



U.S. Embassy in Tbilisi, Georgia  
Consular Section  
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<http://georgia.usembassy.gov/service.html>

## **INFORMATION FOR U.S. CITIZENS DETAINED IN GEORGIA**

The U.S. Embassy Consular Section in Tbilisi has learned of your arrest and detention by the Georgian authorities and is interested in your situation. We have prepared the following materials to help you understand the judicial process in this country. We strongly advise that you retain the services of an attorney to help with your case (see legal assistance). Consular officers are prohibited by regulation from offering you legal advice.

U.S. laws do not apply in the case of an arrest in Georgia for violation of Georgian laws. A U.S. Citizen who has been arrested here is subject to the same treatment as any other individual in similar circumstances. The role of the U.S. Embassy Consular Section is to ensure that you receive fair treatment, report your arrest to the Department of State in Washington, D.C., and to help you obtain the services of an attorney. The Consular Section will also contact your family or friends if you wish in order to obtain financial or other aid. The Consular Section does not have funds for legal fees or other expenses related to your defense. If after you have read the following you have any questions, do not hesitate to contact the U.S. Embassy Consular Section. The U.S. Embassy Consular section is located at 11 George Balanchine Street, 0131, Tbilisi; phone number during business hours: (995 32) 227-77-24; after hours emergency phone number: (995 32) 227-71-33.

**\*Privacy Act - The provisions of the Privacy Act are designed to protect the privacy and rights of U.S. citizens, but occasionally they complicate our efforts to assist citizens abroad. As a rule, Consular Officers may not reveal information regarding an individual U.S. citizen's location, welfare, intentions, or problems to anyone, including family members and Congressional representatives, without the expressed consent of that individual. Although sympathetic to the distress this can cause concerned families, consular officers must comply with the provisions of the Privacy Act.**

## **LEGAL ASSISTANCE**

The Georgian authorities will provide you with an attorney and translator if you cannot afford one.

However, if you have the funds to pay for an attorney of your choice, and wish to exercise this option, we suggest that you retain one as quickly as possible so the attorney can participate in the early stages of your case. Included in this package is a list of law firms practicing in Georgia ready to assist U.S. citizens. A list of English speaking attorneys can be found on the Embassy's web site at [http://georgia.usembassy.gov/list\\_of\\_attorneys.html](http://georgia.usembassy.gov/list_of_attorneys.html). The Embassy will also print copies for those without access to the Internet. The U.S. Embassy assumes no responsibility for any dealings you may have with attorneys on the list nor does it recommend any one attorney or firm in particular; the list is provided as a convenience to you.

## **PRE-TRIAL DETENTION**

Without exception, the maximum amount of time a defendant can spend in pre-trial custody is nine months. If a disposition has not been reached within that time limit, the defendant must be released and all charges withdrawn. All time spent in custody prior to a conviction and sentencing is considered time served and will be deducted from the length of the final sentence.

## **APPEAL**

Appeals must be lodged within ten days of conviction and sentencing. You may appeal against the actual conviction or against the length of sentence, but then the prosecution can also appeal for an increased sentence. In drug cases, lawyers will usually advise against appealing a sentence because it can result in a longer one. If you do decide to appeal, bear in mind that it can result in additional costs.

If your appeal is rejected you may apply for cassation, which is handled by the Supreme Court. On cassation, the Supreme Court will re-examine questions of law only, and will not disturb the lower court's finding on questions of evidence or fact. This is usually a very long process and you may find your release date comes before your cassation takes place.

## **MAIL FACILITIES**

Inmates have the right to send and receive an unlimited number of letters, according to the Imprisonment Code of Georgia.

Mail service is new to the penitentiary system. Family members of pre-trial and convicted inmates are able to send packages with a special reduced price to penitentiary facilities by Georgian post. The procedure includes simplified parcel shipping and provision of financial relief to family members of inmates. A list of allowable items is available in every postal office.

## **EMPLOYMENT**

There is no law requiring inmates to work. Inmates are provided the opportunity to work in some penitentiary facilities, but they are not required to do so.

## **CANTEEN**

An inmate has the right to purchase additional food products and personal items at shops located at the pre-trial detention/custodial area of the local jails. Spending personal money for purchase of food products and personal items is only allowed as permitted by order of the Minister of Prisons.

## **VISITING RIGHTS**

Complete isolation of a remanded/convicted inmate is prohibited. Based on written application and permission from a prosecutor or investigator, close relatives (defined as parents, spouse or children) may be given the right to visit an inmate. There are several possible types of visits, including video-conferencing, short-term and long-term visits.

Any person can arrange a video-conference meeting with an inmate. However, only inmates convicted of a less serious crime may participate in this type of conference. The conference can be arranged once in ten calendar days. Duration of a video-conference may be up to fifteen minutes. A person who wishes to arrange a video conference with an inmate should apply to the Probation Bureau at least seven days in advance of the conference.

Inmates also have the right to short-term visits. Visits may be arranged upon written request by a close relative of an inmate. The prison administration must receive a written request for the short-term visit at least five days in advance. Visitors must present a document verifying the relationship to the inmate.

Long-term visits may be allowed upon written application of the prisoner at least two weeks before the anticipated visit. This service is available only for inmates in non-maximum security facilities. The goal of this service is to strengthen the relationship between the inmate and his or her children, adopted children, spouse, parents, foster parents, or siblings. A long-term visit may take place in special hotel-type buildings on penitentiary grounds and may last up to twenty-four hours. The service is not available for inmates who are in quarantine, undergoing disciplinary action, or who are being sentenced for an administrative offense.

## **MEDICAL FACILITIES**

Health conditions of inmates are recorded promptly in their medical cards after their admission to the penitentiary system. Every inmate has his/her own electronic medical card. In every establishment twenty-four hour medical and dental units are available performing nearly every kind of surgery. When necessary, patients may be transferred to specialized clinics. In addition, a pilot program in primary healthcare was launched in three penitentiary establishments in 2011. Upon request and at their own expense, inmates may be authorized to purchase more expensive or similarly-priced medication and medical supplies than those offered by the government. Inmates may be authorized to invite a personal doctor to provide care. This will be at the inmates own expense and with the permission of the Chairman of the Department.

## **RELIGIOUS SERVICES**

Since the majority of prisoners are Orthodox Christians, Orthodox Churches are present in all penitentiary facilities. Members of other religions are allowed to practice their religion in their

cells. Additionally, representatives of all religious confessions (e.g. priests, rabbis) are allowed to meet with inmates of their respective faiths.

### **Consular Functions**

One of the most important tasks of the Department of State and of U.S. embassies and consulates abroad is to provide assistance to U.S. citizens incarcerated abroad. The State Department is committed to ensuring fair and humane treatment for U.S. citizens imprisoned overseas. We assist incarcerated citizens and their families within the limits of our authority, in accordance with international, U.S., and Georgian laws. We monitor conditions in foreign prisons and protest allegations of abuse against U.S. citizen prisoners. We work with prison officials to seek treatment consistent with internationally recognized standards of human rights and due process.

Georgia is a party to the Vienna Convention on Consular Relations, a multilateral treaty which provides that consular officers and their nationals may communicate with and have access to each other. An Embassy officer will visit a U.S. citizen incarcerated in Georgia, to ensure that he/she is receiving appropriate treatment, to provide a list of local attorneys, and to provide information on the Georgian judicial system.

While in Georgia, a U.S. citizen is subject to Georgian laws and regulations, which sometimes differ significantly from those in the United States. A citizen arrested in Georgia must go through the Georgian legal process to be charged or indicted, prosecuted, convicted and sentenced, and for any appeals. U.S. citizenship does not entitle anyone to special privileges in the Georgian legal system. The U.S. Embassy does not have authority to intervene in the Georgian justice system and cannot act as a legal representative or provide legal advice to U.S. citizens.

While there are definite limits on the role they can play, Consular officers can provide a wide variety of services to U.S. citizens who are incarcerated in Georgia.

A consular officer may do the following:

- Visit an arrested U.S. citizen in jail after being notified of the arrest, to check on the prisoner's treatment by law enforcement authorities and to monitor the state of his/her health and well-being.
- Upon request of the prisoner, notify family and friends regarding the situation, and relay requests for financial or other aid.
- Provide information about judicial procedures in Georgia.
- Provide a list of local attorneys. (Note: The consular officer cannot help to select an attorney from the list, nor can the officer provide legal advice.)
- Work to facilitate communications with family, friends, and legal counsel, subject to local law and regulations.
- Work to ensure that the individual's basic rights under local law are protected and that he/she is treated humanely in accordance with internationally accepted standards.
- Follow the progress of the individual's case in the judicial system.
- Visit an incarcerated U.S. citizen regularly and report on those visits to the Department of State.

- Provide dietary supplements (vitamins/minerals), if necessary.
- Arrange for medical and dental care, if not provided by prison, to be paid for from prisoner's funds; funds provided by family; or, if applicable and subject to conditions, funds loaned to the prisoner by the U.S. government under the Emergency Medical/Dietary Assistance (EMDA) program for destitute U.S. Citizens incarcerated abroad.
- With concurrence from the State Department in Washington, D.C., protest any mistreatment by local officials while incarcerated.
- Facilitate any goods (holiday meals, reading materials, etc.) donated from the local community to prisoners, subject to local laws and regulations.

**A consular officer cannot:**

- Demand the immediate release of a U.S. citizen arrested in Georgia, or otherwise cause the citizen to be released.
- Represent a U.S. citizen at trial, give legal advice or pay legal fees and/or fines with U.S. Government funds.
- Intervene in the Georgian judicial system.
- Identify and/or contract an attorney to represent the individual before the court.

**Georgian Legal and Political System**

Georgia is a constitutional republic with a developing democracy and economy. The judicial branch contains a Supreme Court, Constitutional Court and local courts. Continued reforms have aimed at increasing respect for and strengthening the rule of law, such as 2006 constitutional amendments intended to increase the independence of the judiciary and 2007 legislation banning ex parte communication (prohibiting parties to a case from communicating with judges during the pre-trial investigation period and the trial). Legislation establishing a legal aid office was passed, making available assistance and representation in court proceedings to those indigent who request it. The Parliament passed a new Council of Europe-compliant Criminal Procedure Code in October 2009, which entered into force in October 2010. The code encourages accountability and professionalism in the police force by barring the use of illegally seized evidence and includes better-defined rights and due process protections for those arrested. The code provides for the right to a jury trial in cases of aggravated murder, and includes measures intended to increase the speediness of trials and to allow for equal access by the defense to case discovery.

Implementation of judicial reforms is ongoing, and has not fully addressed claims that the judiciary remains under pressure from the executive branch. The internal management process for hiring, promotion, transfer, and discipline of judges remains ill-defined.