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Georgia: Reports of ill-treatment in prison must be thoroughly investigated

Amnesty International calls on the Georgian authorities to thoroughly investigate the recently emerged new reports of ill-treatment of inmates in the Prison N8.

The representatives of the Public Defender of Georgia visited the Prison No.8 in Tbilisi, the Capital of Georgia, and discovered two prisoners who reportedly had been ill-treated by the penitentiary staff. According to the Public Defender's statement, his representatives heard screaming and saw blood stains on the floor as they entered the building of the prison and after their persistent demands the prison administration showed them two prisoners laying in the shower room. The statement says that the prisoners' hands were chained to their feet, while both had recent wounds purportedly as a result of physical violence: one of them was bleeding from his face and the other had a black eye.

The Prosecutor's Office of Georgia launched an investigation into the allegations; however the investigation was initiated not on the grounds of torture or degrading or inhuman treatment, which are crimes under the Georgian Criminal Code, but merely on the grounds of "exceeding official powers" by public servants. According to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), each state party shall make acts of torture offences "punishable by appropriate penalties" and "ensure that all acts of torture are offences under its criminal law".

In a separate incident in 2012, footage aired by Georgian TV stations showed inmates in the same Prison No. 8 being beaten by more than a dozen prison staff, while other prisoners were brought in to the room, seemingly to await their turn. The footage also showed two inmates being raped with a stick and a broomstick by prison guards, who continued to abuse them despite their pleas.

The current Government of Georgia, which came to power shortly after the release of the 2012 torture videos, pledged to improve the situation in penitentiary institutions. The evidence presented by the Public Defender of Georgia strongly suggests that the problem of ill-treatment still remains in the Georgian prisons and more work is yet to be done to effectively eradicate it.

Background

In 2013 the Georgian Courts sentenced 16 former penitentiary officials in the aftermath of the release of the 2012 torture videos. The officials were sentenced to between six months and six years of imprisonment. However, a former member of staff of the Prison No.8, Vladimer Bedukadze, who released the torture videos and was himself accused of torture, was fully exonerated from criminal responsibility by the Chief Prosecutor of Georgia on the grounds that he had cooperated with the investigation. Eight of those convicted had also made plea bargain agreements with the prosecution, resulting in the reduction of their sentences, two of whom were released immediately as they had served the period of their sentence in pre-trial detention. This, and particularly the dropping of all charges against one of these former officials, has provoked criticism in Georgia and internationally. In his 2005 report, the UN

Special Rapporteur on Torture and Other Ill-treatment had recommended that the Georgian government not use plea-bargaining to exempt law-enforcement officials facing accusations of torture or other-ill treatment from criminal liability.

All allegations of torture or other ill-treatment, past and present, should be addressed via prompt, effective, impartial and independent investigations, bringing all those complicit in this crime to justice and providing reparations to victims.

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