

EXTERNAL

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MEDICAL CONCERN

Conditions in detention and health concern

GEORGIA

Case 7493810

On 5 October 1993, 19 men went on trial in Tbilisi, Georgia, on charges ranging from illegal arms possession to murder and terrorism. They had been arrested between May and October of the previous year, in connection with six separate incidents, including a car-bombing in June 1992 which was apparently aimed at the public figure Jaba Ioseliani and which resulted in the deaths of five bystanders. Two of the 19 were arrested in the neighbouring Republic of Azerbaijan and flown back to Georgia.

Prior to trial all the cases were united into one, case no. 7493810. Originally this case also included the charges of abuse of power and related political crimes brought against former President Zviad Gamsakhurdia, who has since died. The defendants in case 7493810 include two physicians, two physicists, a geologist, two economists, as well as farmers, drivers and other workers. Sixteen face a possible death sentence if convicted. Legal and medical concerns for defendants in the case have already prompted Urgent Actions by Amnesty International (EUR 56/07/94, 56/09/94, EUR 56/10/94 and EUR 56/11/94) and a report from the human rights monitoring group Human Rights Watch Helsinki (Newsletter, August 1994, Vol 6, no.11).

Ill-treatment after arrest

All the defendants in Case 7493810 allege that they were beaten following arrest and during interrogation. Testimony from a number of the defendants describes a recurring pattern. Typically, they were arrested by armed men in civilian clothing who did not produce arrest warrants. They were beaten on the spot, on the way to the militia station and on arrival. The beatings continued during interrogation. Questions were asked about the defendant's relationship with former President Gamsakhurdia. Further ill-treatment and intimidation followed until the defendant signed a deposition. The forms of torture described by defendants include hanging upside down, scalding with burning water, and systematic beatings resulting in fractured bones and teeth. Threats to torture or murder family members were also used against the defendants.

Petre Gelbakhiani, a doctor in his thirties and one of the two defendants arrested in Azerbaijan, gave the following account:

About twenty or thirty men came to arrest us in civilian clothes. We were handcuffed and our eyes were bound. They did not show any arrest warrant. They beat us without stopping. It continued in the airplane. I had bruises and a bloody face. I still have the scars on my face.

They demanded that I confess that I was involved in a car bomb against Ioseliani and that I had done it on Gamsakhurdia's orders. They made us speak on television. Kviraia [the current Minister of Internal Affairs] was present during all of this.

Irakli Dokvadze, a 33-year old electrician facing charges of attempted terrorism and murder, reported that

... they started taking physical measures and threatened my children. Two guys came into the police lock-up where I was. They started threatening me. They hit me with rubber clubs. Another method is that you sit on the floor with your knees up, they put handcuffs on your hands and under your legs, and they hit you on the soles of your feet. I lost consciousness. They broke my nose. Then they came to make a video film of me to put on television. They actually put make-up on my face to cover the broken nose.

They would come to interrogate me regularly at two or three in the morning. They came many times, about ten or fifteen times over the course of about a month and twenty days or two months. They beat me so many times I can't count. At one point, they kept me for two weeks in one room. They put on funeral music. It was indescribable. There was faecal matter on the floor so you couldn't walk. It stank.

They brought in my children. Baluashvili, the head of the Division for the Fight Against Terrorism, said: "If you want them to live, sign." ... My mother was already arrested at that point. I already knew that if I didn't admit guilt they would annihilate my entire family.

Only one of the allegations of torture made by the defendants in Case 7493810 been officially confirmed by the authorities. Zaza Tsiklauri, a 33-year old physicist arrested on illegal weapons charges, was hospitalized after sustaining fractures to the left leg and left arm and extensive burns from boiling water inflicted during interrogation. A criminal investigation into Zaza Tsiklauri's torture was dropped because Zaza Tsiklauri, fearing for the safety of his family, refused to give testimony. Only one of the charges against Zaza Tsiklauri has been placed under review.

Amnesty International knows of only one other investigation currently underway into the allegations of ill-treatment suffered by other defendants in Case 7493810, despite the fact that they have been raised by the defendants' lawyers during the course of their trial. An investigation is said to be taking place into reports that Viktor Domukhovskiy, a 56-year-old physicist, was beaten by special police officers in his cell on 13 August 1994. However, the state of progress of this investigation is not known.

None of the statements signed by the defendants have been excluded despite the allegations that they were obtained under duress.

Violations of due legal process

In addition to the ill-treatment that is said to have been inflicted on all defendants, the judicial process has been characterized by violations of due legal process beginning at the time of detention and continuing up to and during the trial itself. Most of the detainees were not informed of the charges against them at the time of their arrest. Communication with a lawyer was denied for a variable time after arrest, in one case for the period of one week, and interrogations were carried out without the presence of a lawyer. Access to lawyers has also been interrupted during the trial, and on occasions the trial judge has excluded both a

defendant and his lawyer simultaneously from the court. The trial judge has denied the defendants access to materials connected with their cases, and in at least one case has denied a defence lawyer access to such materials. In some instances defendants have been denied free choice of counsel and have been forced to accept representation from court-appointed lawyers against their will.

All of these actions contravene provisions of the International Covenant on Civil and Political Rights (ICCPR) and many are outlawed under the Criminal Procedure Code of the Georgian Republic.

Conditions in the pre-trial detention centre (SIZO)

The defendants are being held in pre-trial detention centre (SIZO) no. 1 in Tbilisi, Georgia. Conditions within the SIZO are said to be appalling. On average, 45-50 people are held in each cell in the men's facility in the SIZO, providing less than two square metres per person. Food consists of little more than bread and water, heating in winter is irregular and the supply of electricity is irregular. The facility is said to be vermin-ridden with rats, lice and cockroaches.

Tuberculosis is reported to be widespread amongst the inmates in the SIZO, but no attempts are made to control the spread of contagious disease either through treatment or isolation. Medical supplies are unavailable within the facility and in cases where patients are on medication they are dependant on supplies of drugs from their families. In most instances the final decision to provide medical attention is left to the judge or procuracy rather than doctors. Although, in principle, inmates may be treated at the attached Republican Hospital, authorization is difficult to obtain and is said almost invariably to require extensive bribery.

Even after transfer to the hospital the continuation of medical care appears to be at the whim of the trial judge. Zaza Tsiklauri, who was hospitalized for treatment of the effects of torture, tuberculosis and malnourishment following a lengthy hunger strike, was returned to the SIZO within days of a meeting with a representative from the human rights monitoring group Human Rights Watch Helsinki in June 1994, reportedly on the judge's orders. Medication was also ceased at this time, and was not recommenced until Zaza Tsiklauri was transferred back to the hospital on 9 September.

Ill-health

A number of the defendants are suffering serious ill health as a result of the conditions of their detention and, in some cases, hunger strikes that they have undertaken to protest their treatment.

Two of the defendants, Viktor Domukhovsky and Mamuka Danelia, are reported to have developed persistent low-grade fevers and it is feared that they have contracted tuberculosis. Zaza Tsiklauri has been diagnosed as having tuberculosis and peptic ulcers, and is dependent for medication on supplies purchased and delivered by his wife. His family have been denied access to him since he was excluded from court on 13 September 1994, allegedly for "smirking". Zurab Bardzimashvili, a 45-year old geologist, is dependent on medications received from his family for a heart condition. Omari Kochlamazashvili, a 51-year old farmer, was reported to have suffered a "cardiac fit" in court on 13 September 1994, but the latest information available about him, obtained on 20 September, indicated that he had not yet been examined by a doctor.

Conclusion

The 19 defendants in case 7493810 are accused of involvement in violent crimes. However, all allege that they were ill-treated during interrogation and that their statements were extracted under duress. They were arrested two years ago and have been on trial for nearly one year, and throughout the judicial process they have been subjected to flagrant violations of due legal process. They are being held in overcrowded and insanitary conditions in a detention facility in which tuberculosis is rife. A number of them are unwell but the provision of medical attention is arbitrary and inadequate and medication is unavailable unless supplied by relatives. Amnesty International is calling on the Georgian authorities to take immediate steps to improve the conditions of detention of these defendants, to provide medical attention on the basis of clinical need, to investigate all reports of ill-treatment, and to ensure that the defendants receive a fair trial in accordance with international standards.

Appendix

List of defendants and charges in Case 7493810:

1. **Mamuka Aptsiauri**: born 1971; charged with attempted terrorism and attempted subversion.
2. **Zurab Bardzimashvili**: born 1949; geologist; charged with terrorism, banditry and subversion.
3. **Bessarion Bochoridze**: born 1961; charged with failure to report and concealment of a criminal act.
4. **Ramazi Charigogdishvili**: born 1960; driver; charged with banditry
5. **Mamuka Danelia**: born 1959; student; charged with failure to report and concealment of a criminal act.
6. **Viktor Domukhovsky**: born 1948; physicist and former Deputy of the Supreme Council of Georgia; charged with attempted terrorism, attempted subversion, and banditry.
7. **Irakli Dokvadze**: born 1961; electrician; charged with attempted terrorism, attempted subversion, banditry and murder.
8. **Gedevan Gelbakhiani**: born 1937; physician; charged with terrorism, subversion, banditry and murder.
9. **Petre Gelbakhiani**: born 1962; physician; charged with attempted terrorism, attempted subversion, banditry and murder.
10. **Zurab Gogichashvili**: born 1956; farmer; charged with attempted terrorism, attempted subversion and banditry.
11. **Givi Kalmakhelidze**: born 1952; soldier; charged with attempted terrorism and banditry.
12. **Teimuraz Kapanadze**: born 1950; construction worker and chief of the Republican Committee of Material Resources; charged with attempted terrorism, attempted subversion and banditry.
13. **Sergo Khakhviashvili**: born 1966; carpenter; charged with attempted terrorism and banditry.
14. **Omari Kochlamazashvili**: born 1943; driver; charges unconfirmed but probably attempted terrorism, attempted subversion and banditry.
15. **Ivane Lashkarashvili**: born 1960; driver; charged with banditry.
16. **Gocha Makhviladze**: born 1958; economist; charged with attempted terrorism and banditry.
17. **Gela Mchedlishvili**: born 1968; policeman; charged with attempted terrorism and banditry.
18. **Tamaz Tsiklauri**: born 1954; economist; charged with attempted terrorism, attempted subversion and banditry.
19. **Zaza Tsiklauri**: born 1961; physicist; charged with illegal possession, transport, buying, production and selling of a weapon or explosive device.

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From: Medical Office / Research Department - EUR

Date: 5 October 1994

MEDICAL LETTER WRITING ACTION

Ill-treatment and health concern

GEORGIA

Theme keywords: medical care/ill-health/ill-treatment/torture

Summary

On 5 October 1993, a trial began in Georgia of 19 defendants accused of a variety of weapons charges and violent crimes, including murder and terrorism. Their cases had been united into one case prior to the trial, case no. 7493810. Sixteen of the defendants face a possible death sentence if convicted. All allege that they were beaten and intimidated during their interrogation, and that statements were extracted under duress. Throughout the year prior to the commencement of their trial and since their trial began, they have been subjected to flagrant violations of legal process that breach international standards and Georgia's own Criminal Procedure Code. The defendants are being held in overcrowded and insanitary conditions in a detention facility in which tuberculosis is rife. A number of them are unwell. At least one has contracted tuberculosis and the diagnosis is suspected in others. However, the provision of medical attention is arbitrary and inadequate and medication is unavailable unless supplied by relatives.

Recommended actions

Letters from health professionals, preferably written in English or your own language, should be sent to the addresses below:

- # citing the appalling conditions of detention in pre-trial detention centre (SIZO) no. 1 in Tbilisi and calling for all inmates of the SIZO to be held in acceptable conditions
- # urging that all detainees in the SIZO be given prompt access to medical attention on the basis of medical need, and in particular that all cases of tuberculosis within the SIZO be treated

Republic of Georgia

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3) Chairman of the Supreme Court of the Republic of Georgia

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Avtandil Dzhorbenadze ??????????? ???????
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6) Minister of Foreign Affairs of the Republic of Georgia

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