

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

20 September 2012
AI Index: EUR 56/004/2012

Georgia: Authorities must fully investigate evidence of torture in prisons

Amnesty International is deeply concerned by the emergence of video footage depicting the beating and rape of inmates at a Tbilisi jail by prison staff on 18 September.

The footage aired by Maestro TV and Channel 9 TV shows inmates purportedly in Prison No. 8, being beaten by more than a dozen prison staff, while other prisoners are brought in to the room, seemingly to await their turn. Other footage shows two inmates being raped with a stick and broomstick by prison guards, who continue to abuse them despite their pleas.

Amnesty International calls on the Georgian government to ensure that full, thorough and impartial investigations are immediately carried out into the incidents of torture and other ill-treatment seen in the aired footage. Prison staff and law enforcement officials identified as being responsible for committing torture or other ill-treatment must be promptly prosecuted.

According to comments made by Prosecutor General, Murtaz Zodelava on 19 September, ten prison officials, including the deputy head of the penitentiary department, Gaga Mkurnalidze, head of prison no. 8, Davit Khutchua and his deputy, have been arrested as part of the investigation into the incidents of torture and other ill-treatment in Gldani prison.

The Minister of Corrections, Probation, and Legal Assistance, Khatuna Kalmakhelidze, resigned on 19 September. In the wake of the scandal, President Saakashvili has spoken of the need to overhaul the penitentiary system in Georgia to eradicate such abuses.

Amnesty International is concerned that the torture exposed in the tapes may be indicative of a more widespread practice than the authorities have been prepared to acknowledge to date.

A statement issued by the Public Defender of Georgia, Giorgi Tugushi on 19 September reveals that the reports of the Public Defender's National Preventive Mechanism had identified "[p]ractically from the day the establishment opened, different types of improper, degrading, and inhuman treatment", systematically taking place at the prison. However, the General Prosecutor's Office had thus far failed to investigate these cases and to punish those responsible for these crimes.¹

The statement goes on to underline the systemic nature of ill-treatment in the Georgian penitentiary system by listing Prisons No.2, No. 15 and No. 18 as having similar problems to those revealed in Prison No.8 and calls on the law enforcement agencies to fully investigate the cases it has reported² and to punish all those persons who took part in the torture and other ill-treatment of prisoners. These concerns are reflected in a statement issued on 19

¹ Public Defender of Georgia, The special statement of the Public Defender of Georgia, 19 September 2012, seen on 19 September 2012 at:

<http://www.ombudsman.ge/index.php?page=1001&lang=1&n=0&id=1553>

² Public Defender of Georgia, National Preventive Mechanism, Monitoring of Penitentiary Establishments and Temporary Detention Isolators, Annual Report 2011, 2012, seen on 19 September 2012 at: <http://www.ombudsman.ge/files/downloads/en/noxixilefcgmnbwfcoeq.pdf> and, Annual Report 2010, 2011, seen on 19 September 2012 at:

<http://www.ombudsman.ge/files/downloads/en/njxiqrvnresqlesvbinn.pdf>

September by 18 Georgian Non-Governmental Organisations which also speaks of a lack of investigations into violations, despite a petition signed by 700 inmates at prison no. 15.³

Amnesty International calls on the Georgian government to follow through on its stated resolve to carry out impartial and effective investigations into alleged abuses and a thorough review of the penitentiary system.

In light of the investigative failures referred to by civil society organisations, the Public Defender and opposition parties, there should also be a full and impartial investigation into why the General Prosecutor's Office has failed to find and punish responsible figures accused of human rights violations in recent years.

Background:

After his visit to Georgia, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, issued a report on his mission to Georgia on 23 September 2005. The report's summary concluded that "torture persists in Georgia, perpetuated primarily by a culture of impunity"⁴. Alarming, the noted "disparity between the number of allegations of torture and ill-treatment and the number of investigations and successful prosecutions",⁵ suggests that Ministry of Corrections and Legal Assistance of Georgia may not be entirely independent of the General Prosecutor's Office and the Ministry of Justice.

In its November 2005 report entitled *Georgia: Torture and ill-treatment. Still a concern after the "Rose Revolution"*, Amnesty International provided its findings and offered the new government of Georgia several recommendations to combat torture and other ill-treatment, with specific sections advising measures to end impunity and to monitor the implementation of legal safeguards and investigations into allegations of torture and ill-treatment.⁶

In a briefing submission to the Committee Against Torture on Georgia, submitted on 30 March 2006, Amnesty International had raised concerns and made several recommendations to the Georgian authorities. Concerns that prosecutors did not open "investigation into all potential torture or other ill-treatment cases in a systematic manner",⁷ appear to echo those of the Public Defender of Georgia, in his 19 September 2012 statement.⁸ In its conclusion, the UN Committee Against Torture reiterated many of the concerns raised by Amnesty International.⁹

The Georgian authorities proposed initiatives designed to address the continuing problems of torture in 2007. 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

³ Statement of Non-Governmental Organizations, 19 September 2012, 15.37, seen on 19 September at: http://www.gyla.ge/index.php?option=com_content&view=article&id=1466%3Astatement-of-non-governmental-organizations-&catid=45%3Anews-eng&Itemid=1&lang=en

⁴ Manfred Nowak, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 23 September 2005, page 2, seen on 19 September 2012, at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/160/45/PDF/G0516045.pdf?OpenElement>

⁵ Manfred Nowak, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 23 September 2005, page 9, seen on 19 September 2012, at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/160/45/PDF/G0516045.pdf?OpenElement>

⁶ Amnesty International, *Georgia: Torture and ill-treatment. Still a concern after the "Rose Revolution"*, AI Index: EUR 56/001/2005, November 2005, seen on 19 September 2012 at: <http://www.amnesty.org/en/library/asset/EUR56/001/2005/en/cbaa5e94-d482-11dd-8743-d305bea2b2c7/eur560012005en.pdf>

⁷ Amnesty International, *Georgia: Briefing to the Committee against Torture*, AI Index: EUR 56/005/2006, page 1, at: <http://www.amnesty.org/en/library/asset/EUR56/005/2006/en/0d9137c3-d447-11dd-8743-d305bea2b2c7/eur560052006en.pdf>

⁸ Public Defender of Georgia, *The special statement of the Public Defender of Georgia*, 19 September 2012, accessed on 19 September 2012, at: <http://www.ombudsman.ge/index.php?page=1001&lang=1&n=0&id=1553>

⁹ UN Committee against Torture, Conclusions and recommendations of the Committee against Torture: Georgia, 25 July 2006, seen on 19 September 2012, at: <http://www.unhcr.org/refworld/country,.CAT,.GEO.4562d8b62.453776c611.0.html>

anti-torture action plan in October 2007. The action plan identified concrete policy and practice changes in order to prevent torture and ill-treatment. These included measures to ensure “effective investigation of cases of alleged use of torture or excessive force.”

Amnesty International, Human Rights Watch and Penal Reform International have raised concerns about Georgia’s commitment to combating torture and other ill-treatment in the past. Though some progress has been noted in preventing the ill-treatment of people in police custody, concerns over the lack of and the duration of investigations into cases of torture and other ill-treatment have continued to persist for a very long time, raising questions about the authorities’ commitment to uncovering the truth.¹⁰

End/

¹⁰ Amnesty International, Public Statement, *Anti-Torture Body Criticizes Georgia, Rights Groups Urge Tbilisi to End Torture*, AI Index: EUR 56/007/2007, 25 October 2007, seen on 19 September 2012 at: <http://www.amnesty.org/en/library/asset/EUR56/007/2007/en/99240735-d35c-11dd-a329-2f46302a8cc6/eur560072007en.pdf>