

EXTERNAL (for general distribution)

AI Index: EUR 56/02/95
Distr: UA/SC

31 January 1995

Further information on UA 277/94 (EUR 56/07/94, 19 July 1994) and follow-ups (EUR 56/09/94, 18 August, EUR 56/10/94, 7 September, EUR 56/11/94, 21 September) - Fear of torture / legal concern / Medical concern and new concern: Death penalty

GEORGIA Omari KOCHLAMAZASHVILI
 Zurab BARDZHIMASHVILI
 Zaza TSIKLARI
 Viktor DOMUKHOVSKY
 Mamuka DANELIA

new names: Irakli DOKVADZE
 Petre GELBAKHIANI

On 31 January 1995 the procuracy concluded its summary at the trial of a group of men facing charges ranging from illegal arms possession to murder and terrorism. In two cases, that of Irakli Dokvadze and Petre Gelbakhiani, the procuracy called for the death penalty to be imposed. Recommended sentences for the 15 others ranged from 3 to 15 years' imprisonment. Charges against a further two men - Omari Kochlamazashvili and Zurab Bardzhimashvili - were removed from the case.

Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it is a violation of the right to life, and is urging that none of the defendants faces a death sentence if convicted. The organization is particularly concerned in this case owing to allegations that trial proceedings have fallen short of international standards. In addition the trial is being conducted by the Supreme Court, which means that if convicted defendants would be denied the internationally recognized right to appeal to a court of higher jurisdiction.

The trial of the 19 men, many of whom are supporters of the political opposition in Georgia, began in October 1993. Many reported that they were not informed of the charges against them at the time of their arrest in 1992 and that access to a lawyer of their own choice had been periodically denied. The trial judge is reported to have excluded some defendants and their lawyers, sometimes simultaneously, for short periods from the proceedings and to have denied defendants (and in at least one case a defence lawyer also) access to materials of the case. No confessions were excluded, despite allegations that they had been obtained under duress in the pre-trial period. Forms of torture described by defendants from that time included hanging upside down, scalding with boiling water and systematic beatings resulting in fractured bones.

Many of the defendants have suffered illness as a result of their conditions of detention, being held in overcrowded, pest-ridden and insanitary cells. Medical attention has reportedly been arbitrary and inadequate.

FURTHER RECOMMENDED ACTION: Please send telegrams/express and airmail letters
- urging that Irakli Dokvadze and Petre Gelbakhiani do not face the death penalty if convicted;
- urging that all defendants receive a fair trial, and the right to appeal, in line with international standards;
- urging that all reports of ill-treatment in detention are investigated swiftly

and impartially, with the results made public and those responsible brought to justice.

APPEALS TO:

Mindziya Ugrekhelidze
Chairman of the Supreme Court
ul. Bratyev Zubalashvili, 32
380010 g. Tbilisi, Georgia

Telegrams: Georgia, 380010 Tbilisi, Pred. Verkhovnogo suda, Ugrekhelidze M.
Salutation: Dear Chairman

Eduard Shevardnadze
Chairman of the Parliament
of the Republic of Georgia
Rustaveli 8
380018 Tbilisi, Georgia

Telegrams: Georgia, 380018 Tbilisi, Predsedatelyu Shevardnadze
Salutation: Dear Chairman

Dzhomlet Babilishvili
Procurator General
Gorgosali, 24
380033 Tbilisi, Georgia

Telegrams: Georgia, 380033 Tbilisi, Generalnomu Prokuroru Babilishvili Dzh.
Salutation: Dear Chairman

Shota Kviraya
Minister of Internal Affairs
Bolshaya Alleya, 10
380014 Tbilisi, Georgia

Telegrams: Georgia, 380014 Tbilisi, MVD, Ministru Kviraya Sh.
Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Aleksandr Chikvaidze
Minister of Foreign Affairs
Chitadze, 4
380018 Tbilisi, Georgia

and to diplomatic representatives of Georgia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 March 1995.