

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgian Young Lawyers' Association welcomes the report and recommendations of the UN Special

Rapporteur on Torture for the Government of Georgia

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Mr. Juan Mendez undertook a visit to Georgia from 12 to 19 March 2015, to assess the impact of reforms instituted in Georgia on the situation of torture and ill-treatment in the country. During his visit Mr. Mendez met with representatives of the government and civil society, including the chair of the Georgian Young Lawyers' Association.

GYLA welcomes the report of Mr. Mendez on his visit to Georgia and subsequent recommendations. In his report the Special Rapporteur commends the visible effects of implementation of reforms made since 2012; however, he also highlights that acts of torture and inhuman treatment committed before 2012 must be adequately investigated and prosecuted. According to the report, the state's measures to investigate and prosecute these crimes are inadequate, while it is very important that perpetrators are punished. In addition, as stated by the Special Rapporteur, investigation of old crimes should not hinder taking of adequate measures in response to new acts.

We are pleased that in his report Mr. Mendez supports the idea of creating an independent investigating mechanism with broad discretion for investigating acts of torture and ensuring criminal prosecution of perpetrators.

The report provides recommendations for prevention of torture, inadequate treatment, investigation and accountability, as well as for improving prison conditions.

The report highlights the importance of breaking the cycle of impunity and urges the government to take into account as many views and concerns as possible in the decisions on how best to organize institutional, procedural and jurisdictional resources to ensure accountability for torture and to prevent future mistreatment.

GYLA urges the government to pay attention to the Special Rapporteur's recommendations and take adequate timely measures to fulfill these recommendations and especially:

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to ensure immediate and effective investigation, prosecution, punishment and remedy with regard to cases of physical and verbal abuse by law enforcement officers;

to make publicly available reliable information on the number of perpetrators from the previous regime that have been prosecuted and sentenced, and how these persons are being treated in the special prison where they are held;

to take measures to close any gap – whether due to inadequate use of plea bargaining or erroneous interpretation of article 144(1) – that would allow perpetrators of torture and ill-treatment to receive a more lenient sentence;

With regard to the design of an independent investigating mechanism and to make sure that all voices are heard, ensure the broadest participation possible of stakeholders in consultations;

-to effectively safeguard independence of the new department created under the Office of the Chief Prosecutor to investigate crimes committed during proceedings at the Prosecutor's Office by means of fair and independent appointment and removal processes;

-to consider amending the composition of the department to include one or more forensic experts, who must be given guarantees of independence;

-to make pretrial detention be the exception, not the rule;

-to reconsider the rules governing eligibility for parole and early release;

-to immediately eliminate all unjustified surveillance that risks constituting an invasion of the privacy of inmate;

-to reconsider the date of the entry into force of the amendment to the Imprisonment Code of Georgia, adopted on 18 May 2015, aimed at removing current restrictions to the right of members of the Special Preventive Group, acting as the national preventive mechanism, to bring photographic equipment for the purpose of documenting torture;

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- to take measures to ensure that photographic documentation of trauma injuries becomes routine practice, including by making available appropriate cameras and other relevant equipment in all medical services;
- to take measures to improve the current medical registration form, including by ensuring its compliance with the Istanbul Protocol;
- to ensure regular medical checkups for prisoners;
- to provide alternatives to incarceration in pretrial situations, including for the purpose of ensuring appearance at trial, and more.