

2011-2012 National Report of Georgia on the Implementation of the 1954 Hague Convention and its two Protocols

I. The 1954 Hague Convention

1. Article 3 – Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

Have you undertaken such measures?

YES:

NO:

If yes, please provide more specific information.

The Ministry of Culture and Monument Protection of Georgia and its subordinate body, the National Agency for Cultural Heritage Preservation of Georgia, take care of cultural properties on the national territory in times of peace as well as in the event of armed conflict.

The peacetime measures include the inventory of cultural heritage, listing of properties, applying protection zones, elaboration of conservation and management plans, and collection of data in the national cultural heritage database.

Based on information provided by the Ministry of Culture and Monument Protection of Georgia (the list of cultural heritage monuments), Georgian Armed Forces have implemented measures of safeguarding cultural property by considering the cultural heritage monuments in exercise planning and execution process (map symbols, higher commanders' instructions).

1.1 Forms of Immovable Heritage Protection

The Georgian legislation defines two mechanisms for protection of cultural heritage objects (a) initial (temporary) and (b) permanent protection through granting the status of the Cultural Heritage Property or Listed Property status.

Initial (temporary) protection is applied when the heritage object is being discovered. In such a case the founder is obliged to inform the Ministry of Culture and Monument Protection about the finding. The Ministry is responsible to assess the discovered object and, in case the cultural-historic value of an object is confirmed, to inscribe the object in the List of Cultural Heritage Properties. The object can be inscribed in this list for the period up to six months. This period can be extended only once for another six month. This period gives the experts the possibility to study the object more in details in case the existing material evidence is not sufficient for granting the Listed Property status. After this period the object is either granted the Listed Property status or taken out from the List of Cultural Heritage Properties.

The permanent protection is granted by the decree of the Minister of Culture and Monument Protection on the basis of the advice of the Cultural Heritage Council. Among other provisions the protection regime implies the establishment of the individual protection zone, corresponding areas and regulations which aim to preserve the setting of the monument which contributes to its historic,

cultural and other values. It is important that while being inscribed in the list of Cultural Heritage Properties an object enjoys the same protection regulations as the Listed Property.

Designation Criteria

A cultural property may be listed when it has a proved historic and cultural significance linked with its authenticity, uniqueness or age (Law on Cultural Heritage, art.15). Authenticity, uniqueness and age are the ultimate factors to define the significance of a cultural asset and to grant the status of a monument. The topographically identifiable groups of buildings or structures may also be listed as complex objects (ibid. art 3).

The presence of a monument, as defined above, is the ultimate criterion for designation of the General and Individual Protected Zones. The area of an immovable listed property can be defined as a plot of land registered with a property or, in case of absence of the land register, an area occupied by the listed property (ibid, art. 3 (r)).

Designation Authority

According to the national legislation the Minister of Culture and Monument Protection is entitled to assign a Listed Property status to the historically or culturally significant object. As an exception, on the territory of the capital city of Tbilisi the responsibility for granting the monument status, listing and delisting the cultural heritage properties is handed to the Government of Georgia, which takes decisions on the basis of proposals made by the Ministry of Culture and Monument Protection.

Hierarchy and Classification of Cultural Heritage Listed Properties

According to the Law of Georgia on Cultural Heritage, listed property can be granted the grade of national significance by the President of Georgia if it has the special historic and cultural value. A listed property of national significance can be nominated by the President for inscription in the List of World Heritage Sites. Thus there can be distinguished three steps in the hierarchy of listed properties (1) listed property (2) listed property of national significance (National monument) (3) listed property of international significance (World Heritage Site).

The protection regulations are stricter for the listed properties of national significance and World Heritage Sites than for listed properties without such a grade. For example, protection zones are more extensive for national monuments and World Heritage Sites, their privatization is not allowed by the law, etc.

The Law on Cultural Heritage defines the following types of immovable listed properties:

- Archaeological (cultural stratum, underwater and underground remains of more than 100 years);
- Architectural (buildings and ensembles, castles, cult buildings, etc.);
- Engineering (bridges, tunnels, canals, aqueducts, etc);
- Urban (unity of urban structures, street networks);
- Parks and gardens (urban or rural historic parks and gardens);
- Palaeographic;
- Monumental painting (frescos, wall paintings, mosaics, etc);
- Memorial (linked with the historic event of a person);
- Fine arts;
- Ethnographic;
- Documental (publications, manuscripts, etc);
- Property linked with the development of science and technology.

Any intervention on or use of the listed property which diminishes its historic and cultural value, damages and endangers it, affects its authenticity and prevents its interpretation is prohibited by the Law.

1.2. Cultural Heritage Protection Zones

The system of protection zones provides specific tool for territorial protection of immovable cultural heritage.

The Law of Georgia on Cultural Heritage defines a cultural heritage protection zone as:

“A territory around immovable monuments or the area of their abundance, where the specific regime of exploitation is applied and the aim of which is to protect monuments from adverse impact” (Law on Cultural Heritage, Art.3).

This is the broad concept under which two types of protection zones are distinguished:

- a) Individual Protection Zone is a statutory territory around monument, which ensures its protection from adverse impacts. It is made up of Physical and Visual Protection Areas. The first corresponds to an immediate area surrounding a monument; the latter - to a wider landscape, views, panoramas and vistas.

Individual Protection Zones are automatically established from the moment of listing. The statutory radius of a Physical Protection Area is defined as twice the maximum height of a monument, but no less than 50m (Law on Cultural Heritage, art. 36 (2)). The statutory radius of a Visual Protection Area varies according to the category of a monument and the location in rural or urban setting: the monuments located in urban areas are protected with a Visual Protection Area of 150m from its outer contour, the Visual Protection Area of the monuments of national importance is 250m, these distances double in rural areas and are respectively 300m and 500m. The World Heritage Sites enjoy the greatest degree of protection with 1000m Visual Protection Area (Law on Cultural Heritage, art.36 (4)).

- b) General Protection Zones may be established according to the type of a protected cultural asset – be it a historic settlement, archaeological area or landscape.

General Protection Zone may be the following:

- Historical Built-up Area Protection Zone: a territory, where there is a dense concentration of monuments and other properties of cultural significance and the authenticity and integrity of the street network, the planning pattern and morphology of the built fabric is preserved.
- Built-up Area Regulation Zone: an additional layer of protection for any other Individual or General Protection Zone, or as a territory, where there are fragments of authentic street network, historic setting and planning pattern, and/or single monuments and other properties of cultural significance preserved.
- Historical Landscape Protection Zone: an urban or rural territory of historic, cultural and aesthetic significance, which had been formed as a combined work of man and nature, or which represents the traditional natural setting of a monument.
- Archaeological Protection Zone: the territory where archaeological findings are identified or observed.

The sophisticated hierarchy of zones makes the purpose of designation more specific and sets out what could be the justification in each case of designation – for example, the proportion of authentic historic fabric preserved, concentration of monuments and presence of historically evolved landscape.

The Law on Cultural Heritage of Georgia allows overlapping of Individual and General Protection Zones, which means that Individual Protection Zones remain in force after designation of General Protection Zones.

The General Protection Zones are designated by the Government (the Cabinet of Ministers) following the submission of the Minister of Culture and Monuments Protection. Consultation with relevant local authorities is obligatory.

The Individual Protection Zones are established automatically at the time of listing of a monument and can be enlarged by the decree of the Minister of Culture and Monument Protection if it is deemed to be necessary for the protection of a monument.

The cultural heritage protected zones are enforced by the Law on Cultural Heritage. The issue of territorial protection is also covered by environmental legislation (Law on Protected Territories, 1996), which introduces a category of Protected Landscape as an area evolved over time under anthropogenic factors. By definition Protected Landscapes stand close to the concept of a Cultural Landscape present in international and European treaties (e.g. European Landscape Convention, World Heritage Convention). A Historical-Cultural Zone is also present as a component of a National Park, although apart from a broad statement of purpose there is no specific protection regime defined.

The Law on Cultural Heritage requires the consideration of cultural heritage monuments and their protection zones in town and country planning documentation (art 42.8), so does the Law on the Principles of Spatial Organization and Town Planning (art 30.9) and its subordinate acts (see section 2.8).

1.3 Recording and Registration Tools

The Law on Cultural Heritage defines the following instruments for identification and registration of immovable heritage:

- The List of Cultural Heritage Objects;
- The Registration Card of an immovable object/listed property;
- The State Register of Listed Properties;
- The Certificate of Immovable Listed Property.

The registration documentation is processed by the Department for Cultural Heritage Strategy, Coordination and Permissions at the Ministry of Culture and Monument Protection.

The List of Cultural Heritage Objects is a tool for the Immediate/temporary protection of cultural heritage objects. From the moment of inscription in this list an object becomes the subject of same legal regulation as of the immovable listed property. The List contains the following information: number, name, address/location and additional information if necessary for identification of the object.

The Registration Card of an immovable cultural heritage object/listed property is a statutory annex to the resolution of the Minister on granting the status of a listed property or inscription in the list of cultural heritage objects. It contains basic information for identification of the property.

In a month's period from adopting the resolution on granting the status of a listed property or its cancellation the information is to be reflected in the State Register of Listed Properties.

The Certificate of a listed property is a document adopted through the legal act of the Minister of Culture, Monument Protection and Sport. It contains information from the Registration Card and also the scientific and research information on the property including the cartographic and cadastral information, plan of the protected zone, graphic documentation of a building, etc.

The forms of the abovementioned documents is based on the standard recommended by the Council of Europe for documenting cultural heritage, namely on the Core Data Index on historic buildings and architectural monuments. The same time the format of the document is adapted to the cultural heritage digital database which is being developed by the Ministry of Culture and Monument Protection and the National Agency.

Comprehensive Inventory

The Comprehensive Inventory is a method defined by the law for collecting information on historic settlements and historic centres of the towns. It implies collecting basic information required by the Registration Card on every immovable property in the area and processing the data in GIS database.

The Information Systems in Cultural Heritage Management

As the experience and volume of the digitalized information has been steadily growing in the recent years, the need to systematize the information and create an integrated information system for data storage, processing and updating became evident. In 2005-2007 thanks to the financial assistance of the Development and Reform Fund of Georgia and UNDP the Ministry of Culture and Monument Protection launched a project for creation of the unified information system in the field of cultural heritage. The works were continued in 2012 in the framework of the co-operation agreement with the Norwegian Directorate for Cultural Heritage. The model of the system being elaborated aims to integrate the different information on cultural heritage (protected zones, immovable and movable listed properties, museum-reserves, etc.) and allow external links to similar systems of different related institutions, e.g. Public Registry and State Customs Office. The integrated information system represents one of the key instruments for management and planning in the field of cultural heritage.

On September 2, 2005, the government of Georgia passed the Resolution on the Rules of the Issue of Permits for Execution of Works on Monuments of History and Culture and Archaeological Digs.

Hence, work carried out with respect to historical and cultural monuments is regulated at state level. The Law on State Control of Architecture and Construction Activity provides requirements for receiving permission. State supervision of compliance with the terms of permits/requirements in the heritage field is undertaken by the MCM.

The Law on Museums was passed in June 22, 2001. It determines categories of museums, regulates non-state involvement in museum activity and determines the rights and obligations of legal and natural persons. In line with this law, the MCM has developed Instructions on Accounting and Protection of Museum Objects in Georgia. This document is not a statutory act, but a manual for protection and accounting and restoration of museum objects.

The Law on Import-export of Cultural Objects was adopted in June 22, 2001. It determines the issuance of a special permission for importing and exporting cultural objects. Violation of the abovementioned rule qualifies as a criminal offense and gives ground to the criminal responsibility.

Moreover, draft National Action Plan of Implementation of IHL contains provision regarding harmonization of relevant national legislative acts to the Convention, therefore GoG is committed to study and amend all internal laws in the sphere of cultural heritage in order to bring them in compliance with the Convention.

2. Article 7 – Military Measures (in peace time)

This Article provides for the obligations of the High Contracting Parties to introduce into their military regulations or instructions provisions that may ensure observance of the Convention, as well as to plan or establish within their armed forces services or specialists whose purpose will be to secure respect for cultural property.

(i) Have you introduced such provisions into your military regulations and instructions?

YES:

NO:

If yes, please provide more specific information.

Monuments protection issues are included in the rules of engagement. Each brigade's HQ has a CIMIC officer whose responsibility is to provide the commanders with the information about the cultural monuments in the AOR, on the exercise/operation planning phase.

(ii) Have you created such services or appointed specialists in your country?

YES:

NO:

If yes, please provide more specific information.

Civil-Military Affairs branch is functioning in Georgian Armed Forces Joint Staff which is responsible for coordination of the mentioned issues with subordinated units and other than MOD governmental organizations, particularly with Ministry of Culture and Monument Protection of Georgia.

3. Chapter V – The distinctive emblem

Do you mark cultural property with the distinctive emblem of the Convention?

YES:

NO:

If yes, please provide more specific information.

In 2012, under the Article 16 of the Convention the State Party marked 19 immovable cultural properties with the distinctive emblem of the Convention situated in the adjacent territories of occupied Tskhinvali Region and Abkhazia, Georgia.

If not, please state the reasons you have not done so.

4. Article 25 – Dissemination of the Convention

Knowledge of the laws of armed conflict is of capital importance for the civilian and military personnel required to apply them. Have you disseminated the provisions of the Convention within armed forces as well as among target groups and the general public?

YES:

NO:

If yes, please provide more specific information.

The National Committee of the International Committee of the Blue Shield has been recently established in Georgia which aims to facilitate intergovernmental cooperation in implementation of the convention and its protocols, to achieve raised public awareness about the convention and to establish a nationwide Blue Shield movement of trained volunteers.

Within joint initiative of two EU funded projects "Regional Cooperation for Cultural Heritage Development" and "War Free Heritage Listed Cities" Awareness Raising seminars were held for students of Mtskheta secondary schools. Seminar topics covered information on the provisions of Hague Convention and it's both protocols

The Academy of the Ministry of Internal Affairs of Georgia has elaborated special human rights courses that also include the core issues of international humanitarian law.

The following studies are available in the Ministry of Internal Affairs' Academy:

- Proportionate use of force;
- Protection of life and health of non-combatants during the armed conflicts;
- Non-use of force against the civilian infrastructure objects;
- Basic methods of carrying out security operational activities.

Moreover, a special group has been formed at the Academy of the Ministry of Internal Affairs of Georgia, which ensures the preparation of curriculum and course materials. Starting from spring 2014 the new updated curriculums will be introduced in the Ministry of Internal Affairs' Academy, which will be more thoroughly cover core aspects of International Humanitarian Law.

National Inter-Agency Commission on the Implementation of International Humanitarian Law was established on October 31, 2011 when the Governmental Decree No. 408 of October 28, 2011 entered into force.

The Commission a Standing Inter-Ministerial Body set up to implement, ensure respect International Humanitarian Law and coordinate the work of different entities in this field. It is composed of deputy ministers of the key ministries and representatives from the National Security Council of Georgia as well as the Parliament of Georgia.

Main objectives of the Commission are to prepare and present advisory opinions to the Government of IHL issues; to present proposals to the President of Georgia on the issue of acceding to IHL treaties; to prepare and present proposals to the Government of Georgia in order to ensure compliance of Georgian legislation with international obligations undertaken by Georgia in the field of IHL; to promote dissemination of IHL programmes and various educational activities in cooperation with the International Committee of the Red Cross; to report on national achievements to the International Conference of the Red Cross, the UN Secretary General and the meetings of National Committees for IHL.

The Commission meets at least once in every six months and is authorized to prepare and submit to the Government of Georgia proposals on compliance of Georgian legislation with its international obligations under IHL treaties; hear reports of the relevant officials on the IHL implementation matters; receive information, documentation and other relevant data from concerned agencies within its competence; draft and adopt the implementation action plan and annual reports.

Inter-agency Commission for the Implementation of International Humanitarian Law elaborated the draft of 2013-2015 IHL National Action Plan. In order to disseminate IHL, Ministry of Justice of Georgia in close cooperation with ICRC organizes annual IHL national competition. Teams composed of three law students from different universities participate in competition. Ministry of Justice organizes trainings for the selected students. Apart from this, Inter-agency Commission in close cooperation with ICRC promoted translation of IHL related scientific literature. Students of high school pass optional course in IHL, which implies study of the general rules of armed conflict including rules concerning protection of cultural heritage in armed conflict.

In addition, work – with regard of dissemination of IHL principles and namely principles of the Convention – is still ongoing within the framework of the Commission. Draft action plan provides spread of IHL in pre-identified target groups, such as: military, medicine workers, journalists, pupils, students etc. Government of Georgia intends to disseminate information on the requirements of the Convention within the military through training courses on IHL and through publications (defense doctrines, manuals and defense force publications) and to organize seminars, workshops, conferences and symposiums.

International Red Cross provides courses for military and civilian personnel of Ministry of Defense of Georgia and Armed Forces in Law of Armed Conflicts and the Hague Conventions. As well in accordance with the Decree of the Minister, the law of armed conflict is included as a separate discipline in combat training program of Georgian Armed Forces. This five-day course is held annually four times a year for the military personnel. Since 2001 36 courses have been held and 450 military personnel have been prepared. The law of armed conflict is included in the training program of Defense National Academy. J-3 Operational Department implements the integration of International Humanitarian Law in the operations planning and implementing process.

If not, please state the reasons you have not done so.

5. Article 26(1) – Official translations

To date, the Secretariat has received 32 official translations of the Convention and of the Regulations for its execution (Arabic, Azerbaijani, Bulgarian, Burmese, Cambodian, Chinese, Czech, Danish, Dutch, Estonian, Finnish, German, Hebrew, Hungarian, Greek, Italian, Japanese, Kyrgyz, Latvian, Lithuanian, Montenegrin, Nepali, Norwegian, Persian, Polish, Romanian, Serbo-Croatian, Slovak, Slovenian, Swedish, Thai, and Turkish).

Have you officially translated the Convention and the Regulations for its execution?

YES:

NO:

If yes, could you please provide the Secretariat with an electronic copy of the translation, if you have not already done so?

The text of the convention is officially translated into Georgian.

6. Article 28 – Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the Convention.

Have you introduced this provision into your penal code?

YES:

NO:

If yes, please provide more specific information.

If yes, we would be grateful if you could kindly provide the Secretariat with a copy of the relevant provision(s) in English or French.

Violation of the rules for protection of the cultural heritage is sanctioned in the Criminal Code of Georgia. A separate chapter is dedicated to the offenses, such as: illegal export/import of the monument of cultural heritage; illegal archaeological digs; destruction of a monument of cultural heritage; In addition to that, damaging or destroying the monuments of cultural heritage during the armed conflict amounts to the war crime.

The Criminal Code of Georgia (Chapter XXXII², Article 259⁵) defines responsibilities for damage, destruction or theft of movable cultural heritage, damage or destruction of immovable cultural heritage, use of immovable heritage sites for military operations or carrying out an attack on such heritage sites in the event of armed conflict. In these cases the Criminal Code provides imprisonment from 5 to 10 years.

Moreover, the Criminal Code envisages sanctions for illegal archaeological works, damage and destruction of cultural heritage properties, violation of regulations of cultural heritage protection zones and provides fines or imprisonment up to 2 years.

In addition to that, the State Party has other sanctions in the field of cultural heritage. According to the Law on Administrative Infringements a person violating the rules in the fields of town planning, environmental and cultural heritage protection is to be punished and sanctioned. The major sanction is a fine, although the officials, physical persons and legal entities are sanctioned in different ways. A person who violates the conditions of construction permit, rules of maintenance of a listed property, etc. shall be given a notice or a fine equal to five times a minimum amount of a salary. This amount shall be tripled every six month if the conditions of a fine are not eliminated. Apart from the fine a person may be required to reimburse the costs necessary to restore the damage caused by the violation.

II. Resolution II of the 1954 Conference

Have you established a national advisory committee in accordance with the wish expressed by the Conference in Resolution II?

YES:

NO:

If yes, please provide more specific information.

Is such a committee a part of the national commission on the implementation of international humanitarian law?

YES:

NO:

III. 1954 (First) Protocol (to be filled in only by the High Contracting Parties party to the 1954 Protocol):

The Protocol provides for the obligation of the High Contracting Parties to prevent the exportation of cultural property from a territory occupied by it and requires the return of such property to the territory of the State from which it was removed.

Have you complied with this provision? In particular, have you implemented its provisions in your national legislation?

YES:

NO:

Have you have taken into custody cultural property imported into your territory from an occupied territory?

YES:

NO:

If yes, please provide more specific information, including what steps you have taken to return this property at the close of a conflict.

IV. The 1999 Second Protocol (to be filled in only by the States party to the 1999 Protocol):

1. General provisions

(i) Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing concrete examples of peacetime preparatory measures, such as the preparations of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

Have you undertaken these preparatory measures?

YES:

NO:

If yes, please provide more specific information.

The Law on Cultural Heritage defines the following instruments for identification and registration of immovable heritage:

- The List of Cultural Heritage Objects;
- The Registration Card of an immovable object/listed property;
- The State Register of Listed Properties;
- The certificate of immovable listed property.

The registration documentation is processed by the Department for Cultural Heritage Strategy, Coordination and Permissions at the Ministry of Culture and Monuments Protection.

The List of Cultural Heritage Objects is a tool for the Immediate/temporary protection of cultural heritage objects. From the moment of inscription in this list an object becomes the subject of same legal regulation as of the immovable listed property. The List contains the following information: number, name, address/location and additional information if necessary for identification of the object.

The Registration Card of an immovable cultural heritage object/listed property is a statutory annex to the resolution of the Minister on granting the status of a listed property or inscription in the list of cultural heritage objects. It contains basic information for identification of the property.

In a month's period from adopting the resolution on granting the status of a listed property or its cancellation the information is to be reflected in the State Register of Listed Properties.

The Certificate of a listed property is a document adopted through the legal act of the Minister of Culture, Monuments Protection and Sport. It contains information from the Registration Card and also the scientific and research information on the property including the cartographic and cadastral information, plan of the protected zone, graphic documentation of a building, etc.

The forms of the abovementioned documents is based on the standard recommended by the Council of Europe for documenting cultural heritage, namely on the Core Data Index on historic buildings and architectural monuments. The same time the format of the document is adapted to the cultural heritage digital database which is being developed by the Ministry of Culture and Monuments Protection and the National Agency.

Pursuant to Article 5 of the Second Protocol of 1999 to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, the Ministry of Culture and Monument Protection of Georgia plans to set up the Interagency Coordinating Board for Risk Management of Mtskheta World Heritage Site. The Board objective shall be to promote and ensure the implementation of the provisions of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. The board tasks shall be to take and implement the preventive measures for safeguarding of Mtskheta World Heritage Site in time of peace, to take relevant measures for safeguarding of Mtskheta World Heritage Site in the period of possible armed conflict and subsequently:

- to coordinate preparation and periodically update the risk preparedness plan of Mtskheta World Heritage Site;

- to plan and organize the training for the respective personnel;
- to draft the legislative initiatives for enhancement of the safeguarding and safety of Mtskheta World Heritage Site;
- to identify the concrete issues that may contradict the 1999 Second Protocol;
- to carry out the monitoring of the existing safety measures and implement the respective protection measures at the Mtskheta World Heritage Site;
- to plan and promote implementation of the educational and informational programs.

The Board task also shall be to design the project for the set up of the Inter-agency Committee which shall implement the Hague Convention and its two protocol on the national level.

(ii) Article 9 – Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements the provisions in Article 5 of the Hague Convention by imposing a number of prohibitive measures on the occupying power. If applicable, please describe the implementation of such measures.

Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia are under ongoing military occupation by Russian Federation. Georgian authority, by means of national legislation, imposed prohibitive measures upon occupying power for the protection of cultural property in the occupied territory. The Law of Georgia on Occupied Territories envisages that responsibility of Russian Federation, as the occupying power, for the protection of cultural heritage in the occupied territories, shall be invoked pursuant to the norms and principles of international law.

2. Enhanced protection (Chapter 3)

The Second Protocol establishes an enhanced protection regime for cultural property, provided that the property is cultural heritage of the greatest importance for humanity, is properly protected by administrative and legal measures, and is not and will not be used for a military purpose or to shield military sites.

(i) Do you intend to request the granting of enhanced protection for a cultural property?

YES

NO:

(ii) Do you intend to use the distinctive emblem to mark cultural property under enhanced protection?

YES:

NO:

If not, please state the reasons you have not done so.

Wide range of activities are being implemented within the framework of EU funded project “War Free World Heritage Listed Cities” that aims to prepare the enhanced protection application for the World Heritage site of Mtskheta (Georgia) and related risk preparedness plan. An effective platform of civil-military cooperation has been developed in scopes of this project.

3. Articles 15 and 21 - Serious violations of this Protocol and measures regarding other violations, respectively

Article 15 obligates Parties to establish certain acts listed under its first paragraph as criminal offences under domestic law and to make them punishable by appropriate penalties.

Article 21 obligates Parties to adopt relevant legislative, administrative or disciplinary measures to suppress any intentional use of cultural property, illicit export, or other removal or transfer of ownership of cultural property from occupied territory, in violation of the Hague Convention or the Second Protocol.

Have you penalized each of these offences and adopted the above-mentioned measures?

YES: X

NO:

If yes, please provide more specific information.

Criminal Code of Georgia prescribes that deliberate attack against historical monument, piece of art or place of worship as a heritage of people, which was not dictated by military necessity, amounts to war crime and leads to imprisonment for up to fifteen years.

Criminal Code of Georgia also penalizes violation of international rules of protection of cultural heritage during armed conflicts. Relevant provision prohibits Damage or destruction, theft, pillage or misappropriation of movable cultural property under enhanced protection; Damage or destruction of immovable cultural property under enhanced protection; making cultural property object of attack. Breach of these norms leads to criminal sanction - in particular imprisonment for up to ten years.

The Criminal Code of Georgia (Chapter XXXII², Article 259⁵) defines responsibilities for damage, destruction or theft of movable cultural heritage, damage or destruction of immovable cultural heritage, use of immovable heritage sites for military operations or carry out an attack on such heritage sites in the event of armed conflict. In these cases the Criminal Code provides imprisonment from 5 to 10 years.

The Criminal Code also provides sanctions for illicit export (Chapter XXXII¹, Article 259⁴) and subjects to fine or imprisonment up to 2 years.

If not, please state the reasons you have not done so.

4. Article 16 – Jurisdiction

Have you taken the necessary measures to establish jurisdiction over offences mentioned in Article 15?

YES:

NO:

If yes, please provide more specific information.

Offences mentioned in Article 15 of the Protocol are already incorporated in the national legislation of Georgia, namely in the Criminal Code of Georgia. Criminal Code is applicable on the whole

territory of Georgia and on every Georgian national; therefore the threshold of jurisdiction provided in the Article 16 of the Protocol is met. Moreover, Criminal Code of Georgia penalizes all offences in the sphere of international humanitarian law, which are not incorporated in the Code itself, but are prescribed by the international treaties, which Georgia is part of, thus jurisdiction of Georgian legislative system covers all acts contained in the provisions of Article 15 of the Protocol.

5. Articles 29 (The Fund for the Protection of Cultural Property in the Event of Armed Conflict), 32 (International assistance) and 33 (Assistance of UNESCO)

Are you currently receiving international assistance from the Fund?

YES:

NO:

If yes, please describe the project for which funds were received.

Are you currently providing or planning to provide international or technical assistance on a bilateral or multilateral level?

YES:

NO:

If yes, please provide more details.

If not, please state the reasons you have not done so.

6. Dissemination (Article 30)

Article 30 calls for, among other things, the strengthening of the appreciation and the respect for cultural property, the dissemination of the Protocol and the establishment of military instructions, training and communication facilities.

Please describe the measures taken concerning the above-mentioned obligations.

In 2013 in the framework of the EU Funded international project “War Free World Heritage Listed Cities” introductory training “Risk Preparedness and Management for the protection Urban World Heritage Sites and Movable Tangible and Intangible Heritage in Times of Armed Conflict” was held in Mtskheta. A group of sixteen experts from the Ministry of Culture and Monument Protection, the Ministry of Internal Affairs, the Ministry of Defence, the Civil Protection, Regional and Municipal authorities, the Fire Brigade of Mtskheta, the Georgian National Committee of the Blue Shield, the Patriarchate of Georgia, other Civil Society Organizations, supported by a couple of infantry platoons from the Georgian Armed Forces and a unit from the fire brigade have participated to the training.

The training was designed to develop a model for Civil Military Cooperation for the protection of movable and immovable heritage in full respect of international law. The training was modeled to reproduce situations that could happen in the specific sites as much as anywhere else around the globe. It covered the following topics: evacuation and relocation of movable heritage; causes, preventive measures and possible reactions to direct and secondary effects produced by fire, earthquakes, floods, etc. on movable and immovable heritage; heritage management under military occupation both in case of symmetric and asymmetric warfare. The training focused on the decision making chain, the harmonization of procedures and types of interagency coordination aimed to maximize the use of resources available to secure prompt intervention under different

circumstances.

7. The Fund for the Protection of Cultural Property in the Event of Armed Conflict

Have you contributed to the Fund?

YES:

NO:

If yes, please provide detailed information concerning your contribution.

If not, would you consider the possibility of contributing to the Fund in the future?

YES:

NO

8. National focal point

Please provide us with the name and address of a single national focal point for all official documents and correspondence related to the implementation of the Second Protocol.

Georgian National Commission for UNESCO

4 Chitadze st. 0118, Tbilisi, Georgia

Tel: +995322945000 (ext.1912)

E-mail: unesco@mfa.gov.ge

V. Other issues related to the implementation of the Hague Convention and its two Protocols

The Secretariat would appreciate it if you could provide us with a copy of the following documents in English and/or French:

- the relevant administrative civilian and military regulations;
- national laws on the protection of cultural property as well as penal provisions not covered by Article 28 of the Hague Convention and Articles 15, 16, 21 of the Second Protocol; and, case-law on the protection of cultural property related to the implementation of the Hague Convention and its two Protocols.

See the law on Cultural Heritage of Georgia attached

VI. Official Translations of the Second Protocol to the 1954 Hague Convention

To date, the Secretariat has received 18 official translations of the Second Protocol (Armenian, Brazilian, Portuguese, Burmese, Croatian, Czech, Danish, Dutch, Estonian, German, Greek, Italian, Japanese, Latvian, Nepali, Persian, Romanian, Slovak and Slovenian).

Have you officially translated the Second Protocol?

YES: X

NO:

If yes, could you please provide the Secretariat with an electronic copy of the translation, if you have not already done so?

The text of the Protocol is officially translated into Georgian.