

Order N1006 of the Minister of Internal Affairs of Georgia

December 31, 2015

Tbilisi

on Approval of Regulations of the Temporary Detention Isolator of the Ministry of Internal Affairs of Georgia

On the basis of the subparagraph “u.a” of the 2nd paragraph of the article 5 of the Regulations approved under the #337 Resolution of December 13, 2013 of the Government of Georgia on “Approval of Regulations of the Ministry of Internal Affairs of Georgia” and the first part of the article 61 of the General Administrative Code of Georgia I hereby Order:

Article 1

To approve the annexed Regulations of the Temporary Detention Isolator of the Ministry of Internal Affairs of Georgia.

Article 2

To declare the #743 Decree of September 30, 2015 of the Minister of Internal Affairs of Georgia on “Approval of Regulations of Human Rights Protection and Monitoring Department of the Ministry of Internal Affairs of Georgia” null and void.

Article 3

The Decree shall be effective from January 1, 2016.

Giorgi Mghebrishvili

Minister of Internal Affairs of Georgia

Regulations of the Temporary Detention Isolator of the Ministry of Internal Affairs of Georgia

Chapter I General Provisions

Article 1

The present Regulations define legal status, tasks, functions, structure, accountability, of the Temporary Detention Isolator (hereinafter the “Department”) of the Ministry of Internal Affairs of Georgia (hereinafter the “Ministry”) and regulate other issues related to the Department's activities.

Article 2

1. The Department is a structural subdivision of the Ministry.
2. The Department represents the Ministry while discharging its functions and tasks.

Article 3

In performing its activities the Department is guided by the Constitution of Georgia, international treaties of Georgia, legislative and subordinate normative acts of Georgia, legal acts of the Government of Georgia and the Minister of Internal Affairs of Georgia (hereinafter the “Minister”).

Article 4

The Department is accountable to the Minister and the Curator Deputy Minister (if any), which carry out official supervision over it in accordance with the procedure established by the Georgian legislation.

Article 5

The Department has a seal with its own name on it.

Chapter II. Tasks and Functions of the Department

Article 6

The tasks of the Department are:

- A) Placement of the individuals detained or arrested under administrative rule for enforcement of the decision of the competent body in the Temporary Detention Isolator (hereinafter the “Isolator”) and ensure protection of their rights in accordance with the legislation of Georgia.
- B) Ensuring safety of persons placed in the Isolator and the employees of the Isolator;
- C) Conducting relations with subjects acting in the field of human rights;
- D) Provision of medical services to the persons placed in the Isolator.

Article 7

The Department shall:

- A) Ensure the management of the isolators and their uniform policies, administrative and logistical support of their activities;
- B) Carry out monitoring of the activities of the employees and the protection of the rights of persons placed in the isolator;
- C) Identify the reasons causing the violation of the rights of persons placed in the isolator, take responsive measures to the application and information received on the abovementioned, prepare relevant recommendations;
- D) In case of identification of the signs of offense, notify the relevant body specified by the legislation of Georgia;
- E) Provide medical services to persons in the isolator and cooperates with various international and local organizations in the field of health care with this purpose;
- F) Cooperate with state agencies, international and local organizations in order to protect the rights of persons placed in the isolator;
- G) Perform other functions imposed on it under the Georgian legislation, as well as by the Minister and the Curator Deputy Minister (if any).

Chapter III. Structural Units of the Department and Their Functions

Article 8

1. Structural units of the Department are:

- a) Monitoring Service;
- b) Administrative Support Service;
- c) Medical Service;
- d) (Seized - 24.07.2017, №393);
- e) Temporary Detention Isolator of Tbilisi (Division);
- f) Regional Temporary Detention Isolator of Mtskheta-Mtianeti (Unit) (city of Mtskheta), which includes:

- f.a) Temporary Detention Isolator of Dusheti;
- f.b) Temporary Detention Isolator of Akhagori;

- g) Regional Temporary Detention Isolator of Adjara and Guria (Service) (city of Batumi), which includes:
 - g.a) Temporary Detention Isolator of Kobuleti;
 - g.b) Temporary Detention Isolator of Ozurgeti;
 - g.c) Temporary Detention Isolator of Lanchkhuti;
- h) Regional Temporary Detention Isolator of Shida Kartli and Samtskhe-Javakheti (Service) (city of Gori), which includes:
 - h.a) Temporary Detention Isolator of Khashuri;
 - h.b) Temporary Detention Isolator of Akhaltsikhe;
 - h.c) Temporary Detention Isolator of Akhalkalaki;

- i) Regional Temporary Detention Isolator of Kvemo Kartli (Service) (city of Rustavi), which includes:
 - i.a) Temporary Detention Isolator of Tsalka;
 - i.b) Temporary Detention Isolator of Marneuli;

- j) Regional Temporary Detention Isolator of Kakheti (Service) (city of Telavi), which includes:
 - j.a) Temporary Detention Isolator of Sagarejo;
 - j.b) Temporary Detention Isolator of Signaghi;
 - j.c) Temporary Detention Isolator of Kvareli;

- k) Regional Temporary Detention Isolator of Imereti, Racha-Lechkhumi and Kvemo Svaneti (Service) (city of Kutaisi), which includes:
 - k.a) Temporary Detention Isolator of Zestafoni;
 - k.b) Temporary Detention Isolator of Baghdati;
 - k.c) Temporary Detention Isolator of Chiatura;
 - k.d) Temporary Detention Isolator of Samtredia;
 - k.e) Temporary Detention Isolator of Ambrolauri;

- l) Regional Temporary Detention Isolator of Samegrelo-Zemo Svaneti (Service) (city of Zugdidi), which includes:
 - l.a) Temporary Detention Isolator of Senaki;
 - l.b) Temporary Detention Isolator of Poti;

l.c) Temporary Detention Isolator of Chkhorotsku;

l.d) Temporary Detention Isolator of Mestia

2. The location of the isolators and the maximum number of persons to be placed shall be determined by the Decree of the Minister of Internal Affairs of Georgia.

Article 9

The Monitoring Service shall:

A) Conduct control over the protection of the rights of persons placed in the isolator;

B) Monitor the protection of the rights of persons placed in the isolator by the isolator's employees;

C) Monitor the living and hygiene conditions of persons placed in the isolator;

D) Take responsive measures within the scope of its competence to the possible violations identified on the basis of the applications, information and / or as a result of monitoring;

E) Inform the competent body specified in the legislation of Georgia in case of identification of the signs of an offense;

F) Determine the reasons of violations of the rights of persons in the isolators and prepare relevant recommendations for prevention of those;

G) Collect and process the statistics produced in the isolators within its competence and the necessities in order to effectively conduct monitoring;

G¹) Develop the plan of monitoring and submit to the Director of the Department for approval;

H) Develop the report on each monitoring and submit to the Director/Deputy Director of the Department;

I) Prepare a general report once in six months based on the reports provided for in the subparagraph "h" of this article and submit to the Director/Deputy Director of the Department;

J) Cooperate with state agencies, international and local organizations within its competence;

K) Perform other functions defined by the Georgian legislation as well as the tasks imposed on it by the Director / Deputy Director of the Department on the basis of the Georgian legislation.

Article 10

Administrative Support Service shall:

A) Carry out the legal ensuring of the Department's activities;

B) Organize and control the Department's case management;

C) Organize the supply of the isolators with appropriate inventory and material-technical needs;

D) Manage the relationship with the relevant structural subdivisions of the Ministry in the matters of repair and construction works to be carried out in isolators;

E) Record and analyze the material-technical resources used by the Department;

- F) Conduct relations with relevant structural subdivisions of the Ministry on labor remuneration of employees of the Department, their insurance, telephone services and other organizational issues;
- G) Cooperate with state agencies, international and local organizations within its competence;
- H) Cooperate with the relevant structural subdivision of the Ministry with the purpose of staffing the structural units of the department by qualified personnel;
- I) Perform other functions defined by the Georgian legislation as well as the tasks imposed on it by the Director / Deputy Director of the Department on the basis of the Georgian legislation.

Article 11

Medical Service shall:

- A) Provide appropriate medical service to the persons placed in the isolator as well as other individuals directly being in the isolator;
- B) Ensure coordinated work with the isolators and their activities in order to ensure the health of the individuals placed in isolators;
- C) Submit proposals to the Director/Deputy Director of the Department regarding the establishment of health safety conditions in the isolator;
- D) Determine the list of medicines, medical goods and equipment and submits the request to the relevant service of the Department for the purpose of procurement;
- E) File the medications issued during fulfillment of medical services;
- F) Produce statistics about the health services provided;
- G) Periodically submit to the Director/Deputy Director of the Department the report about the activities of the Service;
- H) Cooperate with international and local organizations in the field of health care;
- I) Perform other functions defined by the legislation of Georgia as well as the tasks imposed on the basis of the Georgian legislation by the Director/Deputy Director of the Department.

Article 12

The isolators' activities are regulated by the typical regulations and Internal Regulations.

Chapter IV. Leadership of the Department

Article 13

1. The Department is headed by the Director of the Department, who is appointed and dismissed to/from the position by the Minister in the manner prescribed by the Georgian legislation.

2. The Director of the Department is responsible for the fulfillment of the tasks imposed on the Department in accordance with the procedure established by the legislation of Georgia before the Minister and curator of the Deputy Minister (if any).

3. Director of the Department shall:

A) Manage the Department, resolve the issues falling within the competent of the Department's leadership, conduct the Department's activities and is responsible for the proper fulfillment of the duties imposed on the Department;

B) Distribute duties among the structural units of the Department and supervise the proper fulfillment of the duties by the employees of the Department;

C) Distribute correspondence to the Department's structural units;

D) Periodically analyze the activities of the Department and submit to the Minister in the agreement with the Curator Deputy Minister (if any) the proposals on improvement of structure, staff schedule and works of the Department;

E) Submit the proposals for promotion of the employees in compliance with the rules set forth by the legislation of Georgia to the Minister and the Curator Deputy Minister (if any);

F) Address the relevant structural subdivision of the Ministry on the application of disciplinary liability measures against employees of the Department;

G) Address the relevant structural subdivision of the Ministry on the allocation of material-technical resources necessary for fulfillment of the tasks of the Department;

H) Periodically hear the report on the activities carried out by the heads of structural units of the Department;

I) Submit the proposals within the scope of the competence on the issues related to raising qualification and retraining of the staff of the Department;

J) Endorse or sign the documents prepared in the Department;

J¹) Issues individual administrative-legal acts within competence;

K) Submit the report to the Minister and the Curator Deputy Minister (if any) at least once in 6 months on the activities carried out by the Department;

L¹) Approve the schedule of isolators;

L²) Approve the monitoring plan;

L) Perform other functions defined by the legislation of Georgia, as well as individual assignments of the Minister and the Curator Deputy Minister (if any);

4. In case of absence of the Director of the Department his/her duties shall be fulfilled by one of his/her Deputies, while in case of impossible of fulfilment these duties by the Deputy Director it shall be fulfilled by the head of one of the divisions and/or services of the Department.

Article 14

1. The Director of the Department shall have two Deputies who are appointed and dismissed to/from positions by the Minister under the rule established by the Georgian legislation.
2. Deputy Director of the Department shall be accountable for the fulfillment of the tasks imposed on the Department in accordance with the legislation of Georgia before the Minister, the Curator Deputy Minister (if any) and the Director of the Department.
3. Deputy Director of the Department shall:
 - A) Support the Director of the Department in carrying out the duties imposed on him/her;
 - B) Supervise the fulfillment of the duties by the employees of the Department; give them the relevant instructions and assignments;
 - C) Endorse or sign the documents prepared in the Department;
 - D) Perform other functions defined by the legislation of Georgia, as well as the assignments issued by the Minister, the Curator Deputy Minister (if any) and the Director of the Department.

Chapter V. Leadership of Structural Subunits of the Department

Article 15

1. The Service shall be headed by the Head of the Service, who is appointed and dismissed to/from the position by the Minister in the manner prescribed by the Georgian legislation.
2. Head of the Service shall be accountable to the Director of the Department and the Deputy Director of the Department for the fulfillment of the functions assigned to the Service under the procedure established by the Georgian legislation.
3. Head of the Service shall:
 - A) Lead the activities of the Service and resolve the issues falling within the competence of the Service;
 - B) Distribute duties among employees, give them relevant instructions and tasks, supervises their fulfillment;
 - C) Submit proposals to the Director of the Department on the promotion of the employees and the application of disciplinary measures against them;
 - D) Submit proposals on allocation of material-technical resources necessary for fulfillment of the tasks to the Director/Deputy Director of the Department;
 - E) Endorse or sign the documents prepared in the Service;
 - F) Perform other functions defined by the Georgian legislation, as well as individual tasks of the Director of the Department.

Article 16

1. The Head of the service shall have a Deputy, who is appointed and dismissed to/from the position by the Minister in the manner determined by the legislation of Georgia.

2. The Deputy Head of the Service shall be accountable for the fulfillment of the functions assigned to the Service in accordance with the legislation of Georgia before the Director of the Department, Deputy Director of the Department and Head of the Service.

3. Deputy Head of the Service shall:

- A) Support the Head of the Service in carrying out the duties imposed on him/her;
- B) Distribute duties among employees, gives them relevant instructions and tasks, supervise their fulfillment;
- C) Endorse and sign the documents prepared in the Service within his/her competence;
- D) Distribute correspondence between service personnel;
- E) Perform other functions defined by the legislation of Georgia, as well as individual tasks of the Director of the Department and the Head of the Service.

Article 17

The provisions of the articles 15 and 16 of the present Regulations shall not apply to the Heads and Deputies of isolators set out in the subparagraph “e”-“1” of the article 8 of these Regulations, whose activities are regulated by the typical regulations and Internal Regulations of the isolators.