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Anti-Torture Body Criticizes Georgia Rights Groups Urge Tbilisi to End Torture

(Tbilisi, October 25, 2007) – The Georgian government should act now to end torture and ill-treatment in detention centers, Amnesty International, Human Rights Watch and Penal Reform International said today. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT), which has just published its most recent report on Georgia, said conditions remain unacceptable for detainees in many facilities.

The CPT, a monitoring body of the Council of Europe, noted that Georgia had made progress preventing ill-treatment of people in police custody, but instances of ill-treatment of detainees persist and conditions in many detention facilities are poor. In one severely overcrowded facility, Tbilisi Prison No. 5, the CPT determined that “the conditions of detention ... amount to inhuman and degrading treatment and as such constitute an affront to a civilized society.”

“We welcome the Georgian authorities’ authorization for the CPT to publish its latest report on Georgia,” said Nicola Duckworth, director of the Europe and Central Asia Regional Programme of Amnesty International. “The report presents an opportunity for all who care about torture prevention and prison reform in Georgia – the Georgian government, local and international nongovernmental organizations, and the international community – to enhance ongoing reform efforts to end torture and ill-treatment once and for all and bring perpetrators to justice.”

The CPT called on the Georgian authorities to, among other recommendations, provide a lasting solution to the long-standing problem of prison overcrowding, implement social rehabilitation and purposeful activities for prisoners, and confront continuing instances of ill-treatment of detainees by ensuring fundamental rights for all detainees, as well as effective investigations into allegations of abuse.

The CPT conducts periodic visits to places of detention, including prisons, police stations, psychiatric institutions and holding centers for immigration detainees, to see how detainees are treated and make recommendations to the government, if necessary. The CPT carried out its third visit to Georgia in March and April 2007. The CPT’s reporting is confidential, until the government under review authorizes publication, which Georgia has done with all CPT reports thus far.

The CPT’s report comes almost exactly one year after the General Prosecutor’s Office of Georgia launched an investigation into the deaths of seven inmates killed as law enforcement agents sought to quell a prison disturbance in Tbilisi Prison No. 5 on March 27, 2006. Law enforcement agents used regular automatic weapons and ammunition as well as rubber bullets against prisoners, and made no attempts to use

nonviolent means of control, according to witnesses. As a result of the use of force, at least seven detainees were killed, and at least 17 others suffered serious injuries.

Human Rights Watch's report, "Undue Punishment: Abuses against Prisoners in Georgia" (<http://hrw.org/reports/2006/georgia0906/>), documented specific instances in which special forces troops appeared to have engaged in excessive and illegal use of force against detainees during the March 27 operation to end the disturbance. Three months later, the government opened an investigation into whether government agents exceeded their authority in putting down the disturbance, and in October 2006 the General Prosecutor's Office launched an investigation into the deaths of seven inmates.

Under the European Convention on Human Rights, the Georgian authorities are obligated to promptly and effectively investigate every death or serious injury in custody, notwithstanding any alleged resistance by inmates. However, the General Prosecutor's Office's investigations into the conduct of the authorities and the deaths during the prison disturbance of March 27, 2006 are still pending and no results have been made public. According to official sources, no charges have been brought against any of the law enforcement officers that carried out the special operation.

"The March 27 investigations are taking too long, raising concerns about the authorities' commitment to uncover the truth," said Holly Cartner, director of the Europe and Central Asia division at Human Rights Watch. "Victims, their family members, and the public have a right to know what happened during the alleged March 27 prison riot and to know who will be held accountable for the deaths and ill-treatment of the detainees."

The Georgian authorities have recently proposed new initiatives designed to address the continuing problems of torture. As part of its obligations under the Optional Protocol to the Convention Against Torture (OPCAT), which Georgia ratified in 2005, senior Georgian officials tabled an anti-torture action plan in October 2007. The action plan identifies concrete policy and practice changes in order to prevent torture and ill-treatment. These include measures to ensure "effective investigation of cases of alleged use of torture or excessive force."

"The anti-torture action plan is in itself welcome, but it restates promises that senior Georgian officials have made before," said Mary Murphy, director of Penal Reform International's South Caucasus Office. "For such promises to remain credible, however, they have to be backed up by substantive action. Making an urgent effort to reduce and halt the rise in prisoner numbers, which increase by 400 every month, would be such an action. Another would be to designate an independent anti-torture body, as envisaged under OPCAT, to monitor and assist the anti-torture action plan's implementation."

Amnesty International, Human Rights Watch, and Penal Reform International call on the Georgian government to implement the recommendations of the recently published CPT report, particularly with respect to overcrowding and other urgent prison reforms. Overcrowding must be addressed first and foremost by using preventive detention only when strictly necessary.

All three organizations also called on the authorities to ensure that the anti-torture action plan presents concrete benchmarks and a specific timeline for implementation of reforms to prevent torture. To be fully effective, the action plan must be backed by support at the highest levels of government, including by unequivocal public statements by senior government officials.

All three organizations also called on the Georgian authorities to, without delay, inform victims, their relatives, parliament, and the public, of the outcomes of the investigations related to the alleged prison riot of March 27, 2006.

“Making the results of the investigation public is in the government’s interests, to build credibility in its reforms of the criminal justice and penal systems,” said Cartner. “It would also reassure people in Georgia and all those who wish to support Georgia’s reforms that effective procedures for dealing with excessive use of lethal force are in place.”

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