

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Georgian Young Lawyers' Association upholds the CPT report

“The fact that Georgia locks up so many of its citizens cannot be convincingly explained away by a high crime rate; the policy of [] tolerance on crime and the general outlook of law enforcement agencies, prosecutors and the judiciary must, in part, be responsible...”

“The above-described conditions of detention under which the vast majority of prisoners at Prison No. 5 were held amount to inhuman and degrading treatment and as such constitute an affront to a civilised society...”

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The Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT, paragraphs 32 and 44)

The Georgian Young Lawyers' Association upholds the Report to the Georgian Government

on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 2 April 2007.

GYLA is pleased with the Georgian Government's request to the European Committee concerning publication of the report. GYLA also welcomes all the positive steps, in particular: improvements with regard to the detention conditions in the police stations, improvement of the criminal legislation against torture and etc., carried out by the Georgian Government since the committee's second periodic visit until the publication of the Report.

At the same time, GYLA considers it necessary to keep public informed on the problems mentioned in the CPT report. Following shall be emphasized from the problematic issues reported in the document:

Unbearable conditions in the temporary detention facilities;

Overloading of penitentiary institutions;

Instances of inhuman treatments (Rustavi penitentiary #6);

Terrible conditions in Tbilisi penitentiary #5, where the number of prisoners exceeds the accepted limit by 400%;

Necessity to carry out additional measures for eliminating facts of abuse of power during detentions;

Conditions of juvenile prisoners;

The treatment of persons placed in psychiatric institutions;

Insufficient quality of the state legal aid system.

The Committee for the Prevention of Torture points at number of recommendations Georgia is committed to fulfill.

GYLA joins and accepts the joint application of the competent international organizations: Human Rights Watch, Amnesty International and Penal Reform International made with regard of the report and considers it necessary that the Georgian Government implements pro-active measures against torture. Firstly it

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should be reflected in timely completion of the investigation with regard to special operation which took place on March 27,2006 in Tbilisi penitentiary #5 and adequate reaction thereon.

GYLA appeals the state to carry out expedient and immediate steps to solve the problems detected by the Committee and to fulfill adopted recommendations. GYLA considers necessary that civil organizations and experts in the field implement effective monitoring to solve the problems indicated in the torture report. For that, it is necessary to set up effective and independent monitoring system encompassing any freedom restriction facilities (the special school for juvenile delinquents, psychiatric institutions, [REDACTED] A and etc), rather than only penitentiary institutions. With a view to establish the mechanism, Georgia undertook the obligation in 2006 by ratifying additional protocol of the United Nations International Convention Against Torture, which envisages creation of the independent monitoring mechanism. Though, deliberations on its possible models have been active for more than a year, the mechanism has not been introduced yet. GYLA considers the earlier the mechanism is established, more effective it would be to prevent instances of torture, inhuman and degrading treatment in the detention facilities.