



AMNESTY INTERNATIONAL GEORGIA: APPEAL CASE

15 March 2007; AI Index: EUR 56/001/2007; public

Alleged ill-treatment of Vakhtang Guchua and Zaali Akobia: waiting two years for justice and reparation

Vakhtang Guchua and Zaali Akobia alleged that at least a dozen special police officers, most of whom were masked, had ill-treated them in April 2005. Both men were released on 16 July 2005 and all charges against them were dropped. Up until now, the authorities of Georgia have failed to complete investigations into these allegations and ensure reparation for the victims.

Zaali Akobia was detained in his house early on 18 April 2005 and believed to have been taken to the offices of the special police unit in Kedia street in the town of Zugdidi in western Georgia. At least a dozen officers were involved in his detention. When Amnesty International visited Zaali Akobia in the investigation-isolation prison no. 4 in Zugdidi on 14 May 2005 he said: *“All of them were masked. They started beating me when they detained me [...] Then they placed the barrel of a gun into my mouth threatening to kill me unless I signed a ‘confession’ [to involvement in the June 2002 killing of Jemal Narmania, a former governmental official in the region] and that they would fabricate another case against me if I managed to get out of this one.”* In the evening of that day he was reportedly transferred to Samegrelo-Zemo Svaneti regional police. He said he saw his lawyer for the first time on 19 April. Zaali Akobia insisted that he was innocent and told Amnesty International that he would kill himself if he could not prove his innocence.

According to **Vakhtang Guchua**, approximately 15 officers, of whom only one was unmasked, detained him in his house early on 18 April. Vakhtang Guchua reported that the men took him to the building of the special police unit in Kedia street in Zugdidi and ill-treated him for some four hours until approximately 8am. He told Amnesty International on 14 May 2005: *“They beat and kicked me and hit me with the butts of their guns. I was lying on the floor most of the time. They wanted to put a plastic bag over my head but when I begged them not to do so because I have serious problems with my lungs they didn’t do it.”* According to Vakhtang Guchua, the officers wanted him to sign a “confession” stating that he participated in the June 2002 killing of Jamal Narmania. Later that morning Vakhtang Guchua was transferred to the Samegrelo-Zemo Svaneti regional police. Vakhtang Guchua also alleged that law enforcement officers beat him in the courtroom of Zugdidi district court on 21 April in the presence of the judge and his state-appointed lawyer. According to the lawyer Tandila Jologua, who started working on Vakhtang Guchua’s case on 23 April, the duty officer who registered Vakhtang Guchua’s admission to the investigation-isolation prison no. 4 in Zugdidi on 21 April 2005 did not record his injuries although Vakhtang Guchua reportedly showed him several bruises. Tandila Jologua told Amnesty International: *“When I first saw Guchua on 23 April he had black marks on his body, bruises. I talked to the prison director and pointed out that none of these injuries were recorded by the duty officer. Then the prison director ordered a medical examination.”*

On 27 April the forensic medical expert Roin Petelava examined the two young men and found bruises and scratches on their bodies. According to his assessment, the injuries, which he classified as light injuries, were caused by a blunt object.

Both men were released on 16 July 2005 and all charges against them were dropped. Reportedly, they had been charged with “premeditated, aggravated murder” and Vakhtang Guchua also with “illegal possession of firearms”.

On 10 November 2005 the Office of the Prosecutor General of Georgia informed Amnesty International that on 3 October 2005 the prosecutor's office in Zugdidi initiated a preliminary investigation into the alleged ill-treatment of Vakhtang Guchua and Zaali Akobia. On 1 November 2005 a former officer of the Special Operative Department of the Abkhazian Division of the Ministry of Internal Affairs was detained and charged with "exceeding official authority" (Article 333, part 3c of the Criminal Code). The preliminary investigation established that in the police station officers put a piece of cloth in Zaali Akobia's mouth so that his shouting could not be heard outside. Then the officer who has been charged along with three other policemen "*abused him physically in order to extract from him [a] confession*". The preliminary investigation to establish the identities of "*those other three police officers and [those] who participated in the beating of Guchua*" was reported to be on underway.

The Human Rights Protection Unit of the Office of Prosecutor General reported in its newsletter covering December 2005 to March 2006 that the criminal case against the former officer of the Special Operative Department of the Abkhazian Division of the Ministry of Internal Affairs, opened in connection with the ill-treatment allegations, was forwarded to Zugdidi district court on 31 January 2006.

Vakhtang Guchua's lawyer told Amnesty International on 8 March 2007 that this former officer had been released on bail and that no charges had been brought against the other officers allegedly involved in the ill-treatment. He also said that his client had not received any compensation for the ill-treatment he was believed to have been subjected to.

Background information

The government that came to power following the "Rose Revolution" in November 2003 inherited a system in which torture and ill-treatment by police were widespread and perpetrators routinely went unpunished. Since then the Georgian authorities introduced or implemented a number of measures to tackle the issue of torture and ill-treatment, including legal amendments and extensive monitoring activities of detention facilities by the Ombudsman.

However, in recent years Amnesty International has received reports alleging ill-treatment and excessive use of force by police during the arrest of suspects or in police custody and by special police and prison forces in investigation-isolation facilities, in many cases. There were allegations that in many cases investigations have been excessively protracted and failed to bring perpetrators to justice.

In order to ensure that the issue of torture and ill-treatment is consistently and adequately addressed, Amnesty International called on the Georgian government to promptly draft and implement a new action plan against torture to build on the two-year Plan of Action against Torture in Georgia that expired in December 2005. Amnesty International believed that a comprehensive, coherent and appropriately resourced action plan against torture was urgently needed to ensure that all recommendations made by intergovernmental bodies, as well as by non-governmental organizations would be adequately addressed. These included recommendations by the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment following his visit to Georgia in February 2005, by the UN Committee against Torture, and by the European Committee for the Prevention of Torture.

Recommended actions:

Please send letters in Georgian, English, or your own language. If the fax does not work, please send your letter by post.

- Expressing concern regarding the allegations that Vakhtang Guchua and Zaali Akobia were ill-treated by police in April 2005.
- Expressing concern regarding the protracted investigation into these allegations and that none of the alleged perpetrators has yet been brought to justice. Stating that

according to your knowledge, an alleged perpetrator in the case of Zaali Akobia and Vakhtang Guchua was released on bail and the trial has not yet started and that no charges have been brought against the other officers allegedly involved in the ill-treatment.

- Remind the authorities of their obligation under international human rights law to open prompt, impartial, independent and thorough investigations into all allegations of torture or ill-treatment and bring those reasonably suspected to be responsible to justice. Point out that the requirement of promptness applies both to the time it takes for the authorities to examine the allegations initially, and to the pace of the investigation thereafter.
- Expressing concern that according to his lawyer, Vakhtang Guchua has not received any compensation for the ill-treatment he was reportedly subjected to.
- Urging the official, in line with May 2006 Committee against Torture's recommendation, to "consider adopting specific legislation in respect of compensation, reparation and restitution, and that in the meantime, practical measures be taken to provide redress and fair and adequate compensation including the means for as full rehabilitation as possible".

Please address your appeals to:

President of Georgia

Mikheil SAAKASHVILI, Office of the President of Georgia, 7 Ingorokva, 0105 Tbilisi, GEORGIA

Fax: (+995 32) 99 96 30 / 99 08 79

E-mail: office@presidpress.gov.ge

Prosecutor General of Georgia

Zurab ADEISHVILI, Prosecutor General, Office of the Prosecutor General, 24 Gorgasali street, 0133 Tbilisi, GEORGIA

Fax: (+ 995 32) 98 21 70

COPIES TO:

Minister of Foreign Affairs of Georgia

Gela BEZHUASHVILI, Ministry of Foreign Affairs of Georgia, 4 Chitadze street , Tbilisi, GEORGIA

Fax: (+995 32) 98 93 80 / 99 72 49

Email: secretariat@mfa.gov.ge

Prosecutor of Zugdidi District

Prosecutor of Zugdidi District, Zugdidi District Prosecutor's Office, Zugdidi, GEORGIA

Human Rights Ombudsperson of Georgia

Sozar SUBARI, Public Defender, 11 Machabeli, 0105 Tbilisi, Georgia

Fax: (+995 32) 92 24 70

Email: info@ombudsman.ge

Diplomatic representatives of Georgia accredited to your country.

PLEASE SEND ANY REPLIES FROM THE AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL. (Eurasia team; Europe and Central Asia Programme; Amnesty International; 1 Easton Street; London WC1X 0DW; United Kingdom)