

Order #423 of the Minister of Internal Affairs of Georgia

August 2, 2016 Tbilisi

**On Approval of the Typical Charter of the Standard Operating Procedures of the
Temporary Detention Isolators of the Ministry of Internal Affairs**

Based on the first part of the Article 61 of the Administrative Code of Georgia and the sub-paragraph “u.h” of the paragraph 2 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” I hereby Order:

Article 1

To approve:

Typical Regulations for the temporary detention facility in full concordance with the Attachment #1

Standard Operating Procedures of the temporary detention facility in full concordance with the Attachment # 2.

Article 2

108 order of the Minister of Internal Affairs of Georgia of February 1, 2010 on “Approval of typical charter of the temporary detention facility, on standard operating procedures and additional guidelines on the functioning of the temporary detention facility” shall become void.

Article 3

Till November 1, 2016:

Video monitoring of persons accommodated in a temporary detention facility of the Ministry of Internal Affairs of Georgia (hereinafter referred to as Temporary Detention Facility) is allowed for the purposes of safety of the persons in the facility as well as the serving personnel, to prevent any kind of mistreatment of persons in detention, to prevent any misconduct and also to ensure efficient

monitoring of the functioning of the Temporary detention facility and human rights;

Video monitoring of Temporary detention facility can be conducted in the duty stations and corridors where the cell are located;

Video monitoring of the de-escalation rooms and other spots of the Temporary detention facility can be conducted only in exceptional cases and for the purposes of safety with the approval of the Minister of Internal Affairs of Georgia;

The system of the video monitoring in the Temporary detention facility shall be located so that the persons in the cell could be visually seen and identified;

Video monitoring in the Temporary detention facility shall be conducted from a room especially allocated for this purpose;

An employee in charge of the Temporary detention facility shall register any technical interruption (electricity cut off or unstable supply of electricity, damage to video surveillance system or its breakdown, etc.) that caused interruption of the video surveillance and immediately report the fact to the supervisor of the Temporary detention facility.

Notification about installed video-surveillance system (cameras) shall be placed.

2. The department of the Ministry of Internal Affairs of Georgia in charge of temporary detention together with a relevant structural sub-unit shall ensure implementation of all measures required for uninterrupted functioning of the video surveillance system until November 1, 2016. The operational and technical department of the State Security Service is requested to provide technical support in the process of implementation of these measures in accordance with the Georgian legislation.

Article 4

1. This order, with the exception of Articles 10 and 11 of the Standard Operation Procedures approved by Sup-paragraph “b” of Article 1, shall come into force upon promulgation.

2. Articles 10 and 11 of the Standard Operation Procedures approved by Sup-paragraph “b” of Article 1 of this Order shall come into force as of November 1, 2016.

Minister of Internal Affairs of Georgia

Giorgi Mghebrishvili

Attachment №1

Typical Charter of the Temporary Detention Facility

Chapter 1

General Provisions

Article 1. Regulation Sphere

The Typical Charter of the Temporary Detention Facility (hereinafter referred to as “Charter”) of the Ministry of Internal Affairs of Georgia (hereinafter referred to as the Ministry) defines the legal status, purpose, functions and responsibilities of the personnel serving the Temporary detention facility.

Article 2. Temporary detention facility

Temporary detention facility is an exceptionally protected unit and is a structural unit of the Ministry’s Temporary Detention Department.

Temporary detention facility is directly in charge of temporary placement of detained or sentenced persons in accordance with current legislation and ensures supervision of persons placed in the Temporary detention facility as provided by the Georgian legislation.

Functioning of the Temporary detention facility shall be conducted in accordance with the Constitution of Georgia, International obligations of Georgia, Georgian legal framework and normative acts, legal acts issued by the Government of Georgia and the Minister of Internal Affairs of Georgia (hereinafter referred to as the Minister).

Temporary detention facility is accountable to the Minister, Supervising Deputy Minister (if such exists), Director of the Department, Deputy Director of the Department and/or Head of the relevant structural unit, who have a mandate to ensure professional supervision pursuant to the Georgian legislation.

A medical station is available in Temporary detention facility of the Department and is a structural part of the Temporary detention facility

6. Functioning of the Temporary detention facility is ensured by the Ministry.

7. The Temporary detention facility has a seal with the name of the Temporary detention facility.

Article 3. Purpose and functions of a Temporary Detention Facility

1. The purpose of a Temporary detention facility is to:

a) Serve as a temporary detention facility in cases of detention of persons according to the Georgian Criminal Procedure Code, Georgian Administrative Procedure Code or detention as a measure of restraint as well as for temporary placement of foreigners subject to deportation from the territory of Georgia;

b) Protect rights of persons in temporary detention facility and ensure their safety;

c) Provide relevant utilities at the facility and healthcare of persons in detention.

2. Functions of the temporary detention facility:

a) Ensure proper sanitary and hygiene conditions and food to persons in the temporary detention facility;

b) Provide relevant medical service to persons in the temporary detention facility;

c) Ensure that persons in the temporary detention facility enjoy their right to receive parcels;

d) Ensure that persons detained in the temporary detention facility due to administrative arrest enjoy additional rights approved by the standard operating procedures (hereinafter referred to as Operating Procedures);

e) Facilitate the work of prosecution and/or defense sides in the process as stipulated by Law of Georgia;

f) Provide due care to people with limited abilities and other vulnerable groups, who need special care due to their age or health condition;

g) Maintain personal files of persons in the temporary detention facility and electronic database, also to take their photos;

- h) In order to ensure safety of persons in the temporary detention facility and their belongings, search the persons in the temporary detention facility and their belongings, as well as their cells;
- i) implement relevant measures to ensure safety of persons in the temporary detention facility and execution of requirements stipulated by Law;
- j) Implement other functions stipulated by Georgian legislation.

Chapter II

Rights and responsibilities of the Management of the Temporary detention facility and employees.

Article 4. Employees of the temporary detention facility

1. The Temporary detention facility is managed by its chief, who, according to the Georgian legislation, is appointed and dismissed by the Minister and nominated by the Director of the Department. Head of the Regional temporary detention facility may have a deputy.
2. Security personnel works in shifts. They may have special ranks. Stemming from the specialty of the temporary detention facility, security personnel on duty may be mandated with the duties of the Chief of Shift.
3. Auxiliary functions at the temporary detention facility are carried out by non-staff member employees.
4. Medical service at the temporary detention facility with a functioning medical station is provided by a non-staff member employee of the department with relevant qualifications.

Article 5. Rights and responsibilities of the Head of Regional temporary detention facility

1. Head of the Regional Temporary detention facility:
 - a) Manages the functioning of the Regional Temporary Detention Facility under his/her direct supervision, takes decisions related to the operations and management of the Temporary detention facility;

b) Supervises functioning of Temporary detention facilities under the Regional temporary detention facility and develops proposals related to improvement of the work of the Temporary detention facility;

c) Develops proposals related to the functioning of the temporary detention facility of the regional temporary detention facility, incentives for or disciplinary measures against employees and sends them for the follow up to the management of the department;

d) in 24/7 mode informs the Monitoring unit of the department about the following events at the regional or its subordinate temporary detention facility:

d.a.) Suicide or/and self-inflicted damage attempt;

d.b.) Hunger strike or completion of hunger strike by a person detained at the facility;

d.c) deterioration of the health condition of a person in detention;

d.d) a person is taken out from the temporary detention facility temporarily;

d.e) a person in the detention is complaining about anything;

d.f) a detained person's complaints about health;

d.g) person in detention or subject to detention is found to have illegal items (fire-arms, explosives, weapon, cold weapons, medical items and similar items, also drugs/psychotropic items, false documents and any other item that is withdrawn from civil circulation) and if the above is discovered by the personnel of the temporary detention facility;

d.h) any conflict situations;

d.i) other country's citizens, persons without a citizenship, juveniles and women in the temporary detention facility;

d.j) a person in the temporary detention facility or subject to detention in the temporary detention facility refuses to undergo primary medical examination and/or medical service;

d.k) persons stipulated in Article 20 of the Standard Operating Procedures arrive at the temporary detention facility;

- d.l) transfer of a person to another detention facility;
- d.m) a person subject to admission to the temporary detention facility is not admitted to the detention facility;

- d.n) any event when measures stipulated in Article 14 of the Standard Operation Procedures had to be applied;

- d.o) violation of Standard Operation Procedures by a person placed at the facility;

- d.p) any event that jeopardizes smooth functioning of the Temporary detention facility;

- d.q) any emergency situation;

- e) Immediately informs the management of the department if the following takes place in the regional temporary detention facility or its facilities:
 - e.a) attempt of a suicide and/or of self-damage;

 - e.b) person in detention goes on hunger strike or stops hunger strike;
 - e.c) a person is transferred from the temporary detention facility to a healthcare institution;
 - e.d) a person in the temporary detention facility complaints about an employee;

 - e.e) a person subject to admission to the facility or a person in the facility shows (fire-arms, explosives, weapon, cold arms, medical items and similar items, also drugs/psychotropic items, false documents and any other item that is withdrawn from civil circulation) and if any of the above is discovered by the personnel of the temporary detention facility;

 - e.f) a conflict situation takes place;

 - e.g) people listed in Article 20 of the Operations Procedures arrive at the temporary detention facility;
 - e.h) a person subject to admission is not admitted by the temporary detention facility;
 - e.i) any event when measures stipulated in Article 14 of the Standard Operation Procedures were used;

e.j) any fact that undermines normal functioning of the Temporary detention facility;

e.k) any emergency situation;

f) Periodically hears activity reports from employees of the Temporary detention facilities under the regional Temporary detention facility;

g) Controls technical, sanitary and hygiene situation of the Temporary detention facility;

h) Approves a schedule of shifts for the Regional Temporary detention facility and its Temporary detention facilities and submits list of employees to fulfil the functions of the Heads of Shifts to the Director of the Department for approval;

i) As needed, send a request to the management of the department to allocate material and technical resources required for achievement of the tasks of the Temporary detention facility;

j) Fulfils rights and responsibilities mandated to him by Article 6 of the present charter and the responsibilities of the Head of Temporary detention facility stipulated in the Standard Operation Procedures of the temporary detention facility as well as other functions defined by Georgian legislation, and specific carries out tasks ordered by the Director and deputy director of the department.

2. Head of Tbilisi # 1 Temporary detention facility and Tbilisi Temporary detention facility service carries out responsibilities the Head of the Regional Temporary detention facility as defined by this Article and Standard Operation Procedures, other functions stipulated by the Georgian legislation and also some specific tasks given by the Director or a Deputy Director of the Department.

Article 6. Rights and responsibilities of the Deputy Head of the Temporary detention facility

1. Deputy Head of the Temporary detention facility:

a) Supports the Head of the Regional Temporary detention facility in implementation of his duties and carries out his/her functions and his/her absence;

- b) Within his/her competence control the processes in the temporary detention facility and maintenance of the unified electronic database of the people in the temporary detention facility;
- c) supervises the fire extinguishing systems, the number of keys and the process of inspection of their condition;
- d) Supervises the process of fulfilling professional duties by subordinates;
- e) Controls preparation of statistical information at the Regional the temporary detention facility and its constituent temporary detention facility;
- f) Fulfils other functions stipulated by Law of Georgia and specific tasks given by Department's Director, Deputy Director and Head of the Regional Temporary detention facility.

2. Deputy Head of the №1 Temporary detention facility and Tbilisi Temporary detention facility (headquarters) (if such exists) fulfils rights and responsibilities of the Deputy Head of the temporary detention facility as stipulated by this Article and Standard Operation Procedures.

Article 7. Rights and Responsibilities of Head of Temporary detention facility

Head of Temporary detention facility:

- a) Manages operations of the Temporary detention facility, takes decisions related to the functioning and management of the Temporary detention facility and elaborates proposals about improvement of the functioning of the temporary detention facility;
- b) Allocates functions between subordinates, gives them tasks and instructions;
- c) Supervises fulfilment of duties by employees, elaborates and implements measures to prevent jobbery by subordinate employees;
- d) Submits proposals on issues related to organizational aspects of the functioning of the temporary detention facility, incentives or disciplinary actions against subordinate employees to the Head of and/or his/her Deputy;

- e) Periodically hears activity reports of employees of the Temporary detention facility;
- f) Supervises the procedures related to admission and detention of a person ensures implementation of Standard Operation Procedures and daily regimen;
- g) Controls terms of arrest/detention of persons held at the the temporary detention facility;
- h) At least once a month inspects the number of keys and condition of locks at the temporary detention facility;
- i) Immediately informs the Head of the Regional temporary detention facility if any of the events described in Article 4, “d.a” and “d.q” of the Charter take place;
- j) Ensures control over technical and sanitary and hygiene condition of the Temporary detention facility and maintains inventory of the temporary detention facility;
- k) As needed, send requests to the Regional Temporary detention facility and/or his deputy to allocate material and technical resources required implementation of the tasks of the Temporary detention facility;
- l) Within its competence, registers and keeps orders, instructions, confidential files and other documents related to the operations of the Temporary detention facility, informs employees of the Temporary detention facility about relevant orders and guidelines, supervises the process of record keeping and maintenance of the electronic database and entry of complete information on the detainees, as well as maintenance of statistical information;
- m) Periodically inspects the number and condition of the fire extinguishing equipment at the temporary detention facility;
- n) Acts on behalf of the temporary detention facility in the process of fulfilling his/her duties and signs the documents produced at the temporary detention facility;

o) For the follow-up purposes informs the nearest district, town subdivision of territorial unit of the Ministry and the management of the department about refusal of a detainee to abide to legitimate requests of the temporary detention facility's employees of the Temporary detention facility and/or any humiliating action towards the latter;

p) Approves the schedule of shifts of the posts for the employees of the temporary detention facility;

q) In case of an emergency situation in the temporary detention facility appeals to the relevant unit of the Department;

r) Fulfils other functions in accordance with the Georgian Legislation and special tasks given by the Head and Deputy Head of the temporary detention facility.

Article 8. Rights and responsibilities of the Head of Shift of the Temporary detention facility

1. Head of Shift of the Temporary detention facility:

a) Manages and supervises work of employees on duty shift, ensures order and functioning of the regimen at the temporary detention facility;

b) Gives relevant instructions and tasks to personnel of duty shift at the temporary detention facility;

c) Personally ensures fulfillment of procedures related to admission of a person to the temporary detention facility and inspect accompanying documents (the grounds of admission to the temporary detention facility) and /or instructs another employee to do it;

d) Makes sure that the rules regulating the process of entry to the temporary detention facility are followed and safe movement is organized;

e) Immediately informs the Head of the Temporary detention facility about any facts described in Article 4, paragraphs "d.a" and "d.q". ;

f) Supervises the process of implementation of the duty shift schedule approved by the Head of the Temporary detention facility;

g) If needed, fulfils the responsibilities of a Temporary detention facility's guardsman on duty;

h) Fulfils other functions in accordance with the Georgian legislation as well as some specific tasks assigned by the Head of the Temporary detention facility.

2. Temporary detention facility's Head of Shift has no right to leave the facility or allow any of the employees on the duty shift to leave the building of the Temporary detention facility, with an exception of cases, when they are not in a position to fulfill their duties and there is an approval of the Head of the Temporary detention facility.

Article 9. Rights and responsibilities of the guardsman on duty of Temporary detention facility

1. Employees of the Temporary detention facility who are physically present at the facility and fulfill their professional duties under the supervision of the Chief of Shift are known as the guardsman on duty.

2. Guardsman on duty of the temporary detention:

a) Inspects cells of the Temporary detention facility and protects the posts (at the territory in the proximity of cells in the Temporary detention facility) to stop any attempt of escape or any other violation:

b) Supervises persons placed in the facility to ensure safety of the detainees in the temporary detention facility and implement relevant activities;

c) Inspects parcels received at the temporary detention facility in full concordance with rules and procedures and delivers them to the addressees;

d) Immediately informs the Shift Supervisor of any facts described in Article 4, paragraphs "d.a" and "d.q";

e) Serves food portions to detainees according to the day regimen and Article 28 of the Standard operating Procedures;

f) Within the competence, implements procedures related to the placement of a person into the temporary detention facility and registers relevant information in the unified electronic database of detainees;

g) Compiles minutes and other relevant documents;

h) fulfils other functions in accordance with Georgian legislation and specific tasks given by the Head of Shift;

Attachment №2

Standard Operating Procedures of the Temporary Detention Center of the Ministry of Internal Affairs

Chapter I

General Provisions

Article 1. Regulation sphere

1. The Standard Operating Procedures (hereinafter referred to as the Operating Procedures) of the Temporary Detention Facility of the Temporary Detention Department (hereinafter referred to as the Department) of the Ministry of Foreign Affairs (hereinafter referred to as the Ministry) regulates operations of the Temporary Detention Facility and issues related to placement and detention of persons detained or measure of restraint under the Criminal Process Code of Georgia and Code of Administrative Violations and also foreign citizens detained for the purpose of deportation in cases stipulated by Georgian legislation.

2. The Operating Procedures shall be followed by the Temporary detention facility's personnel, persons in the Temporary detention facility and all those who enter or are present in the territory of the Temporary detention facility.

3. Violation of the Operating Procedures shall result in statutory liability.

4. Persons who do not abide to legitimate instructions of employees of the Temporary detention facility shall become subject to statutory enforcement action.

Article 2. Interpretation of Definitions

For the purposes of the present Attachment the below definitions shall be interpreted as follows:

a) Placed in detention facility- a person held in facility based on provisions of Criminal Procedure Code of Georgia, a person detained according to Code of Administrative Violations or persons subject to detention as a measure of restraint and also foreign citizens detained with the purpose of further deportation from the territory of Georgia pursuant to applicable Georgian legislation;

b) Person to be placed- a person to be admitted to the detention facility brought to the facility by representatives of an authorized institution before the process of admission is finalized;

c) Medical worker- relevant qualified non-staff member employee of the medical unit of the department who is serving at the detention facility stipulated in his/her Employment Contract and/or a member of the urgent primary assistance team;

d) Close relative- a child, spouse, person with a common child, a parent (parents), step mother, step father, a parent of the spouse, step child, adopted children and their and descendants, grandchildren, sister, brother, niece, nephew and their children, grandmother, grandfather, a parent of a grandmother, a parent of a grandfather (from mothers and from father's side), an ncle (from mother's and father's side), aunt, cousins, and a person with whom he/she lived and had a joined household during the last year before detention;

e) Presumably illegal items- firearms, explosives and weapons, cold arms, medical device and similar items, as well as drugs/psychotropic preparations, false documents and any other item that is removed from the civil turnover;

f) Emergency situations – a crisis at the detentions facility, which is caused by a catastrophe, a large-scale industrial accidents, fires, natural disasters, epidemics, epizootics or use of military means, that causes a threat and / or is likely to be a danger to life and / or health of people in detention, causes or may cause a human injury, damage and / or considerable material damage.

g) Newly received injury – an injury, that the inmate/a person to be placed received in the process of detention or after detention, according to his/her explanation; as well as all cases, in which, despite the explanation given by the inmate/person to be placed, there is a possibility, that the injury was received during the persons's contact with the detaining employees, considering the healing period of the injury.

Chapter II

Enforcement of the rules and conditions of the placement

Article 3. Grounds and procedures of placement to the detention facility

1. A person to be admitted to the detention facility is brought to the detention facility by personnel of relevant authorized institutions on the grounds of the written reference as stipulated in Georgian legislation.

2. Grounds for the placement of a person into the detention facility:

a) Minutes of Administrative arrest;

b) Protocol of detention of a suspect;

c) Protocol of detention of an offender in the courtroom;

d) Protocol of detention in the courtroom for administrative violations, of a defendant, an accused or a convict;

e) Protocol of detention of a foreigner for the purposes of deportation from the territory of Georgia;

f) Court Ruling during cases stipulated in Article 205, Para 6 of the Criminal Procedure Code of Georgia.

3. Written reference for placement in detention facility of a person sentenced to an administrative arrest shall be accompanied by the Protocol of detention and Court Ruling or a Court Warrant.

4. On the grounds of the Court Ruling, the defendant with a measure of restraint in the form of detention, may be placed in the detention facility if the nearest penitentiary institution is far from the court and the process of transportation/escorting of a defendant is complicated. During his placement in the detention facility, he/she will be supervised by the Ministry of Corrections and Probation in accordance with Imprisonment Code of Georgia and other legal acts, if it does not come in contradiction with the requirements of the internal standard operating procedures and/or safety of people in the detention.

5. Adherence to the procedures in the process of placement of a person to the detention facility shall be supervised by the Head of Temporary detention facility and/or in case of his/her absence- by the Chief of Shift of the temporary detention facility.

6. Non-placement in detention facility of:

a) A person, whose physical and/or psychological health condition does not allow for his placement in the detention facility and there is a decision of a medical personnel about it;

b) A person under the age of administrative and criminal liability.

7. When the person to be admitted to the Temporary detention facility arrives, the Chief of Shift or another employee nominated by him/her enters relevant information based on the enclosed documents into the database of people in detention (hereinafter referred to as – unified electronic database).

8. A person to be admitted to the detention facility is searched and his personal belongings are inspected in accordance with established procedures by personnel on duty from the current shift who is supervised by the Head of Shift of the Temporary detention facility.

9. At the admission to the detention facility, the Head of Shift or another authorized staff member informs the person to be admitted about his/her rights and responsibilities, rules for filing complaints, requirements of standard operating procedures and also his/her procedural rights and the person signed a document acknowledging that he/she has been informed about the latter. If a person to be admitted does not understand the national language, this information shall be provided to him in his native or another language he understands.

10. If a person to be admitted to the Temporary detention facility cannot read, or is blind or is a person with impaired vision, information stipulated in Article 8 shall be provided to him/her verbally. A deaf and dumb person shall receive this information via a specialized interpreter.

11. If the person to be admitted is a juvenile, information stipulated in Article 8 shall be provided to him/her in an understandable format.

12. After a personal search and inspection of his/her personal belongings the person shall undergo medical examination by a medical personnel.

13. At the admission, the person has to be photographed and his signature shall be recorded in an electronic format. The photograph and e-signature of a person is uploaded in the unified electronic database.

14. Upon completion of the above procedures, the Head of Shift of the Temporary detention facility accommodates the person in his/her cell.

Article 4. General Rules of Placement of Persons in the Detention Facility

People held in the Detention facility are placed in cells where video surveillance and control may be legitimately conducted to ensure their safety and implementation of the requirements of the standard operating procedures as per established procedures.

People in cells shall be placed according to the following rules:

a) Persons detained on the grounds of the Criminal Procedure Code of Georgia shall be placed separately from those detained for different grounds;

b) In accordance with the Criminal Procedure Code of Georgia, persons sentenced to detention, shall be placed separately from those detained for other grounds;

c) Persons, held in detention on the grounds of the Administrative Code, shall be held separately from those detained on other grounds;

d) According to the Administrative Code of Georgia, people sentenced to detention shall be placed separately from those placed there on other grounds;

e) Persons detained for the purposes of deportation from Georgia are placed separately from those held there on other grounds;

f) Men are placed separately from women;

g) Juveniles are placed separately from adults;

h) Persons detained on the grounds of the same case in the detention facility shall be placed separately; investigator, prosecutor or court has a right to expand this rule to other accused as well;

i) Pregnant women shall be placed separately from other persons;

j) Employees of the court, the Ministry of Internal Affairs, Ministry of Justice, Ministry of Corrections of the Ministry of State Security, Ministry of State Security Service, the Ministry of Finance Investigation Department, Ministry of Defense and the Intelligence Service shall be placed separately from others. The same rule applies to former employees of the above listed institutions.

3. Head of the temporary detention facility or in his/her absence – Head of Shift is authorized upon necessity to take decision regarding placement of persons separately.

In cases when rules of the present Article regarding separate placement cannot be fulfilled and/or when necessity exists, the Head of the Department is authorized to take a decision regarding a transfer of a person from one Temporary detention facility to another. The mentioned decision shall be properly substantiated and issued in writing.

Article 5. Personal search

Personal search is conducted immediately upon arrival to the temporary detention facility, by a person of the same sex, in a discrete place, away from the visual scope of other, in a room without video surveillance cameras. A person of the same sex may attend a personal search. Clothes of a person to be placed in the detention facility shall be inspected and searched by an authorized staff member on duty. Upon completion of the personal inspection, a protocol of inspection is concluded and details of a person's garments are filled in. Various technical means may be used during a personal inspection.

2. Before the personal inspection starts, the temporary detention facility's employee shall inform about those personal items, hygiene means, food, other items and products that a person has a right to receive in a parcel, keep and use legitimately (Attachment No 1 of the Standard Operating Procedures).

3. Before the personal inspection, the temporary detention facility's staff shall request to present all items that are not allowed according to Attachment #1 of Standard Operating Procedures. If during the personal inspection, such items are found, they shall be confiscated by the staff of the temporary detention facility.

4. In case when an allegedly illegal item is presented by a person eligible for admission or it is discovered by a temporary detention facility staff member, such item shall be sealed, protocol of confiscation shall be concluded and the Prosecutor's Office of Georgia shall be informed.

5. The item that was presented by or confiscated from a person, but is not a subject to notification as per Paragraph 4 of the present article, shall be thoroughly described in the Personal Inspection Protocol. The named items except for perishable goods shall be stored in the temporary detention facility in a specially allocated place. They shall be returned to the person in full when he/she leaves the temporary detention facility or when he/she is released, which is proved by the signature of a detained person and/or a representative of a detaining institution in the Inspection Protocol. Perishable foods shall be destroyed and the relevant Protocol shall be concluded.

Article 6. Primary Medical Examination

1. A person to be placed in a temporary detention facility, before he is accommodated in his/her cell shall undergo primary medical examination.

2. At the primary medical examination a medical worker shall interview the person to be admitted about his/her health condition, health information shall be recorded and a visual checkup shall be conducted to record any bodily injuries. Medical examination shall be conducted in a separate room without presence of any other staff members, except for those cases when the medical worker himself/herself believes that presence of a temporary detention facility staff member at the procedure is necessary.

3. In a temporary detention facility with a functioning medical station the primary medical examination is conducted by the relevant qualified non-staff member employee of a medical unit of the department and a special form of Medical examination of a placed person is filled in. If a doctor has any suspicion of torture or inhumane treatment, he/she is obliged to send a written notification to the Prosecutor's Office of Georgia and the General Inspection of the Ministry in a written form. The Head of the temporary detention facility shall also be informed on the subject.

4. In a temporary detention facility without a functioning medical station, Head of Shift shall call an emergency ambulance. In this case after medical examination

is completed, a protocol of visual checkup is filled in by a temporary detention facility staff member according to the Medical Card filled in by the ambulance. The visual checkup protocol describes visual condition of a person to be placed, any signs of a body injury, where and under which conditions these body injuries were caused, by whom, if a person to be placed has any claims or complaints- and it is signed off. If the person to be admitted refuses to sign the document, the staff member of the detention facility shall make a note in the protocol. If a placed person expresses complaints and/or new bodily injuries exist, the Head of the temporary detention facility must immediately send this information to the Prosecutors Office of Georgia and the General Inspection of the Ministry. Information on the type of the injury is received by the the staff member of the detention facility directly from the medical worker, who performed the primary medical examination.

5. A person whose health condition, according to a health worker, does not allow for a placement in the temporary detention facility, shall be transferred to a medical facility.

Article 7. Rules of movement of detained persons on the territory of a temporary detention facility

1. Removal of a placed person from a cell is allowed only in situations foreseen by the Standard Operating Procedures.

2. A placed person when moving at the territory of the temporary detention facility is obliged to follow the rules, fulfil legitimate orders of staff members of the temporary detention facility. For safety purposes, an employee of the temporary detention facility may instruct a person in detention to keep his hands behind the back.

Removal of a detained person from his/her cell between 22.00 and 06.00 is allowed:

- a) for a meeting with a solicitor;
- b) Release from a temporary detention facility;
- c) Provision of emergency medical assistance;
- d) Conclusion of urgent investigative and/or procedural activities;

e) In case of an emergency or urgent need as per a substantiated decision of the Head of the temporary detention facility.

4. Authorized personnel of a temporary detention facility shall escort the person from his/her cell to the investigation room or/and for participation in procedural activities between 06.00 and 22.00, and in case of an urgent need- at any time, on the grounds of a written request of an investigator, prosecutor, and/or a defense lawyer.

5. Head of the temporary detention facility is authorized, in cases when it is needed for the purposes of safety, to move a placed person from one cell to another.

Article 8. Placed person's right to have a defense lawyer

1. Placed person's right to have a lawyer implies his right to contact a lawyer and be seen by a lawyer. Contact with a lawyer shall be provided within a reasonable time after placement of a person in the temporary detention facility. If the identity and contact details of a person's lawyer are known, an employee of the temporary detention facility contacts him/her personally. However, in cases when identity and/or contact details of a lawyer are not known, contact with a lawyer shall be ensured by the detaining agency.

2. If a lawyer presents a relevant document (identity document and a relevant order) a person placed in the temporary detention facility has a right to meet his/her lawyer face to face without any limitations and interference, in the temporary detention facility's investigation room without any other person's presence and without any limitation with regards to the number and duration of the meetings.

3. For the safety purposes, an employee of the temporary detention facility may be present in the proximity of the meeting place of a lawyer and a placed person. The presence of the employee of the temporary detention facility should not disturb confidentiality of the conversation between the lawyer and the placed person.

Article 9. Temporary removal of a person from Temporary detention facility

1. Temporary removal of a placed person from temporary detention facility:

- a) On grounds of a prosecutor's order to implement those investigation related activities that cannot be carried out in the temporary detention facility;
- b) Transfer to a medical facility on grounds of a Conclusion of a relevant medical worker;
- c) Transfer to a relevant substitution Programme;
- d) Presence in court;
- e) In cases pursuant to the Standard Operating Procedures on grounds of a written order of the Head of Department;
- f) Emergency situation in a Temporary detention facility.

2. Moving of a person placed in the Temporary detention facility from the facility is carried out by the body that detained the latter or a person authorized by the detaining agency on grounds of a written request of the detaining agency;

If temporary removal is required due to an emergency situation in the facility and/or an urgent need of medical assistance to the placed person, the Head of the Temporary detention facility or Head of Shift of the Temporary detention facility recourse to the nearest territorial, district or town unit of the Ministry.

Article 10. Rules regulating video surveillance in the Temporary detention facility

Video surveillance at the Temporary detention facility is allowed for the purposes of safety of personnel, detainees and other persons in the facility as well as other legitimate purposes- to prevent suicide, self-inflicted damages, other crime and violations as well as to ensure smooth functioning of the facility and efficient monitoring of protection of human rights.

2. Video monitoring is allowed in the duty stations of the facility, de-escalation rooms, corridors where cells are located. Video monitoring shall not replace checkups of persons placed there by personnel and contact with the latter. Video surveillance system shall be located so that persons in the Temporary detention facility could be visually observed and identified. In case of video surveillance of the Temporary detention facility, Head of Facility shall place relevant warning signs in visible locations.

3. In case of video surveillance in a de-escalation room, Head of Shift at the Temporary detention facility shall inform the person placed in the de-escalation room in writing. Notification Protocol shows the time when video surveillance is switched on. Notification Protocol is signed by the Head of Shift of the Temporary detention facility and a person subject to video surveillance in the de-escalation room. If a person refuses to sign the acknowledgement in the Notification Protocol, relevant record shall be made.

4. Videos surveillance must not be used as a mean of punishment of a person in detention.

Article 11. Storage, deleting and destroying of video surveillance records

1. The department is authorized to record information received through the video surveillance in the Temporary detention facility.

2. Central management of the video surveillance is carried out at the Department by the Monitoring unit of the Department in a special room appointed for the purpose (hereinafter referred to as a Central Management Room).

3. The following persons have a right to enter/be in the Central Management Room:

a) Minister;

b) Deputy Minister in charge of the Department;

c) Director of the department;

d) Deputy Director of the department;

e) Employees of the monitoring unit of the department;

f) Other persons in pursuance of human rights protection or professional duties in virtue of the Minister's decision substantiated written communication of the director of the department.

4. No photo/video/audio record shall be made in the central management room without written consent of the Minister;

5. Mobile phones can be carried into the room only by the persons listed in subparagraphs a, b and c of Paragraph 3 of this Article and other persons on grounds of a written consent of the Minister.

6. In the process of video monitoring, the information is recorded in the automatic mode. The footage is stored in the central control room for at least 120 hours, during which a recording device is recording new information in the memory over the information contained in the device's memory as a result of deletion/ destruction of previous records.

7. Watching and transfer of the filmed material shall be carried out as stipulated by the relevant normative acts;

8. No electronic device shall be attached to the recording equipment without the minister's written permission.

9. Archiving of the recorded material for the purposes of law enforcement procedures shall be done in case of the following circumstances/situations:

a) Unlawful action, including possible offense;

b) Death of a placed person;

c) Any action that can result in facts listed in subparagraphs a and b of this paragraph;

d) Cases of self-injury and / or suicide attempts by a placed person;

e) In other cases – on grounds of substantiated decision of the Department Director or Deputy Director.

10. Archived material shall be stored at the department in a special database and a special Protocol on Activation of the material shall be concluded. The protocol is concluded by the the head of the monitoring unit of the department or his/her deputy. The Protocol on Activation of the material shall be accompanied by the Decision based on which the given material was archived.

11. Archived material including some parts of the material can be copied (removed, fixed) based on a written decision of the Director of the department with a consent of the supervising deputy minister.

12. Archived material is stored maximum for one month after completion of law enforcement procedures or other relevant actions for which the mentioned material was archived. Archived material stored in the relevant database is destroyed within ten working days after expiry of the term by a special commission of the agency established by the minister's order.

13. Archived materials stored in the relevant database shall be destroyed by the commission: in case of electronic file- completely deleted from the system and a hardcopy shall be burnt, cut or otherwise destroyed so that its recovery would not be possible.

14. A Protocol of Destruction is concluded, the volume of material, destruction time, place and other details are mentioned therein.

Article 12. Receiving parcels at the temporary detention facility

1. Allowed items in parcels can be received at the temporary detention facility according to these Standard Operating Procedures (Attachment # 1 of the Procedures). In case there is a relevant prescription, the placed person has a right to receive factory made sealed medical preparations in a parcel, which shall be stored together with the person's personal items.

2. Parcels at the temporary detention facility are accepted from a person with an identity card or another identification document with a personal number and a photo issued by the state body in accordance with law.

3. An employee of the temporary detention facility explains to the parcel sender about the process of filing an Application on Parcel Delivery, issues a blank form to be filled in and informs the sender about the list stipulated in Attachment #1 of the Standard Operating Procedures.

4. The employee of the temporary detention facility in the presence of the parcel sender verifies the list of items in the Parcel Delivery Application with the list stipulated in Attachment # 1 of the Standard Operating Procedures.

Items that are not listed in Attachment # 1 of the Standard Operating Procedures shall be returned to the sender with relevant explanations of the reason if such items are discovered during inspection of the parcel .

6. If during the inspection of the parcel, some allegedly illegal items are found, Head of Shift of the temporary detention facility concludes a relevant protocol and immediately informs the Prosecutor's Office of Georgia about this fact;

7. Upon completion of the relevant inspection, Head of Shift of the temporary detention facility enters the information about the received parcel into the unified electronic database.

8. An employee of the temporary detention facility delivers the items (after inspection of the parcel) and food to the placed person in full as per the list. The placed person shall sign the Application to acknowledge the receipt of the parcel.

Article 13. Inspection of cells of a Temporary detention facility

1. Inspection of cells of the temporary detention facility is carried out by employees of the temporary detention facility every morning at the change of shifts, and in some cases as ordered by the Head of the facility due to some circumstances. Special technical devices can be used during cell inspections.

2. Before the inspection of the temporary detention facility, personnel of the temporary detention facility shall remove a placed person from the cell and at this point of time, the personnel is authorized to inspect the person.

3. If any allegedly illegal item is found during the inspection stipulated in this article, the item shall be properly sealed and the Prosecutor's Office shall be immediately notified.

4. Items not listed in Attachment # 1 of the Standard Operating Procedures and discovered during the inspection foreseen by this Article, shall be taken off the person. Consequently, these items shall be kept at a special storage at the temporary detention facility together with other personal items of the placed person and they will be returned in full when the person is released or leaves the temporary detention facility.

5. If during such inspections, personnel of the temporary detention facility discovers any damage to the cell and/or cell inventory, he/she shall immediately conclude a Protocol on Damage.

Article 14. Rules and procedures for Measures to be implemented at the temporary detention facility to ensure safety

1. In order to prevent self-damage by a placed person, damage to others and the property of the temporary detention facility, criminal and other offense in the temporary detention facility, in cases when placed person refuses to fulfil legitimate instructions of the personnel, in order to deter an attack, group's disobedience to order, and/or massive disorder, the following measures may be used towards the placed person:

- a) Application of handcuffs/immobilizing;
- b) Separation of such person from others;
- c) Placement under permanent observation

2. Handcuffs and other means of immobilizing shall be used to calm the person down but no longer, than for 2 hours, handcuffs and other means of immobilizing shall be used in such a way that a person would not be able to inflict self-damages. Every case of application of handcuffs and other means of immobilizing shall be recorded by the Head of Shift who stipulates the place, grounds and duration of the applied measure. Information about application of these measures shall be sent to the monitoring unit of the department and the prosecutor's office of Georgia.

3. If a placed person endangers his or other person's life and/or health, or there is a threat of the latter, he/she may be placed under permanent observation. If a relevant infrastructure is in place, the person shall be placed in a special de-escalation room of the temporary detention facility under 24-hour observation and availability of a medical worker. De-escalation room shall be equipped with a safe mattress, video surveillance camera, without a view at the toilet seat, remotely controlled, damage resistant open type of toilet, tap, light and proper ventilation. In those temporary detention facilities where a properly equipped de-escalation room is not available, the person shall be placed separately and the temporary detention facility's guardsman on duty shall maintain a permanent observation of the person to control his condition. As soon as the person is placed

under permanent observation, the personnel concludes a relevant document and makes a records describing persons condition at reasonable intervals.

4. Implementation of measures foreseen by this article shall be stopped as soon as the threat that resulted in these measures is over.

5. Measures foreseen by this Article shall not be applied to a person with a purpose of punishment.

Article 15. Relationship between persons placed in the temporary detention facility and its personnel.

1. Persons placed in the Temporary detention facility address the personnel formally.

2. Personnel of a temporary detention facility treats addresses persons politely, ethically (by name and/or family name).

Article 16. Medical care

1. 24/7 medical care shall be available to persons placed in the temporary detention facility at the level of requirements set for the country's medical care in general. In the temporary detention facility without a medical station, an Emergency Ambulance shall provide medical care when requested.

2. Placed persons in case of necessity have a right to undergo medical examination during the term in the facility and at their own expense, invite an external expert.

3. If a placed person has health related complaints or signs of illness are obvious, personnel of the temporary detention facility is obliged to escort him/her to a medical station or to call emergency ambulance to receive an advice regarding the place where the treatment shall be rendered- locally in the temporary detention facility or a transfer to a medical facility is needed. In the temporary detention facility:

a) With a functioning medical station, a relevant health record in the person's file is made by a qualified non-staff member employee of the medical unit of the department.

b) Without a functioning medical station, a record about medical assistance provided to the person is made by an employee of the temporary detention facility based on the Medical Cards filled in by the emergency ambulance;

4. If a placed person needs a medical assistance, which, according to the medical worker, cannot be rendered at the temporary detention facility, he/she shall be transferred to a relevant healthcare facility. Time spent at the healthcare facility shall be recognized as time spent in the temporary detention facility. Upon completion of the treatment course, the placed person pursuant to the doctor's permission shall return to the temporary detention facility, unless the term of his/her detention in temporary detention facility has expired.

5. Those placed persons who receive medical treatment at the temporary detention facility should be able to receive the required medicines. The medical worker of the facility issues medicines.

6. Regulations of healthcare service provided to the placed persons is adopted by a normative act issued by the Minister's.

Article 17. Recordkeeping guidelines

1. In order to ensure smooth functioning of the Temporary detention facility, the personnel shall maintain electronic database and personal files.

2. Regulations regulating the process of maintenance of the unified electronic database and personal files are approved by a normative act issued by the Minister of Internal Affairs.

Article 18. Right of entry into the temporary detention facility

1. Temporary detention facility's personnel enters the facility with their employment ID.

2. Any person, except for the personnel of Temporary detention facility and persons listed in Articles 19 and 20 of the present Attachment need a special permission for each entry; Permission is used by the Head of Department or in his absence, by deputy head of the department.

Persons entering the Temporary detention facility have to undergo an inspection/search -only a surface search over their cloths and using some technical devices by personnel of the same sex. In urgent cases, inspection/search can be made by any personnel but only using a technical device.

4. On duty guardsman of the Temporary detention facility before a person enters the facility informs him/her about the list of food products, items, goods, substances and documents that are not allowed into the meeting with a placed person (Article # 2 of the Standard Operating Procedures).

5. No audio-video recording devices shall be carried into the temporary detention facility without permission, except for those cases when there is a written request from the prosecuting body to use the mentioned devices for the purposes of investigation. This permission shall be issued by the Head of the Regional Temporary Detention Facility.

6. A person, including employees of the ministry, holding firearms, audio and video recording and/or electronic communication devices, shall leave them in a special storage of the Temporary Detention Facility.

Article 19. Rules and Procedures of entry into the Temporary Detention Facility

1. Any person (of any rank) entering the facility must present an Identification Card or a Professional Identification Certificate

2. A prosecutor or an investigator in charge of a criminal case, with a relevant written reference, is allowed to enter only the investigations room of the facility to implement investigative or other procedural activities.

3. Emergency Ambulance brigade called by the Temporary detention facility's personnel is allowed only to the location where the patient is placed.

4. Bearers of a relevant document can enter the Temporary detention facility pursuant to the decision of the Head of the facility to implement measures against epidemics.

5. In case of an emergency, pursuant to the decision of the Head of the Temporary Detention Facility entry may be allowed to representatives of a relevant unit of the Ministry.

Article 20. Rules and Procedures of Entry without a special permission

The following persons have a right of entry to the Temporary Detention Facility:

- a) Prosecutors of the unit in charge of protection of human rights of the Chief Prosecutor's Office, who are authorized to supervise protection of human rights of persons placed in detention, prisons, places of deprivation of freedom and other institutions;
- b) The Ombudsman of Georgia and staff of the Public Defender's Office with a relevant Letter of Attorney issued by the Public Defender;
- c) The Minister, Supervising Deputy Minister, Head of Department and Deputy Heads of Department;
- c¹) Personnel of the General Inspection (Department) of the Ministry;
- d) Personnel of the medical unit of the department;
- e) Personnel of the Monitoring unit of the department;
- f) Personnel of the administrative support unit of the department;
- g) Representatives of European Committee against Torture and inhumane or humiliating treatment or punishment;
- h) Personnel carrying out auxiliary functions at the Temporary Detention Facility.

Article 21. Material responsibility of a person places in Temporary Detention Facility

1. A placed person who causes material damage to the State, to a legal or a physical person shall bear material responsibility in the amount foreseen by the Civil Law.

2. Damage to health

Any emergency assistance due to the damage to health caused by a placed person is carried out at the expense of the State. The placed person reimburses the costs of treatment in case of self-inflicted damage or damage to others caused by

negligence or intentionally; also for damage to the Temporary Detention Facility and also for any additional costs caused by his attempt to escape from the Temporary Detention Facility.

3. If the placed person does not reimburse the costs, the mentioned issue shall be processed in Civil Law.

Article 22. Grounds for release from Temporary Detention Facility

1. Release of the placed person from the Temporary Detention Facility shall take place:

a) on grounds of the prosecutor's or judge's decision which is subject to immediate execution upon receipt of the document by the Temporary Detention Facility;

b) In cases stipulated in Para 3 of this Article, on grounds of the decree issued by the Head of the Temporary Detention Facility;

c) upon expiration of the term of placement into Temporary Detention Facility, which is calculated pursuant to the Law of Georgia based on the documents listed in Article 3, paragraph 2-4 of the present Standard operating Procedures;

2. Release of the placed person shall be ensured by the Head of the Temporary detention facility who prior to the release verifies identity of the person and relevant documents.

3. A person detained as accused shall be released on grounds of the decree of the Head of the Temporary detention facility if within 48 hours from the detention he/she has not received an indictment and also in such a case when the accused has received an indictment but the Court within 72 hours of detention has not produced a decision on the measure of restraint.

Chapter III

Rights and responsibilities of a placed person

Article 23. Rights of a placed person

1. A placed person has a right to:

a) Pursuant to the Law of Georgia the following shall be ensured:

e.a.) Specialized accommodation (cell), food, personal hygiene, cloths and personal safety;

a.b) Healthcare service;

a.c) Meetings with solicitor, representatives of the diplomatic corps, meetings with the representatives of councilor offices and other diplomatic representatives (for foreign citizens);

a.d) Receipt of parcels;

a.e) Free legal aid and legal advice pursuant to the Law of Georgia;

b) File motions and/or complaints in accordance with the established procedure;

c) Treatment by personnel of the Temporary detention facility and other placed persons shall be free of any discrimination;

d) Be protected from other placed persons' violence and humiliation;

e) Keep and use items listed in Attachment # 2;

f) Receive information about his/her rights in an understandable language and format;

g) Use interpreting service if the State language of Georgia is not understood;

h) Enjoy rights pursuant to the Law of Georgia.

2. A placed person has a right to human treatment. Any restriction shall not be stricter than what is required for his/her own safety, safety of others, in order to prevent damage of property, deter any offensive or other illegal action, disobedience by the placed person, deter an attack, group disobedience and/or massive disorders, escape or prevent any acts aimed at jeopardizing the process of ascertaining the truth in the criminal case.

3. Foreign citizens placed in the Temporary Detention Facility have a right to contact their diplomatic or councilor representatives and meet them without any limitations. If there is no diplomatic or councilor representation of the state a placed person is a citizen of, or if a person has not got any citizenship, or he/she is a refugee, than the person has to have a right to contact representative of the state which shall undertake protection of the person's interests or those national or international institutions that have a mandate to protect such citizens.

4. A placed person has a right to immediately receive news about the death of a close relative or serious illness if this information became known to the personnel of the Temporary detention facility.

5. A placed person has a right to regularly conduct religious rituals if this does not insults rights and legitimate interests of other people.

A required quantity of supplies including paper, envelopes for confidential complaints, writing means, etc. shall be provided in required quantity to a placed person who needs to write a motion, complaint or any other type of application;

7. Temporary detention facility has no right to stop or inspect letters addressed to the President, the Speaker of Parliament, Member of Parliament, the courts, the ECHR, the international organization, established pursuant to human rights international agreements ratified by the Parliament, the Ministry, the Department of the Public Defender, the lawyer, the prosecutor as well as communication received from the latter.

8. A placed person shall have access to telephone to be able to call the general inspection of the Ministry and/or the Office of the Public Defender of Georgia. If a person is using his right to use the hotline, the personnel of the Temporary detention facility shall ensure confidentiality of this conversation.

Article 24. Responsibilities of a placed person

A placed person shall:

- a) Respect the regimen of the Temporary detention facility;
- b) Fulfil legitimate instructions of the personnel of the Temporary detention facility;
- c) Be polite to the personnel of the Temporary detention facility and other persons in the facility;
- d) Take care of the inventory, devices and other property of the Temporary detention facility;
- e) Abide to fire safety rules;

- f) Keep hands behind the back when moving outside his/her cell;
- g) Treat with care and not damage property of other persons in the Temporary detention facility;
- h) Maintain personal hygiene; keep clothes, bed and living space tidy;
- i) Keep food items and personal goods in a special place allocated for the purpose in the cell;
- j) Abide to other requirements pursuant to the Georgian legislation.

Article 25. Restrictions at the Temporary detention facility

1. A person placed in Temporary detention facility shall not:

- a) Make noise that disturbs the order and jeopardizes normal functioning of the Temporary detention facility;
- b) Pass on any information from a cell to a cell or outside the Temporary detention facility;
- c) Make any allegedly illegal goods, keep and/or use them;
- d) Through items from the window and/or any action that obstruct the view or the entry of a Temporary detention facility personnel into the cell;
- e) Make any marks or inscriptions on the walls, books, items of goods issued by the personnel of the Temporary detention facility; fix pictures, paintings, extracts from books or magazines on the walls;
- f) Organize gambling and/or participate in gambling games;
- g) Make body injuries; make swirling on his/her own or other's body;
- h) Smoke tobacco outside the cell except for places allocated for smoking;
- i) Have physical interaction with a placed person and/or endanger his/her health or life;
- j) Create conflict situations;
- k) Verbally or otherwise insult Temporary detention facility personnel or others.

2. Placed persons are not allowed to have any item other than those stipulated in Attachment # 1 of the Standard Operating Procedures.

Article 26. Living Conditions

1. Living conditions at the Temporary detention facility shall satisfy the sanitary and hygiene norms, ensure placed people's safety and preserve health there, shall not infringe dignity and integrity of private life of placed persons.
2. A living space per one placed person shall be a minimum of four square meters.
3. A cell of a placed person should have a window providing daylight. A cell should have natural and/or artificial ventilation and heating.
4. A placed person should have his/her personal bed, mattress and blanket that satisfy health and normal sleep conditions and are issued to the person clean and intact. Persons under administrative arrest shall be given bed linens as well. If needed, pursuant to substantiated decision of the Head of the Temporary detention facility linens may be issued to persons placed in on other grounds as well.

Article 27. Personal hygiene of a placed person

1. A placed person shall have a possibility to satisfy physiological needs and maintain personal hygiene without infringements to his/her dignity and dignity.
2. A placed person shall be supplied with hygiene means, like toilet paper, soap, toothbrush, toothpaste, towel, and a possibility to dispose them. A person under administrative arrest in addition shall receive some shaving means, while women in Temporary detention facility shall receive other gender-specific additional hygiene means.
3. A person sentenced to administrative detention by the court for a term exceeding one day and night, shall have a possibility to have a shower two times a week. If needed, the right to have a shower may be enjoyed by other persons as well based on the decision of the Head of Temporary detention facility and consent of a detaining body.
4. The right to have a shower shall not be enjoyed by a person to whom shower is not recommended by a medical worker.
5. Right to have a shower can be exercised by placed persons only during the daytime. At night, the shower can be used in exceptional cases, with the

permission (decision) of the Head of the Temporary detention facility or, in his/her absence, - of the Head of Shift.

6. Taking several persons to have a shower at a time is forbidden.
7. A placed person may be refused to have a shower at the decision of the Head of Temporary detention facility in cases when it may cause treat to safety and smooth functioning of the Temporary detention facility.

Article 28. Food of placed persons

1. Food served to placed persons at the Temporary Detention Facility shall contain all components required for human life and health. Decrease of calories as a punitive action is forbidden.
2. Food norms for the placed persons are defined in the Minister's order.
3. Food to a placed person shall be served three times a day every day.
4. Ill, seriously and obviously disabled persons and juveniles should be offered feeding conditions relevant to their needs.
5. A placed person should have unlimited access to clean drinking water.
6. Rules and Procedures regulating conditions of detention of placed persons on hunger strike in the Temporary Detention Facility of the Ministry of Internal Affairs are approved by the Normative Act issued by the Minister.

Chapter IV Complaints

Article 29. Right to file complaints

1. Actions of a personnel of the Temporary detention facility (action or lack of action), decision and/or other type of infringement of placed persons' rights may be a ground for making complaints.
2. A placed person has a right to make complaints individually or with other placed persons. Making a complaint is possible in a written form.

3. Lawyer, legal representative or a close relative of a placed person has a right to make a complaint on his/her behalf, if:

a) He/she has a reasonable ground to believe that rights of a placed person have been violated;

b) Health condition of a placed person prevents a placed person from making a complaint in person.

4. A placed person has a right to complain to the Head of the department, if the complaint is against actions of the personnel of the Temporary detention facility.

5. A placed person has a right to complain to the Minister, if the complaint is against actions of the Director of the department.

6. A person whose action or decision is being complained against shall not participate in processing of the complaint.

7. A placed person has a right at any time to complain to the Public Defender/special prevention group and the general inspection of the Ministry.

8. A placed person has a right to make confidential complaints. Confidential complaints is a complaint placed in a sealed envelope with the addressee written on the envelope.

Article 30. Rules and procedures of delivery of complaints and processing terms

1. Temporary detention facility must forward all incoming complaints to the addressee immediately. If a complaint is received on a day-off, the Temporary detention facility must forward the complaint to the addressee as soon as the following working day.

2. Director of the department/the Minister processes the complaint within 5 working days after the receipt.

3. Complaints related to torture, inhumane and humiliating treatment should be processed immediately. Information about complaints on torture, inhumane and humiliating treatment shall be sent to the special prevention groups within 24 hours.

Article 31. Outcomes of processing the complaints

1. Upon processing of the complaint, the director of the department/the Minister takes one of the following decisions:

- a) to satisfy the complaint;
- b) not to satisfy the complaint;
- c) to satisfy the complaints partially.

2. The results of the processing of the complaint shall be notified to the placed person immediately. It should be acknowledged by his/her signature and attached to his/her personal file.

3. All issues referred to in the complaint should be addressed individually and a substantiated response should be given.

4. A placed person has a right to appeal against the decision on his complaint pursuant to the rules established by the Law of Georgia.

Chapter V

Additional rules concerning administrative arrest

Article 32. Right to stroll

1. Stroll in the fresh air is organized only for those persons who are sentenced to more than one day and night of administrative arrest. Stroll is not applied to those for whom the stroll is not recommended by the conclusion of a medical worker.

2. Stroll is organized between 10.00 to 18.00, according to the day schedule compiled by the Head of the Temporary detention facility. Stroll time should be at least 1 hour.

3. Not more than three persons can be taken out for a stroll at a time; these three persons should not be those sentenced under the same administrative case.

4. Special yards are arranged on the territory of the temporary detention facility for walking of persons placed in the Temporary detention facility. The personnel member assigned by the Head of the Temporary detention facility supervises the process.

5. Head of the Temporary detention facility has to ensure that a placed person uses the right to a stroll. In case of unfavorable weather conditions, violation of legitimate requirements of the standard operating procedures and under exceptional circumstances, Head of the Temporary detention facility may decide to limit the use of the right to have a stroll. A relevant protocol shall be concluded and reasons shall be explained. If the mentioned reasons are eradicated, the placed person should be taken out for a walk.

6. In a Temporary detention facility without a specially arranged exercise yard, the stroll takes place as a rule without an escort of a guardsman or other personnel of the ministry, in the territory adjacent to the territorial body of the ministry or town's administrative building where the Temporary detention facility is located. A visual control over a placed person shall be carried out during a stroll in the mentioned territory. Before the stroll, the Head of the Temporary detention facility informs the placed person in writing that if the latter attempts to escape; he will be subject to criminal liability. The relevant personnel of the ministry will not be held liable for such an incident.

7. During the stroll, a placed person should not talk to anyone, behave unethically, take or give any items. If such fact is discovered, the right to have a stroll shall be limited until the end of the sentence term.

Article 33. Right of communication with an external world

1. A person, sentenced by court to a more than seven days of administrative arrest, has a right to have two visits of close relatives within the term of administrative arrest.

2. The Head of Temporary detention facility has to be informed in writing at least two days before the requested date. In order to arrange a meeting with the placed person, a person requesting a meeting, should present to the Head of the Temporary detention facility a document proving the relationship with the placed person (passport, identification card, driving license, marriage certificate or a caregivers' certificate or another document issued by the Social care department) or a document proving that the person has lived with the placed person for one year before detention (a document from a local self-government, and/or other state body and/or a relevant notarized document). Under certain circumstances, the Head of the Temporary detention facility has a right to consider the

application without a two-day prior notice. The placed person needs to agree to a meeting with the person named in the written application.

3. Duration of the meeting shall not be less than one hour. Duration of the meeting may be reduced by the Temporary detention facility upon request of the persons in the meeting. The meeting shall be supervised only visually, without listening to. A placed person can have a meeting with no more than two adults who can be accompanied by juveniles eligible for a meeting.

4. Abandonment of the right to a meeting has to be substantiated and may be explained only by the safety of a person in detention and/or order and safety purposes at the Temporary detention facility.

5. Right to meet close relatives for a person sentenced to administrative arrest can be replaced with a telephone communication upon written request.

6. A person sentenced to more than seven days of administrative arrest by the court has a right to make two local (not international) telephone calls during the term of detention, ten minutes each.

7. A person sentenced to more than 7 days of administrative arrest shall be explained about his/her right to meet relatives and make telephone calls at the entry; a relevant protocol is concluded and signed by the placed person as a proof of acknowledgement. If before the expiry of the term, the placed person does not use this right, the personnel of the Temporary detention facility shall conclude a relevant protocol at the release of the person who should signed it accordingly.

8. When a right to a meeting or/and telephone communication is used, the relevant protocol must be concluded by the Temporary detention facility personnel. In case of a meeting with the close relatives, names of the persons in the meeting shall be registered, their relation to the person in detention, exact starting and finishing time of a meeting. The protocol on telephone communication concluded by Temporary detention facility personnel shall reflect the telephone number used to make a call as well as the telephone number called, exact starting and finishing time. In both cases, the protocol should have a signature of a placed person.

9. A person under administrative arrest has the right, at his own expense to subscribe and / or receive a reasonable amount of scientific, popular scientific,

religious and other literature, newspapers and magazines, except for those books and magazines / newspapers with the following content: pornography, building instructions, firearms and explosives assembly instructions, materials, containing racial, religious and ethnic hatred, other materials which may pose a threat to the safety of a placed person.

10. A person under administrative arrest has the right to meet with the Georgian Orthodox Church, as well as of any other registered religious organization and / or a representative of the traditional confessions, who will be granted the entry at the decision of the Head of the temporary detention facility on the grounds of a letter provided by the relevant organization. Application shall indicate the name of the organization, the identity of a visiting person, the purpose and duration. For the meeting to take place, the placed person should express his/her willingness to meet the person indicated in the written application.

11. A person under administrative arrest has a right to meet his/her representative if a relevant letter of Attorney proves such a representation.

12. If a reliable reference regarding the death of the placed person's a close relative or an illness of the latter is received, the placed person may be temporary taken out of the detention facility at the written permission of the Director of the Department.

Article 34. Sending/receiving correspondence

A person under administrative arrest has the right to send and receive an unlimited number of letters. Correspondence received in a sealed envelope shall be opened in his presence. Correspondence of a person under administrative arrest is subject to inspection, including visual inspection without reading the content of the correspondence. In exceptional cases, if there is a reasonable doubt to believe that the letter may contain some information dissemination of which may endanger public order, public safety or the rights and freedoms of others in the facility, the Head of the Temporary detention facility may become familiar with the content of correspondence and if necessary, suspend such correspondence and immediately notify the sender about it.

Article 35. Right to education

1. A person under administrative arrest has a right to be registered for general admission tests by sending a written application requesting the right to participate in the exams pursuant to the rules established by the Ministry of Education and Science of Georgia. The personnel of the Temporary detention facility shall provide necessary writing items and forward the correspondence to the addressee.

2. On the exam day, on grounds of the order of the Head of the Temporary Detention Facility, the applicant under administrative arrest shall be escorted to the relevant examination center.

All conditions shall be provided to ensure that the person under administrative arrest is not lagging behind the general education programme. Receipt of school textbooks and items by the person under administrative arrest shall not be limited, except for cases when there is an urgent need to protect safety.

Attachment # 1 to Standard Operating Procedures

The list of personal items, hygiene means and food products

And other items and things that a placed person has a right to receive in parcels, keep and use legitimately

1. The following food products: all varieties of fruits and vegetables, except for berries, grapes, melons, and watermelons (not more than 3 kg at a time), cheese, sausages, jam, candy, jam, vegetables, fruit, bread, meat (without bones) , fish (without bones), sauces, factory produced honey, without a glass jar (not more than half a kilogram).
2. Drinks (factory made sealed mineral water and non-alcoholic carbonated beverages without color) not more than 3 liters at a time, without glass bottles.
3. Seasonal clothing: a dark-colored long pants (except for "Bridge" and "shorts"), not more than 1 unit, jacket without lining (except for any kinds of fur, "puffer" and leather) not more than one unit at a time, seasonal T-shirt and sweater (without a hood), not more than 1 unit at time, knitted hat (without caps), not more than 1 unit at a time, shirt, not more than 1 unit at a time, seasonal shoes on a light sole without laces ("slippers", keds, athletic shoes) no more than 1 unit at a time, sports clothes (without hoods, laces and lining), not more than 1 set at a time.
4. Underwear, not more than one unit at a time and socks (seasonal), not more than one pair at a time.
5. A towel, not more than one unit at a time (light colored, whitish, size 30/40 maximum) and a handkerchief, not more than two units at a time).
6. Tooth brush, cotton and non-metal comb, not more than one unit at a time.
7. Glasses (optic, not in precious metal or in plastic), not more than one unit at a time.
8. Supports, wood stick, prosthesis, wheelchair for people with limited abilities if needed (with permission of medical worker).

9. Cigarettes, not more than six packs.

10. Religious and/or other cult items, non-metal and small, without hangers

11. A person under administrative arrest additionally has a right to receive, store and use the following items:

a) Bed items (bed linen of a light color, whitish- blanket case, pillowcase and a sheet) not more than one set at a time;

b) Notebook, not more than one unit at a time, size not bigger than 21/30 cm;

c) Non-metal pencil and plastic pen, not more than two units at a time;

d) Photo, not more than two units at a time, size not bigger than 9/13 cm;

e) Non-metal cult book, not more than two units at a time;

f) A book (size of the book not bigger than 21/30 cm). A person is allowed to have not more than 3 books at a time; the books with the following content are not allowed: pornography, building instructions; firearms and explosives instructions, material that contains racial, religious and ethnical hatred; other material that may pose a threat to people in the facility);

g) Underwear, not more than 2 units and socks (seasonal), not more than 2 units at a time.

Attachment # 2 of the Standard Operating Procedures

The list of food products, items, things and documents that a person coming to a meeting with the placed person cannot have with him/her

1. Items, commodities and substances removed from a civil turnover;
2. Cold weapons of any type;
3. Chemicals, explosive, poisoning and flammable substances;
4. Money (in any currency), securities and credit/debit cards;
5. Optical means;
6. Glasses (except for optic glasses);
7. Food and all types of drinks;
8. Perfumes, eau de cologne and other substances made on alcohol;
9. Copying devices;
10. Knives, other sharp and cutting objects, including homemade and/or disassembled and/or alternated single use razors, items made of glass;
11. Axes, hammers and other tools;
12. Walking stick (except for people with disabilities);
13. Cards;
14. Photo camera, photo materials, audio and video recording devices and other recording means;
15. Mobile phones (including mobile phone chargers, sim-cards and accessories);
16. Compasses;

17. Military uniform of unknown origin and other uniforms and parts of such uniforms, including outerwear and shoes, headgear, gloves;

18. Paint and copying papers.