

- La loi du 8 février 1995 qui a allongé les délais de prescription de l'action publique et de la peine en matière criminelle (30 ans) et en matière correctionnelle (20 ans);
- La loi du 22 juillet 1996 qui a pour l'essentiel complété la liste des infractions susceptibles d'être qualifiées d'actes de terrorisme, en créant les infractions spécifiques d'association de malfaiteurs terroriste;
- La loi du 30 décembre 1996 qui a permis, sous certaines conditions, les perquisitions de nuit.

## XVII. GEORGIA <sup>54</sup>

### 1. CRIMINAL CODE

#### Chapter XXXVIII. Terrorism

##### *Article 323. Terrorist act*

1. A terrorist act, i.e., an explosion, setting fire, use of weapons or any other act which threatens a person's life, which may cause substantial property damage or any other grave result and which violates public security or the strategic, political or economic interest of the State, committed with a view to threatening the population or influencing public authorities, shall be punishable by imprisonment for five to ten years.

2. The same act, committed:

- (a) In a group;
- (b) Repeatedly;
- (c) By the use of weapons of mass destruction,

shall be punishable by imprisonment from eight to twelve years.

3. Acts envisaged by paragraphs 1 and 2 of this article which unpremeditatedly caused death or any other grave results shall be punishable by imprisonment for ten to seventeen years.

Acts envisaged by paragraphs 1 and 2 of this article which caused death or had any other grave effects shall be punishable by imprisonment for fifteen to twenty years or by imprisonment for life.

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<sup>54</sup> Transmitted to the Secretariat by that Government on 22 May 2000. Unofficial translation.

Note: If a person who has taken part in the preparation of a terrorist act endeavours to prevent that terrorist act by the timely warning of authorities or by any other means, and if there are no elements of any other crime in his/her action, that person shall be released from responsibility.

*Article 324. Technological terrorism*

Technological terrorism, i.e., the use or threat of use of nuclear, radiological, chemical or bacteriological (biological) weapons or components thereof, pathogenic micro-organisms, radiological or other substances posing a danger to human health, including seizure of the object embodying nuclear, chemical or extensive technological or ecological danger, which violates public security or the strategic, political or economic interest of the State, committed with a view to threatening the population or influencing public authorities, shall be punishable by imprisonment for eight to fifteen years.

*Article 325. Assault on a political official of Georgia*

Infringement of the life, health or property of the President of Georgia, other political official or family member thereof, in connection with his State activity, shall be punishable by imprisonment for seven to twenty years or by imprisonment for life.

*Article 326. Assault on a person or agency enjoying international protection*

An assault on the representative of a foreign country or an officer of an international organization or on their working or living assets or vehicles, as well as infringement of the life, health or property of members of their family, for political motives or with the aim of complicating international relations, shall be punishable by imprisonment for seven to twenty years or by imprisonment for life.

*Article 327. Founding of a terrorist organization, its administration or participation therein*

1. The founding of a terrorist organization or the administration thereof, shall be punishable by imprisonment for seven to fifteen years.
2. Participation in a terrorist organization shall be punishable by imprisonment for five to ten years.

*Article 328. Joining the terrorist organization of a foreign country or joining or supporting such an organization which is under foreign control*

Joining the terrorist organization of a foreign country, or joining or supporting the activity of such an organization which is under foreign control, shall be punishable by imprisonment for seven to fifteen years.

*Article 329. Taking a hostage on terrorist grounds*

1. Taking a hostage on terrorist grounds, i.e., with a view to impelling State authorities or an international or religious organization to carry out certain actions or omissions, as a condition for the release of a hostage, shall be punishable by imprisonment for seven to thirteen years.

2. The same act committed:

- (a) Against a political official of Georgia or his/her family member;
- (b) Against an official foreign representative or a person having international protection;
- (c) By a group;
- (d) Repeatedly;
- (e) By a terrorist organization,

shall be punishable by imprisonment for eight to fifteen years.

3. Acts envisaged in paragraphs 1 and 2 of this article which caused death or had other grave effects shall be punishable by imprisonment for twelve to twenty years.

Note: If after taking a hostage, within a period of 72 hours, the criminal, on his own volition or by demand of official authorities, releases the hostage without the fulfilment of a condition for the release of the hostage, he/she shall be discharged from criminal responsibility, if there are no elements of any other crime in his/her action and there is no appeal from a victim.

*Article 330. Seizure of an object having strategic or particular importance or its blockage on terrorist grounds*

1. Seizure of an object having strategic or particular importance or its blockage on terrorist grounds shall be punishable by imprisonment for eight to fifteen years.

2. Any act envisaged in paragraph 1 of this article which caused death or had other grave effects, shall be punishable by imprisonment for twelve to twenty years or by imprisonment for life.

*Article 331. Giving false evidence on terrorism*

The giving of false evidence on terrorism shall be punishable by a sentence of penal or reformatory work for one to two years or strict isolation from society for a maximum of three months or imprisonment for a maximum of three years.