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# Amnesty International

## GEORGIA

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**Head of state:** Mikhail Saakashvili

**Head of government:** Zurab Noghaideli (replaced Zurab Zhvania in February)

**Death penalty:** abolitionist for all crimes

**International Criminal Court:** ratified

**UN Women's Convention and its Optional Protocol:** ratified

Overview - Covering events from January - December 2005

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**Reports of torture and ill-treatment by law enforcement officers continued, despite efforts by the authorities to address the issue. Some perpetrators of attacks on religious minorities were imprisoned but hundreds of others remained unpunished. Chechens sought by the Russian Federation on terrorism charges and a Kurd wanted by Turkey were at risk of expulsion or extradition. The judiciary appeared to be unduly influenced by the government. There were allegations of government interference with freedom of the media in particular in relation to television. The internationally unrecognized breakaway areas of South Ossetia and Abkhazia retained the death penalty.**

### Torture and ill-treatment

The authorities took a number of measures to tackle torture and ill-treatment and several key government officials publicly stated their commitment to fight such abuses. The measures included legal amendments and extensive monitoring of detention facilities, in particular by the office of the Public Defender of Georgia (Ombudsman). Eleven perpetrators of crimes amounting to torture or ill-treatment were serving prison terms handed down since the "Rose Revolution" in November 2003. In June Georgia recognized the competence of the UN Committee against Torture to consider individual complaints and in August it acceded to the Optional Protocol to the Convention against Torture.

Nevertheless, reports of torture and ill-treatment continued. The methods allegedly included putting plastic bags over the detainee's head; placing a gun in the detainee's mouth and threatening to shoot; beatings, including with gun butts; kicking; and threats against the detainee's family.

Most injuries inflicted by police were reportedly sustained at the time of arrest. In some cases detainees were reportedly tortured or ill-treated in police vehicles, in police stations, and in the Ministry of Internal Affairs. One detainee alleged that he was ill-treated during a court hearing.

Many cases did not come to light because police covered up their crimes and detainees were often afraid to complain or identify the perpetrators for fear of repercussions. There were shortcomings in the implementation of legal safeguards aimed at preventing torture and ill-treatment, such as prompt access to a lawyer.

Impunity for torture and ill-treatment remained a problem, and no victims of torture or ill-treatment were known to have been awarded compensation. According to the Human Rights Protection Unit of the General Procuracy, 151 criminal cases or preliminary investigations were opened and charges were brought against 31 law enforcement officers during 2005. However, procurators did not open investigations into all potential torture and ill-treatment cases in a systematic manner. In dozens of cases where the procuracy opened investigations the perpetrators were not brought to justice. Many investigations were not carried out in an impartial and independent manner.

In March the UN Special Rapporteur on torture issued a list of recommendations to the authorities aimed at eradicating torture and ill-treatment, after visiting Georgia in February. He recommended: that judges and prosecutors should routinely ask detainees how they had been treated; that any public official indicted for abuse or torture should be suspended from duty and prosecuted; and compensation, medical treatment and rehabilitation for victims.

The European Committee for the Prevention of Torture (CPT) stated in its report issued in June that in Georgia, "criminal suspects ran a significant risk of being ill-treated by the police, and that on occasion resort may be had to severe ill-treatment/torture".

In November AI urged the authorities to set up a body independent of the police, procuracy and the justice system to review investigations into allegations of torture and ill-treatment and judicial proceedings in such

cases. Such a body should have the authority to present findings and make recommendations to the relevant authorities and to issue public reports. The organization also called on the authorities to pay special attention to ending torture and ill-treatment in the regions of Georgia outside Tbilisi. AI called for masks and other clothing that hides officers' personal identities to be prohibited, other than in exceptional circumstances when each officer should be identifiable by such means as an identification number.

- Givi Janiashvili was arrested by more than 30 masked special unit police officers at his home in the town of Rustavi on 12 May. He was unarmed, and said that he put up no resistance. He was reportedly beaten severely in front of his wife, his 11-year-old child and several neighbours. A forensic expert who examined him four days later found injuries consistent with his account. Tbilisi city procuracy did not open an investigation into the allegations of ill-treatment until 29 June.

In many cases investigations were not opened promptly after complaints of torture or ill-treatment by law enforcement officers.

- Alexander Mkheidze, a 27-year-old architect, was detained by police in the village of Tsqneti near Tbilisi on 6 April. He alleged that he was beaten and kicked while he was being taken to the building of the Ministry of Internal Affairs in the centre of Tbilisi, and that police continued to beat him there. Later that day he was transferred to a detention facility, where the doctor who examined him found that his skin was "slightly red" on his legs but diagnosed him as "healthy". Two days later he was transferred to an investigation-isolation prison, where Alexander Mkheidze reiterated his allegations and a doctor recorded bruising on his legs. Two weeks later he was examined by a forensic expert who found bruises and abrasions caused by a heavy blunt object consistent with his allegations.

### **Religious minorities**

There were several instances where members of religious minorities were beaten and harassed by supporters of the Georgian Orthodox Church. In some cases, it was alleged that the attacks were incited by Georgian Orthodox priests. Several perpetrators of violent attacks on religious minorities in recent years were imprisoned during 2005. However, hundreds continued to enjoy impunity. Some of those who were convicted were not tried for all the attacks they were believed to have been involved in.

- On 31 January Vake-Saburtalo district court in Tbilisi sentenced Basil Mkalavishvili, Petre Ivanidze and Merab Korashinidze to six, four and one year's imprisonment respectively on charges including "illegal interference with the execution of religious rites or other religious rules and habits", "beatings" and "arson". Other supporters of Basil Mkalavishvili – Avtandil Donadze, Avtandil Gabunia, Akaki Mosashvili and Mikheil Nikolozashvili – were given three-year suspended prison sentences. In October a higher court in Tbilisi turned down an appeal by Basil Mkalavishvili and Petre Ivanidze.

### **Risk of expulsion**

Chechen refugees sought by the Russian Federation on terrorism charges and an ethnic Kurd wanted by Turkey, who was allegedly a member of the Kurdistan Workers' Party (PKK), faced being forcibly returned to a country where they would be at risk of serious human rights violations.

- In March, three young Russian citizens, Shengeli Tsatiashvili and his younger brothers Suleiman and Sosran, were reportedly detained in the Ministry of Refugees and Accommodation in Tbilisi by officers of the Interior Ministry's anti-terrorism group. They had gone to the building to register an asylum claim for the two younger men; the older brother had applied for asylum in December 2004. They were reportedly first taken to the offices of the anti-terrorism group for questioning and then to the Red Bridge on the border with Azerbaijan. They were left in the territory between Georgia and Azerbaijan but managed to return to Georgia. They returned to the Ministry of Refugees and Accommodation, accompanied by representatives of the Ombudsman's office and the UN Association of Georgia, and registered the asylum claim. Reportedly, there was no extradition request for the three brothers and they were expelled although the authorities had not yet considered their asylum applications.

### **Abkhazia and South Ossetia**

The status of the internationally unrecognized breakaway regions of Abkhazia and South Ossetia remained unresolved. Both retained the death penalty in law. While in South Ossetia a de facto moratorium on death sentences and executions was believed to be in force, Abkhazia had a de facto moratorium on executions only.

In February, as part of his visit to Georgia, the UN Special Rapporteur on torture visited South Ossetia and Abkhazia. In Abkhazia he visited a man and a woman held on death row, and in March he called for the death penalty to be abolished there.

### **AI country visits**

AI conducted research in Georgia from March to June and in October, visiting Tbilisi, the western town of Zugdidi and the internationally unrecognized region of South Ossetia.

Georgia

Archive information

Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2005:  
Georgia

(AI Index: EUR 01/012/2005)

Georgia: Torture and ill-treatment – Still a concern after the “Rose Revolution”

(AI Index: EUR 56/001/2005)

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