

# **Second Quarterly Report on Existing Situation in Georgia Relating to New Psychoactive Substances**

(15 August – 15 November, 2014)

## **1. Preparation of Quarterly Report**

According to Sub-paragraph “d” of Paragraph 1 of Article 7 of the Law of Georgia “On New Psychoactive Substances” and Sub-paragraph “d” of Paragraph 1 of Article 3 of the “Regulation of State Commission Supporting Suppression of Distributing New Psychoactive Substances” (the latter is approved by the Joint Order №344/№01-30/n/№147 of 13 May 2014 of Minister of Internal Affairs of Georgia, Minister of Labour, Health and Social Affairs of Georgia and Minister of Finance of Georgia), it is the obligation of the State Commission Supporting Suppression of Distributing New Psychoactive Substances to publish quarterly reports relating to NPS situation existing in Georgia.

The Second Quarterly Report covers the period from August 15, 2014 (the date when the Third Meeting of State Commission was held) until November 15, 2014 (the Sixth Meeting of State Commission was held on 14 November 2014).

## **2. Activities of State Commission**

Establishment, composition and activities of the State Commission Supporting Suppression of Distributing New Psychoactive Substances (hereinafter – State Commission) are envisaged by Articles 6-7 of the Law of Georgia “On New Psychoactive Substances” and the Joint Order №344/№01-30/n/№147 of 13 May 2014 of Minister of Internal Affairs of Georgia, Minister of Labour, Health and Social Affairs of Georgia and Minister of Finance of Georgia “On Establishing State Commission Supporting Suppression of Distributing New Psychoactive Substances and Approving its Regulation” (hereinafter – Joint Order).

The State Commission is composed of the representatives from the Ministry of Internal Affairs, Ministry of Labour, Health and Social Affairs of Georgia and Ministry of Finance of Georgia. Furthermore, besides the Commission members envisaged by Article 1 of the Joint Order, respective specialists participate in the State Commission meetings, in case of

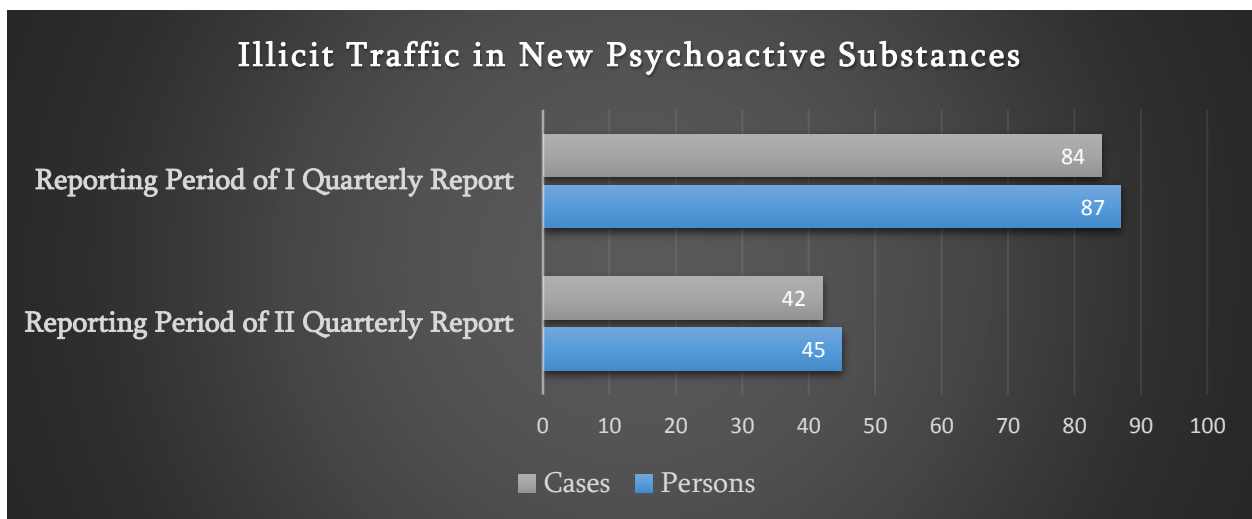
necessity and upon invitation of the State Commission Chairman; thus, the involvement of non-governmental sector in the State Commission activities is guaranteed.

In accordance with Paragraph 1 of Article 4 of the “Regulation of State Commission Supporting Suppression of Distributing New Psychoactive Substances”, the State Commission meets regularly, but at least once a month. During the reporting period and with the organizational support of the State Commission Secretary, the Fourth Meeting of the State Commission was held on 11 September 2014; the Fifth Meeting was held on 13 October 2014; the Sixth Meeting was held on 14 November 2014. Relevant Protocols have been drawn up. Objectives of the Meetings were: implementing the new legislation on new psychoactive substances in Georgia, facilitating discussion concerning the NPS trends and concerning the proposals to be submitted to the Government, and reacting to relevant challenges.

### 3. Main Directions Identified at State Commission Meetings

#### ➤ Existing Situation in the Country after Adopting the Law

According to the information presented by the Ministry of Internal Affairs of Georgia, 42 criminal cases have been initiated on illicit traffic in new psychoactive substances (so-called “Bio Drugs”) and 45 persons have been charged during the reporting period. These figures are reduced by almost 50%, in comparison to the similar figures from the First Quarterly Report, thus emphasizing the effectiveness of the drug policy conducted by the Ministry. Based on these figures, a reduction tendency is obvious.



Furthermore, deprivation of liberty for up to 5 years is defined as a measure of punishment for the crime envisaged by Article 260.1<sup>1</sup> of the Criminal Code of Georgia<sup>1</sup>; in other words, this crime is qualified as a less grave crime. And therefore, the prosecution mostly requests bail as a preventive measure and hence, detention is less used.

In accordance with the statistical data presented by the Ministry of Internal Affairs of Georgia (MIA), during the period of August 15 – November 15 of 2014, 42 expertize opinions have been issued by the MIA Forensic-Criminalistic Main Division concerning the identification of new psychoactive substances; 55 objects have been identified, among which:

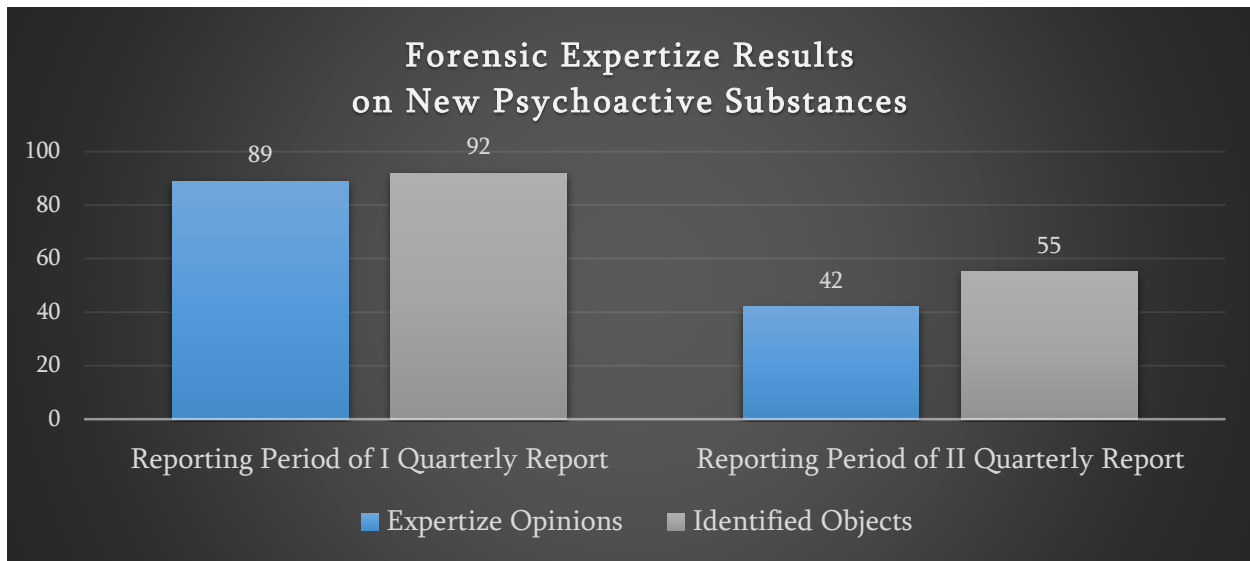
43 objects belonged to	-	I Class of Compounds of New Psychoactive Substances (Cannabinomimetic Compounds);
7 objects belonged to	-	II Class of Compounds of New Psychoactive Substances (Phenethylamin Compounds);
2 objects belonged to	-	III Class of Compounds of New Psychoactive Substances (Amino-Phenyl-Ethanon Compounds);
1 object belonged to	-	VI Class of Compounds of New Psychoactive Substances (Tryptamin Compounds);
1 object belonged to	-	VIII Class of Compounds of New Psychoactive Substances (Arylcyclohexylamin Compounds);
1 object belonged to	-	Other Classes of Compounds.

These data are reduced by almost 50%, in comparison to the similar data from the First Quarterly Report, thus highlighting the outcome of the effective measures taken by the Ministry.

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<sup>1</sup> Criminal Code of Georgia, Article 260.1<sup>1</sup>:

“Illicit production, manufacture, purchase, storing, transport, transfer or sale of new psychoactive substances, - Shall be punishable by deprivation of liberty for up to five years.



According to the Ministry of Internal Affairs data, during the reporting period of the Second Quarterly Report the overall quantity of identified objects has amounted to 389.4447 gr., thus indicating a significant reduction in comparison to the overall quantity of identified objects (7 kg. 248.72 gr.) during the reporting period of the First Quarterly Report.

According to the information presented by the Ministry of Finance of Georgia, only one case of importing new psychoactive substances in the form of parcel occurred during the reporting period (on 31.10.2014). More precisely, an attempt of importing unknown powder of up to 30 gr., in the form of parcel, from China was detected. This powder was transferred to the Ministry of Internal Affairs of Georgia and after conducting relevant expertize, existence of new psychoactive substance was identified. Respectively, a holder of the parcel was detained. Hence, based on the Customs Service activities, a significant reduction tendency, in comparison to the First Quarterly Report data, is obvious.

According to the information presented by the Ministry of Labour, Health and Social Affairs of Georgia, after the First Quarterly Report (after 15 August 2014) information sharing on new psychoactive substances among the countries involved in international network continues to be undertaken, under the framework of the international initiative of the International Narcotics Control Board. More precisely, on 12 September 2014 a new alert (Alert No. 5/2014) was received. The received information was shared with relevant organs of the Ministry of Internal Affairs and Ministry of Finance of Georgia; the information was verified in regard to the substances criminalized by the Law of Georgia “On New

Psychoactive Substances”. Based on the verification, 4 substances out of the No. 5/2014 Alert list turned out not to be criminalized, their structural formulas did not include the classes of chemical compounds criminalized by the Georgian legislation. Among these substances: 1 is preparation which is not registered in Georgia, its illicit traffic has not been detected, moreover, its chemical formula includes the nucleus which is found in pharmaceutical products involved in legal circulation; due to these circumstances, currently there is no need for relevant compound class to be placed under the Law regulation. As for the remaining 3 substances: 1 compound belongs to the class of chemical compounds, criminalization of which is envisaged by the package of legislative amendments prepared during the First Quarter. 2 compounds, also being in the database of Cayman, include chemical structures for the criminalization of which, meaning of the term “analogy” - in the package of legislative amendments prepared in the First Quarter - was corrected in the following way: instead of the wording – “pyrrole cycle of indole nucleus is replaced”, there will be the following formulation: “indole nucleus or pyrrole cycle is replaced”.

Hence, we may say that Georgia effectively uses early warning system and duly responds to the challenges related to new psychoactive substances, existing on the world market.

#### ➤ **Involvement of Non-Governmental Sector**

In accordance with the Joint Order “On Establishing State Commission Supporting Suppression of Distributing New Psychoactive Substances and Approving its Regulation”, respective specialists may participate in the State Commission meetings, in case of necessity and upon invitation of the State Commission Chairman. In this regard, Zurab Sikharulidze, a narcologist attended the Fifth Meeting of the State Commission (13.10.2014), upon request of the Commission members.

Zurab Sikharulidze presented the information he had on the consumption of new psychoactive substances in Georgia, to the Commission members. Based on this information, actually, NPS consumption figures significantly have decreased in Georgia. Also, based on Zurab Sikharulidze’s statements, practically there have been no referral cases in recent months. However, there are certain cases when “Bio Drugs” are used. According to Zurab Sikharulidze’s assessment, the policy currently being conducted by the State has turned out to be the right one. (Statements by Zurab Sikharulidze are available at the drug policy web page, under the section of State Commission Meetings).

### ➤ **New Web Page of Drug Policy**

Presentation of a new web page of drug policy on the official site of the Ministry of Internal Affairs (police.ge) was conducted within the framework of the activities of the State Commission. The web page shares the information on balanced drug policy, indicating main challenges facing the country and effective measures responding thereto, which have been successfully implemented and translated into respective statistical data: 90% decrease in “Krokodil” consumption; based on the May-August data of 2014, import of new psychoactive substances across the borders have been reduced by 11 times, in comparison to the similar period of 2013; in terms of activating the fight against illicit traffic in classical drugs, 2.8 tons of liquid heroin was seized by MIA in July 2014. Furthermore, anti-drug campaign, which was launched by MIA on 24 March 2014, is respectively covered on a new web page of drug policy, sharing links to the activities conducted by the Ministry within the campaign, including Facebook page: “No to Bio Drugs – Let’s Change the Attitude Together”; audio-video materials of the activities concerning this topic, respective TV and radio reports and programmes are available at the Facebook page. Moreover, a separate section of the drug policy site addresses the legal regulatory framework, covering national laws and bylaws as well as international agreements (and their authoritative commentaries) to which Georgia is a party.

Drug policy site devotes special attention to the activities of the State Commission Supporting Suppression of Distributing New Psychoactive Substances. More precisely, the site shares the information on the structure, functions and rules of procedure of the State Commission, as well as on the Commission meetings having been conducted systematically, every month since June 2014. Moreover, reports on existing situation relating to new psychoactive substances are quarterly published under the State Commission section of the site, thus further ensuring transparency and publicity of the State Commission activities and positively highlighting accountability of the Commission before the society. Also, functioning of online access system to the database on new psychoactive substances, under the State Commission section is worth mentioning; this will facilitate effectiveness of the fight against illicit traffic in “Bio Drugs” and coordination of the relevant agencies –MIA and Ministry of Finance of Georgia, in the fight.

Furthermore, a new web page of drug policy shares the information on the law enforcement activities conducted by the MIA; more precisely, the links to drug seizures, destruction and other relevant activities conducted by MIA representatives in terms of fight against drug-related crime are available on the page. The starting point is 1 May 2014, however it should be noted that the mentioned activities refer to new psychoactive substances as well as to other drugs. Also, the web page shares the information on involvement of MIA

representatives in trainings, international meetings, programmes and other respective activities related to drugs. In this case as well, the starting point is 1 May 2014, however the mentioned activities refer to NPS as well as to other drugs. And finally, links sector of the web page includes links to relevant national (e.g. Ministry of Justice of Georgia) as well as to international (e.g. European Monitoring Center for Drugs and Drug Addiction) organizations and agencies whose activities directly or indirectly cover drug thematic, including law enforcement field (e.g. INTERPOL).

It should be highlighted that a new web page of drug policy is available in the English language as well, thus further guaranteeing transparency of the State activities and accessibility of information in regard to drug policy in the country.