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Georgia: The government should implement recommendations of the UN Human Rights Committee as a matter of priority

Amnesty International is urging the government of Georgia to take immediate action to implement the recommendations of the United Nations Human Rights Committee (HRC), which published its concluding observations on 30 October 2007. These were issued following the HRC's examination on 15 and 16 October of Georgia's third periodic report setting out the country's compliance with human rights enshrined in the International Covenant on Civil and Political Rights (ICCPR). (<http://www.ohchr.org/english/bodies/hrc/docs/CCPR.C.GEO.CO.3.CRP.1.pdf>)

Amnesty International is making public today its own briefing made to the HRC ahead of the consideration of Georgia's state report, detailing the organization's concerns about the failure of the government to ensure certain rights enshrined in the ICCPR, such as the fulfilment of the rights to life, freedom from torture and other ill-treatment, security of the person, fair trial and to redress for violations of such rights (Articles 2, 3, 6, 7, 9, 14, and 26 of the ICCPR). (*Georgia: Briefing to the United Nations Human Rights Committee*, October 2007, AI Index: EUR 56/008/2007, <http://web.amnesty.org/library/index/engeur560082007>).

The HRC welcomed legislative and institutional changes that Georgia has taken in recent years aimed at strengthening the rule of law. At the same time the Committee highlighted a number of concerns and issued a list of recommendations to the authorities of Georgia.

In its concluding observations, the HRC expressed, among other things, its concern about "the still substantial number of women in Georgia who are subject to violence, in particular to domestic violence". The Committee urged Georgia to promptly investigate women's complaints about violence and bring the perpetrators to justice; and to compile and publish comprehensive statistics on reports, investigations and prosecutions of domestic violence against women. The HRC also urged Georgia to establish "a sufficient number of appropriate shelters across the country".

There are currently four small shelters in Georgia that are run by non-governmental organizations (NGOs). Further shelters are urgently needed. Amnesty International believes that the authorities should either promptly set up appropriate shelters in close cooperation with NGOs experienced in working to protect women from violence or they should start giving financial and material support to NGOs to enable them to open additional shelters.

While the HRC acknowledged the "significant reduction in allegations of [torture and other ill-treatment] of persons in custody", it expressed its regret about the persistence of reports involving police abuse, in particular during the arrest of suspects. The Committee also raised concern about deaths allegedly resulting from the use of excessive force by police and prison officials.

In order to eradicate torture, ill-treatment and excessive use of force, the HRC called on Georgia to "take firm measures", including by ensuring prompt and impartial investigations of allegations, by publishing the results of such investigations, and by bringing the perpetrators to justice.

In its briefing to the HRC Amnesty International had expressed concern at allegations that law enforcement officers and prison officials who shot dead dozens of people in recent years may have used excessive force in at least some of the cases. The organization particularly highlighted allegations that excessive force was used when the authorities quelled a disturbance in investigation-isolation prison no. 5 in Tbilisi in March 2006, which resulted in the death of at least seven inmates. Amnesty International also drew attention to allegations that police used excessive force when killing two men -- Zurab Vazagashvili and Aleksandre Khubulovi -- during a special operation in May 2006, and that the investigation into these allegations was flawed.

The Committee also urged Georgia to establish "independent and competent national mechanisms for the prevention of torture", in line with the country's obligations as a party to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and to draft and implement a "comprehensive

action plan against torture and other ill-treatment for the future years”.

In order to introduce further safeguards against torture or other ill-treatment and combat impunity, Amnesty International believes that the authorities of Georgia should ensure that all law enforcement officers including special unit police wear visible identification tags at all times when conducting arrests and when visiting places of detention and deprivation of liberty. Officers of the special police unit, who are often masked and not currently required to wear identification tags, have been implicated in using excessive force in numerous cases, especially during the arrest of suspects.

The HRC also called on Georgia to ensure that victims of torture, ill-treatment or excessive use of force have access to appropriate reparation including compensation.

Amnesty International has repeatedly raised concerns that there has been no case of a victim of torture or other ill-treatment receiving compensation in Georgia. The organization is also concerned that domestic law does not provide for an enforceable right to compensation to all victims of torture or other ill-treatment. According to domestic law, the conviction of a perpetrator is a necessary pre-condition for the granting of compensation to the victim.

The Committee also recorded its concerns about “the persistence of adverse conditions in a number of prisons”. It highlighted the “gross overcrowding”, “poor rations and quality of food” and the large number of deaths in prison, allegedly resulting from prison conditions amounting to ill-treatment in some detention facilities.

Other concerns of the HRC related to “interference with the independence of the judiciary”, “cases of [reported] forced eviction from collective centres” of internally displaced persons “without a court decision or agreement of the persons concerned, and without proper compensation and support by governmental agencies”. In addition, the Committee voiced concern at “the obstacles faced by minorities in the enjoyment of their cultural rights”, and at “the low level of political representation of minorities.”

The Committee requested the authorities to submit within one year information on the follow-up given to the Committee’s key recommendations, in particular measures taken by Georgia to combat violence against women, eradicate all forms of excessive use of force by the law enforcement officials and to improve the conditions of all persons deprived of their liberty before trial and after conviction.