, at the same time, is qualified pursuant to the Article 303 of the same code.

Article 16. Punishment shall be reduced by one-fourth for person, which does not fall under the scope of application of the Articles 1-15 of this Law.

Article 17. This Law shall be applied one by one to each punishment of a person, who has been sentenced/will be sentenced with punishment according to the collection rule, pursuant to the Article 59 of the Criminal Code of Georgia.

Article 18. Exception from criminal responsibility and punishment or/and reduce of punishment shall be equally and proportionally applied to real punishment as well as to conditional sentence and probation term, to major as well as additional punishment, except of fine and property confiscation.

Article 19. Without prejudice to the discharge from punishment, rights, deprived in accordance with the Law of Georgia on Fight against Drug-related Crime, shall be restored to the person, who falls under the scope of application of the Article 8 of this Law.

Article 20. This Law does not apply to the fine rendered/enforced as a punishment or/and property confiscation, also to fine imposed/paid for the breach of regime established by the Law of Georgia on Enforcement Rule of Non-prison Punishment and Probation.

Article 21. This Law applies to the person, who committed crime before October 2, 2012.

Article 22. Person, who has been granted status of politically imprisoned or politically persecuted person by the Resolution of the Parliament of Georgia, shall be discharged from criminal responsibility and punishment.

Article 23.

(1) Decision regarding amnesty for accused, prescribed by the Articles 1-21 of this Law, on the stage of investigation, shall be made by the relevant prosecutor.

(2) Decision regarding amnesty for accused or/and convicted, prescribed by the Articles 1-21 of this Law, on the stage of trial, shall be made by the relevant court.

(3) Decision regarding amnesty for convicted, prescribed by the Articles 1-21 of this Law, on the completed case, shall be made by the district (city) court, which made the very first decision. Relevant penitentiary entity, probation office or commander of the relevant military unit, within the two weeks period after entry into force of this Law, shall submit personal data of the convicted person - imprisoned or under probation – to this Court. But, in case of application of this Law to the wanted convicted, Prosecutor's Office of Georgia will apply to this Court within the same timeframe. The Court is authorized to review the issue of application of amnesty without oral hearing.

(4) Amnesty prescribed by the Articles 1-21 of this Law (except of Article 11 of the same Law) shall be enforced within the two months period after entry into force of this Law. Amnesty prescribed by the Article 11 of this Law shall be enforced within four months period after entry into force of this Law.

Article 24.

(1) Political amnesty, prescribed by the Article 22 of this Law, shall be enforced by the General Prosecutor's Office and by the Ministry of Correction, Probation and Legal Aid of Georgia within one week period after entry into force of this Law. Cancellation of the provisional enforcement measures or discharge from punishment of the politically persecuted persons, prescribed by the Article 22 of this Law, shall be occurred in the same timeframe.

(2) The General Prosecutor's Office of Georgia, based on this Law, shall apply to the relevant court with the petition on cancellation of enforcement measures with regard of the accused, politically persecuted person or brings to an end criminal persecution upon consent of the accused person, and petition on discharge from punishment of a convicted person shall be submitted to the district (city) court, which rendered last judgment.

Article 25. All those persons, who fall under the scope of application of the Amnesty Law, shall enjoy the right of fair trial during the hearing of their criminal cases.

Article 26. Decision regarding application of this Law may be appealed once by parties within the two weeks in the Criminal Cassation Chamber of the Supreme Court of Georgia. The Court reviews complaint without deciding issue of admissibility. The case shall be orally heard with participation of parties, within ten days after its submission.

Article 27. This Law shall enter into force upon its publication.

Chairman of the Parliament of Georgia
Kutaisi,
December 28, 2012
#202-rs

Davit Usupashvili

Resolution of the Parliament of Georgia

On the Persons Incarcerated or Persecuted on Political Grounds

On the basis of the list of the persons incarcerated or persecuted on political grounds presented, after having studied the relevant materials, by the "work group on the deliberation of issues relating to the persons incarcerated or persecuted on political grounds", created by the Human Rights and Civil Integration Committee of the Parliament of Georgia, and in accordance with the paragraphs a, c, d and e of the Article 3 of the N1900 Resolution (03/10/2012) of the Parliamentary Assembly of the Council of Europe,

The Parliament of Georgia states that:

1. Prisoners identified in the list of persons incarcerated on political grounds (Annex N1) approved by the Human Rights and Civil Integration Committee of the Parliament of Georgia shall be regarded as persons incarcerated on political grounds.
2. Persons identified in the list of the persons persecuted on political grounds (Annex N2) approved by the Human Rights and Civil Integration Committee of the Parliament of Georgia shall be regarded as persons persecuted on political grounds.
3. The Parliament of Georgia shall in the shortest period of time possible ensure the creation of legal instruments for the purposes of cessation of the criminal liability and termination of imprisonment and/or granting right of access to a fair trial to the persons described in paragraphs 1 and 2 of this Resolution.
4. The Ministry of Foreign Affairs of Georgia shall be tasked with communicating the aforementioned information to the International Community.
5. This Resolution shall come into force as of the moment of its approval.

Speaker of Parliament of Georgia

David Usupashvili

Kutaisi

5th of December 2012

Persons incarcerated on political grounds

1. ADUASHVILI Revaz – born on 29.11.1955
2. NEMSITSVERIDZE Mamuka - born on 01.01.1965
3. AMBARTSUMIAN Eduard – born on 10.06.1982
4. AREVADZE Tornike - born on 26.07.1975
5. AKHVLEDIANI Valerian – born on 10.02.1973
6. BERISHVILI Levan - born on 18.01.1979
7. BERADZE Zviad – born on 20.02.1967
8. BIBILURI Alexandre - born on 11.01.1980
9. GAMARJOBADZE Khvicha – born on 18.05.1981
10. GACHECHILADZE Givi - born on 01.08.1981
11. GOGALADZE Jurkha - born on 12.18.1985
12. GOGOLIDZE Levan – born on 04.01.1987
13. GOGALADZE Vasil – born on 17.04.1984
14. GOTSIRIDZE Koba - born on 03.01.1967
15. GRDZELIVANISHVILI Erekle - born on 09.01.1967
16. DAVITADZE Bejan – born on 08.05.1960
17. ERADZE Alexandre – born on 11.06.1965
18. ZAUTASHVILI Nikoloz - born on 26.09.1979
19. ZURASHVILI Shakria – born on 23.11.1964
20. KOBAURI Koba – born on 19.08.1960
21. MEPARISHVILI David – born on 05.11.1970
22. MUKHASHAVRIA Gocha – born on 16.17.1971
23. MEREBASHVILI Amiran – born on 16.04.1970
24. MANAGADZE Demur – born on 06.09.1989
25. PETRIASHVILI Beka – born on 07.05.1992
26. JGENTI Otari – born on 27.03.1987
27. JGENTI Teimuraz – born on 09.06.1952
28. SAMKHARADZE Zaza – born on 10.04.1962
29. SOLOMONIDZE Anzor – born on 10.12.1968
30. SALUKVADZE Gia – born on 06.11.1959

31. STURUA Bakhva – born on 11.05.1969
32. PARTENADZE Davit – born on 01.09.1969
33. SHUBITIDZE Akaki- born on 02.04.1984
34. CHIGHVINADZE Ivane – born on 08.01.1969
35. CHIKVILADZE Zaza – born on 08.12.1962
36. TCHEISHVILI Dimitri – born on 19.03.1987
37. KHUTSISHVILI Zurab -- born on 23.01.1964
38. DZIRKVDADZE Merab – born on 03.01.1972
39. SHENGELIA Mamuka – born on 10.07.1972
40. GORGADZE Merab – born on 12.07.1977
41. GORDELADZE Temur – born on 11.08.1977
42. ANANIDZE Tsotne – born on 08.01.1987
43. MOSIDZE Zurab – born on 11.03.1962
44. SHARASHENIDZE Gubaz – born on 12.06.1990
45. GOGITIDZE Gedevan – born on 29.11.1971
46. KVELADZE Badri – born on 10.03.1968
47. KIKVIDZE Davit – born on 30.04.1977
48. KESHELAVA Oleg – born on 06.04.1951
49. GOGUADZE Nikoloz – born on 06.01.1980
50. CHARKVIANI Varlam – born on 14.04.1963
51. SISAURI Makhare - born on 12.08.1973
52. TSILIKASHVILI Mikheil – born on 06.04.1940
53. MAISURADZE Mikheil – born on 16.03.1958
54. GVIMRADZE Zaza – born on 26.08.1965
55. AGHAJANASHVILI Giorgi -- born on 24.03.1976
56. BEROSHVILI Giorgi – born on 08.10.1973
57. GURULI Boris – born on 15.01.1971
58. TODADZE Kakhaber – born on 12.07.1976
59. TSAMBAIA Teimuraz – born on 01.09.1969
60. CHITREKASHVILI Davit – born on 25.01.1968
61. CHITREKASHVILI Zurab – born on 07.07.1964
62. GUNDIASHVILI Jemal – born on 17.04.1966
63. SHUKAKIDZE Davit – born on 11.03.1963
64. BESELIA Mamuka – born on 13.09.1972
65. GELASHVILI Zurab – born on 07.06.1972
66. TUTARASHVILI Davit – born on 18.01.1980
67. CHIGOGIDZE Badri - born on 12.09.1967
68. CHIGOGIDZE Bakar – born on 14.12.1968
69. CHARBADZE Irakli – born on 16.05.1969
70. GHVALADZE Ramaz – born on 10.02.1968
71. SURAMELASHVILI Jemal – born on 10.01.1967
72. MAISURADZE Merab – born on 11.04.1964

73. LOMIDZE Konstantine –born on 15.06.1966
74. DOLIDZE Levan – born on 25.07.1982
75. JOKHADZE Andro – born on 26.12.1985
76. GORGASHVILI Shota –born on 07.07.1965
77. POTSKHVERASHVILI Besik – born on 13.04.1971
78. JATCHVADZE Zviad – born on 20.12.1972
79. TOPURIDZE Irakli – born on 25.04.1959
80. BEGOIAN Aleksandre – born on 16.01.1987
81. GRIGALASHVILI Beka – born on 21.05.1976
82. BIBILASHVILI Nikoloz – born on 06.08.1982
83. MIKADZE Zurab – born on 21.09.1963
84. MURJIKNELI Zaza – born on 05.08.1975
85. SABASHVILI Vano – born on 27.11.1974
86. SAGINASHVILI Vaja – born on 17.09.1970
87. SAGINASHVILI Imeda – born on 27.01.1975
88. OTANADZE Koba –born on 29.09.1967
89. KHOKHASHVILI Paata – born on 28.07.1967
90. BZISHVILI Zurab – born on 25.10.1965
91. SAMADALASHVILI Zurab – born on 22.12.1965
92. JOLDORDI Kakha – born on 19.05.1970
93. DVALI Kakha – born on 25.06.1969
94. AMIRIDZE Levan – born on 21.04.1977
95. KHUTSURAULI Vaja – born on 21.02.1977
96. NADIRADZE Marlen – born on 27.11.1977
97. NAOTCHASHVILI Teimuraz – born on 22.06.1968
98. TSURIASHVILI Simon –born on 06.11.1970
99. KHAREBAVA Zviad – born on 06.10.1973
100. GRDZELIDZE Davit – born on 30.08.1980
101. BABILODZE Joni - born on 12.03.1971
102. ADAMIA Dimitri - born on 06.10.1973
103. GEVORKIAN Armen – born on 09.02.1971
104. GALOGRE Rusudan – born on 05.12.1948
105. SHIKOIAN Ruben – born on 13.06.1964
106. SKRILNIKOV Iuri – born on 29.09.1948
107. ABDULAEV Eduard – born on 12.09.1963
108. MESKHIDZE Davit – born on 02.08.1967
109. KIGHURADZE Bakur – born on 25.01.1955
110. ABASHIDZE Tariel – born on 04.12.1976
111. KAKABADZE Gela – born on 06.04.1975
112. PLUJNIKOV Viacheslav – born on 06.08.1974
113. DIASAMIDZE Gocha - born on 28.08.1975
114. BERIASHVILI Tamaz – born on 25.06.1962

115. IAMANIDZE Shota – born on 28.04.1986
116. MEREBASHVILI Fridon – born on 26.07.1976
117. MAKHARASHVILI Vaja – born on 01.04.1972
118. GIGUASHVILI Galaktion - born on 10.09.1976
119. JANJALASHVILI Nikoloz - born on 04.11.1980
120. CHIKHLADZE Jimsher – born on 29.10.1984
121. CHIKHLADZE Giorgi – born on 01.01.1972
122. MACHARASHVILI Khvicha – born on 06.08.1975
123. JARMELASHVILI Davit – born on 01.08.1966
124. MAKARIDZE Zaur – born on 15.06.1967
125. KOBAKHIDZE Zaza – born on 05.11.1974
126. MUMLADZE Revaz – born on 07.01.1973
127. ANJAPARIDZE Teimuraz - born on 28.01.1985
128. SAJAJIA Zurab - born on 07.07.1984
129. APKHAIDZE Shota –born on 17.12.1981
130. BLIADZE Zviad – born on 26.02.1984
131. CHACHUA Levan - born on 21.04.1971
132. SHALAMBERIDZE Davit – born on 12.05.1986
133. GABEDAVA Giorgi – born on 02.04.1991
134. MAISURADZE Rati – born on 22.04.1983
135. GURCHIANI Jaba – born on 22.01.1992
136. ZUMBADZE Avtandil – born on 18.02.1985
137. VACHNADZE Melor – born on 09.06.1985
138. JVANIA Zaal –born on 09.01.1954
139. GOGINASHVILI Shalva – born on 21.12.1986
140. GOGICHAISHVILI Levan – born on 13.04.1981
141. JVANIA Luarsab - born on 17.12.1979
142. DARASELIA Akaki –born on 12.09.1985
143. GORGIASHVILI Levan – born on 05.09.1977
144. GORGIASHVILI Beso- born on 29.07.1976
145. MASURASHVILI Vakhtang – born on 10.04.1965
146. CHALAUARI Tedore – born on 06.08.1972
147. NEPARIDZE Zura- born on 14.05.1964
148. SULADZE Dimitri – born on 17.04.1970
149. KVEZERELI Nikoloz – born on 07.02.1973
150. KHAINDRAVA Kakha – born on 29.09.1976
151. JIKIA Joni –born on 25.05.1973
152. TAVSHARADZE Jumber – born on 23.04.1978
153. JORDANIA Guram – born on 20.07.1968
154. AKHALKATSI Giorgi -born on 18.10.1982
155. BLIADZE Pavle – born on 31.12.1962
156. GVELUKASHVILI Malkhaz –born on 27.10.1957

157. GOGICHAISHVILI Giga –born on 02.06.1991
158. GOGLICHIDZE Giorgi – born on 05.09.1976
159. DEVRISHADZE Pridon – born on 16.12.1974
160. DEMETRADZE Giorgi – born on 26.09.1976
161. ZAVRASHVILI Giorgi – born on 15.04.1973
162. ZEREKIDZE Giorgi – born on 01.08.1991
163. TKHELIDZE Nana – born on 25.09.1961
164. LEONIDZE Jemal- born on 05.05.1960
165. MAISAIA Vakhtang – born on 28.08.1972
166. MAMEDOV Kazanpar – born on 04.10.1979
167. MOLASHVILI Tornike – born on 08.01.1972
168. MURMANISHVILI Taniel – born on 18.08.1969
169. RAMAZASHVILI Luka – born on 25.01.1963
170. RATISHVILI Merab – born on 16.05.1959
171. SAGHINADZE Batu – born on 20.04.1937
172. TATISHVILI Davit – born on 15.02.1963
173. KEINISHVILI Zaza – born on 24.10.1969
174. SHALIKIAN Zurab – born on 17.10.1988
175. CHKHENKELI Lasha – born on 23.05.1985
176. TSITELASHVILI Tristan – born on 07.01.1964
177. CHUMBURIDZE Aleksandre – born on 25.09.1968
178. KHVINTELIANI Besarion – born on 09.05.1954
179. ALIMBARASHVILI Davit- born on 05.12.1972
180. PARESHISHVILI Mamuka – born on 13.09.1966
181. SHINJIKASHVILI Zviad – born on 23.06.1966
182. KVELASHVILI Ivane – born on 09.01.1976
183. SVANIDZE Paata - born on 07.04.1962
184. LONDARIDZE Davit – born on 28.02.1969
185. GORELASHVILI Giorgi – born on 03.09.1955
186. CHAPLINIGI Sergei- born on 21.03.1956
187. EKVTIMISHVILI Givi- born on 05.12.1972
188. GVELESIANI Shalva – born on 25.04.1986
189. DALAKISHVILI Ilia- born on 24.08.1972
190. BACHIASHVILI Davit – born on 07.10.1963

Appendix N2

Persons persecuted on political grounds

1. KADAGISHVILI Giorgi – born on 26.02.1980
2. ARCHUADZE Genadi – born on 08.04.1962
3. GIORGOBIANI Bidzina – born on 08.12.1963
4. NASKIDASHVILI Gela- born on 28.12.1965