

## 1. Where can I appeal against a fine?

- Fines can be appealed either to (1) a superior body (to a superior official) or (2) directly to the district (city) court.<sup>1</sup>

## 2. Who is a superior official?

- A superior official is any person who controls the police officer who fined you. However, the Minister of Internal Affairs is considered to be superior to all police officers, so in order to simplify the appeal process, you can file a complaint directly with the Minister.

## 3. What is a deadline for appealing against a fine if I appeal it to the court?

- If you appeal a fine directly to the court, you have 10 days for filing a complaint after receiving the fine.<sup>2</sup>

## 4. Can I apply to the court during a state of emergency as well?

- Yes. If you do not want to exercise your right to appeal to a superior authority, you can go directly to the court regardless of the state of emergency.

## 5. If the court denies my complaint, when should I pay the fine?

- Within 30 days after receiving the court order.<sup>3</sup> In this case, you have an obligation to pay the fine regardless of whether the state of emergency is still in force or not.

## 6. What does the receipt of the fine mean?

- Receipt means that the document has been actually handed over to you. A police officer hands you the fine at the scene of the violation.<sup>4</sup> If you refuse to receive the document, it will still be considered as a delivered document.

## 7. What is the deadline for appealing against a fine to a superior official?

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<sup>1</sup> Administrative Offences Code of Georgia, Article 272, part 1, subparagraph "a".

<sup>2</sup> Ibid. Article 273, part 1.

<sup>3</sup> Ibid. Article 290, part 1.

<sup>4</sup> Ibid. Article 234<sup>1</sup>.

- Rules for the above are different during a state of emergency and you have the right to appeal against the fine after the end of the state of emergency,<sup>5</sup> within 10 days. The obligation to pay a fine arises after the completion of the appeal procedures.

#### **8. If the superior official rejects my complaint, what can I do additionally?**

- In this case, you have the right to apply to the court. If the court of first instance (city/district court) does not grant your request, you can appeal against the court's decision to the Court of Appeal, which is the final appeal procedure.

#### **9. When do I have to pay a fine, if I am not going to appeal against it?**

- If you are not going to appeal against a fine to a superior official or court, you can pay the fine immediately, or no later than 30 days after the end of the state of emergency.

#### **10. Do I have the right to use the service of a lawyer?**

– You have the right to enjoy the assistance of a lawyer when filing a complaint and during the hearing of a case.<sup>6</sup> However, the absence of a lawyer at the time when the police officer makes a decision to fine you does not stop this procedure and does not represent an impediment to the act of fining.

#### **11. Do the above rules for paying a fine or appealing against it only apply to the violation of quarantine and/or isolation rules?**

- Yes. If you commit any other administrative violation or offence, you will be subject to additional liability. For example, if you do not comply with the lawful request of the police officer during the fining process, it will result in an additional fine and/or even in imprisonment.

#### **12. Will I be again fined under administrative rules if I violate the quarantine and/or isolation rules for the second time?**

- No. In this case, criminal proceedings will be launched against you. The repeated action is subject to imprisonment. As of today, punishment for the above is imprisonment for up to 3

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<sup>5</sup> Resolution No. 181 of the Government of Georgia of March 23, 2020, Article 1, paragraph 1., according to the Resolution No. 181 of the Government of Georgia of March 23, 2020, the statutory deadlines for filing and considering an administrative complaint have been suspended during the state of emergency.

<sup>6</sup> Ibid. Article 252, part 1.

years,<sup>7</sup> while according to the amendments made to the Criminal Code by the Parliament of Georgia, the same action committed after May 2 will result in the imprisonment for a term of up to 6 years.<sup>8</sup> However, this does not mean that all persons, who violate the rules for the second time, will be automatically sentenced to the maximum term of imprisonment (3 or 6 years). Instead, the case will be sent to the court, which will individually assess your action, its severity, danger, your guilt and will make an appropriate decision. In addition, if you are found guilty, the court will individually consider the type of penalty for you.

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<sup>7</sup> Decree No. 1 of the President of Georgia of March 21, 2020, Article 8.

<sup>8</sup> Criminal Code of Georgia, Article 359<sup>1</sup>.