

Law of Georgia
Imprisonment Code

Article 54 – Surveillance and control of accused person/convicted persons through visual and/or electronic means

1. In the case of a reasonable belief, by decision of the director of the penitentiary institution, based on security and other lawful interests of accused person/convicted or other persons, to prevent suicide, self-injury, violence against accused person/convicted or other persons, damage to property, and to avert other crimes and offences, surveillance and control through visual and/or electronic means may be conducted. Electronic surveillance shall be conducted with audio and video devices and/or other technical means of control. The Service may, through electronic means, record the process of surveillance and control, and the information received as a result of this process.

2. The penitentiary institution shall warn the accused person/convicted person about the conduct of surveillance and/or of audio and video recording through electronic means, except as provided for by the legislation of Georgia.

3. In the case specified in paragraph 2 of this article, an order on the conduct of surveillance of an accused person/convicted person shall be introduced to the accused person/convicted person, which shall be certified by the signature of the accused person/convicted person. If the accused person/convicted person refuses to sign the order, relevant record shall be made.

4. The decision to conduct surveillance and control through visual and/or electronic means is made if other means are inefficient. The decision shall be substantiated and proportionate to the purpose.

5. No visual and/or electronic surveillance shall be conducted in the rooms allocated for long visits, except when the surveillance is conducted as determined by the legislation of Georgia and in cases provided for by law.

6. An appropriate structural sub-division of the Service may conduct visual surveillance of the meeting of an accused person/convicted person with persons defined in Article 60(1) of this Code and in the order of the Minister, using remote surveillance and recording equipment, but without listening.

7. If electronic surveillance is conducted in the territory of a penitentiary institution and its adjacent territory, the penitentiary institution shall place an appropriate warning sign in a prominent place, except as provided for by the legislation of Georgia.

8. Upon elimination of the circumstances specified in paragraph 1 of this article, the director of the penitentiary institution shall make a decision on ceasing electronic surveillance. No electronic and/or visual surveillance and control shall be conducted of an accused person/convicted person for the purpose of punishment.

8¹. The material archived in accordance with this article shall be reviewed by an accused person/convicted person in a penitentiary institution under the procedure established by the legislation of Georgia, and the aforementioned material may be transferred to an accused person/convicted person and/or his/her defence lawyer/legal representative only in cases provided for in the Criminal Procedure Code of Georgia and/or on the basis of a court judgment.

9. The Minister defines the procedure for conducting surveillance and control through visual and/or electronic means, and for storing, deleting and destroying recordings.

<https://matsne.gov.ge/en/document/view/91612?publication=39>