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GEORGIA

Continuing allegations of torture and ill-treatment

February 2000

SUMMARY

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On 27 April 1999 Georgia officially became the 41st member of the Council of Europe, a political organization set up in 1949 and whose main role is to strengthen democracy, human rights and the rule of law throughout its member states. On joining this body Georgia undertook to fulfill a number of commitments within specific time limits. One of these was to ratify both the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, within one year of accession.

Georgia swiftly ratified the European Convention on Human Rights, on 20 May 1999. This Convention is designed to protect individuals' fundamental rights and freedoms, and the Council of Europe has instituted a judicial procedure which allows individuals to bring actions against governments, if they consider that they are the victims of a violation of the Convention. Among the violations prohibited by the Convention is torture.

It was not until 16 February 2000, however, that Georgia signed (but has still not ratified) the European Convention for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment. This Convention provides for a independent committee with the power to pay unannounced visits to places of detention in member states, and make recommendations and suggest improvements in order to strengthen the protection of persons visited against torture and ill treatment.

Amnesty International remains greatly concerned about the continuing and persistent reports of torture and ill-treatment in Georgia, including a recent case in which a man is said to have died after a severe beating by police officers. The organization is urging the Georgian authorities to ratify the ECPT as soon as possible, as a signal of its intent to deal decisively with this continuing blight on the country's human rights reputation. It is equally as important, however, to put into practice Georgia's existing obligations, both domestic and international, to end both torture and impunity for its perpetrators.

This report documents a variety of allegations of torture and ill-treatment received since Georgia became a member of the Council of Europe, and ends with a series of recommendations by Amnesty International to the Georgian authorities.

KEYWORDS: TORTURE/ILL-TREATMENT / RELIGIOUS INTOLERANCE /
RELIGIOUS GROUPS - CHRISTIAN / RELIGIOUS GROUPS - JEHOVAH'S
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This report summarizes a 13-page document (5601 words): *GEORGIA: Continuing allegations of torture and ill-treatment* (AI Index: EUR 56/01/00) issued by Amnesty International in February 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

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TABLE OF CONTENTS

1. Introduction	1
2. Georgia's obligations to prohibit torture	2
3. Torture and ill-treatment as a continuing problem	2
4. Reports of torture and ill-treatment raised by Amnesty International	3
<i>Alleged beating of evangelical Christians</i>	3
<i>Police allegedly fail to act as Jehovah's Witness congregation attacked</i>	5
<i>Alleged continued harassment of Giorgi Shiukashvili</i>	6
<i>Alleged beating of Giorgi Gogsadze</i>	7
<i>Alleged beating of Mr Tqemaladze</i>	7
<i>Alleged beating of journalists Georgi Kapanadze and Sergey Belousov</i>	7
<i>Alleged beating to death in custody of Davit Vashaqmadze</i>	8
<i>Alleged torture of Dato Natelashvili</i>	8
<i>Alleged ill-treatment of journalists Jincharadze and Abashidze</i>	9
<i>Death of Zviad Baghashvili</i>	9
<i>Death in custody of Zaza Tsotsolashvili and Ivane Kolbaya</i>	9
5. Amnesty International's recommendations	11

GEORGIA

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1. Introduction

On 27 April 1999 Georgia officially became the 41st member of the Council of Europe, a political organization set up in 1949 whose main role is to strengthen democracy, human rights and the rule of law throughout its member states. On joining this body Georgia undertook to fulfil a number of commitments within specific time limits. One of these was to ratify both the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, within one year of accession.

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It was not until 16 February 2000, however, that Georgia signed (but has still not ratified) the European Convention for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment. This Convention provides for a independent committee with the power to pay unannounced visits to places of detention in member states, and make recommendations and suggest improvements in order to strengthen the protection of persons visited against torture and ill treatment.

Amnesty International remains greatly concerned about the continuing and persistent reports of torture and ill-treatment in Georgia, including a recent case in which a man is said to have died after a severe beating by police officers. The organization is urging the Georgian authorities to ratify the European Convention for the Prevention of Torture as soon as possible, as a signal of its intent to deal decisively with this continuing blight on the country's human rights reputation. It is equally important, however, for Georgia to put into practice its existing obligations, domestic and international, to end both torture and impunity for its perpetrators.

¹ Article 3 of the European Convention on Human Rights states: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

2. Georgia's obligations to prohibit torture

The Georgian Constitution, adopted in 1995 to supercede that of the Soviet era, prohibits "torture, inhuman, brutal or degrading treatment or punishment".² It also forbids the physical or mental coercion of a detainee³ and rules that evidence obtained by breaking the law is inadmissible and has no legal force.⁴ It is also a criminal offence for investigators and others to force a person to give testimony by use of threats or other illegal actions.⁵ These prohibitions are, of course, in addition to the guarantees against torture contained in the international standards to which Georgia is party. These include the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁶

3. Torture and ill-treatment as a continuing problem

All these provisions, however, have not prevented torture and ill-treatment remaining a major concern in Georgia.⁷ Although some progress has been made, past admissions of problem areas by the government itself - its serious concern about torture in custody, its recognition of weaknesses in ensuring efficient and impartial investigation of complaints about torture, and the fact that those responsible frequently went unpunished - are as relevant today as when they were made in 1996, in a report to the United Nations Committee against Torture.⁸

² Article 17 of the Constitution.

³ Article 18 (4), which reads "Physical and mental coercion of a person detained or otherwise restricted is not allowed". It should be noted, however, that while the prohibitions on torture under Article 17 are absolute, the rights under Article 18 may be suspended under a state of emergency (Article 46 of the Constitution).

⁴ Article 42 (7).

⁵ Article 195 of the Criminal Code.

⁶ Georgia became a party to these United Nations treaties in 1994.

⁷ For earlier documentation by Amnesty International of torture allegations see for example *Georgia: A summary of Amnesty International's concerns*, AI Index: EUR 56/02/98, August 1998.

⁸ See UN Doc. CAT/C/28/Add. 1, 17 June 1996. The Committee against Torture is the body of experts set up to monitor implementation of Convention against Torture by states parties. For the Committee's comments on Georgia following its review see UN Doc. A/52/44, paras.111-121, 21 November 1996.

Amnesty International continues to receive persistent reports of torture and ill-treatment. The allegations have related mainly to periods of short-term detention by police (when beatings are sometimes reported to have been accompanied by extortion, with relatives facing financial or other demands in exchange for the detainee's release), or during the period of pre-trial detention (when detainees have alleged physical and psychological duress in order to force confessions or obtain other information). Lawyers and family members continue to report that police and investigators have obstructed access to those detained.

Although a number of police officers have been arrested or disciplined for physical abuse, this tends to occur only in extreme cases, such as those resulting in death. In some other cases, it is alleged, those responsible have escaped prosecution through their connections with senior officials. Reports that prosecutors have been reluctant to open a criminal case at all, or have closed the case for alleged lack of evidence after what appears to be a perfunctory investigation, further undermine confidence in official commitment to tackle the issue of torture. Many alleged victims also simply do not believe that their complaints will result in a rigorous, comprehensive and impartial investigation. Others are deterred from lodging complaints by a fear of reprisals, believing that any attempt on their part to bring those responsible to account - or simply to stop the ill-treatment - will only result in greater abuses against them or their relatives.

4. Reports of torture and ill-treatment raised by Amnesty International

Set out below are a number of reports of torture or ill-treatment which have been raised by Amnesty International with the Georgian authorities. These incidents have been reported since Georgia officially became a member of the Council of Europe in April last year. Amnesty International has sought further information, for example on any investigations or prosecutions initiated in these cases, and urged that in all such instances there should be a prompt, impartial and comprehensive investigation, with the results made public and any perpetrators identified brought to justice.

Alleged beating of evangelical Christians

On 29 May police from the Gldani district of Tbilisi, the Georgian capital, forcibly broke up an open-air meeting of an evangelical Christian group. Church members allege that police beat several peaceful worshippers, including the pastor, Zaal Tkeshelashvili and his wife Nino. To Amnesty International's knowledge no criminal charges were opened in connection with the alleged assaults, and the church failed in a civil action against the police in connection with the incident.

Zaal Tkeshelashvili is pastor of the Madli (Grace) church, which belongs to the Christians of the Evangelical Faith Church in Georgia, a Pentecostal denomination registered with the authorities as a social organization. He reports that the problems began when the Madli church conducted a series of open-air meetings in courtyards between apartment blocks in the Gldani district in May last year. The meetings involved members singing songs and "sharing words of inspiration from the Bible". The first meeting, on 27 May, is said to have passed peacefully. The following day, however, the meeting was halted by two officers from the Gldani district police station. Questioning the pastor and his wife at the station, they sought clarification as to the purpose of the meeting and asked for a list of the congregation's members (which the pastor refused to give). According to Zaal Tkeshelashvili, the police did not forbid further public meetings but did ask him to reduce the volume on the sound system used.

At 6pm on 29 May the congregation began another meeting. After some 30 minutes it was again interrupted by two police officers, who left when the pastor promised to visit the police station following the service. Some 20 minutes after this the Assistant Police Chief from the district (whose name is known to Amnesty International) is said to have interrupted the meeting, verbally abused the pastor and his wife, and struck Nino Tkeshelashvili and a 60-year-old woman. He is also said to have threatened to take out his gun. Shortly afterwards the Gldani District Police Chief (whose name is also known to Amnesty International) arrived and is also reported to have verbally abused members of the congregation. Church members are said to have taken pictures and a video of the confrontation (which shows the policemen arriving and haranguing the church members, but not any actual violence).

Pastor Zaal Tkeshelashvili reports that, wishing to maintain the peace, he asked the congregation to disperse to their homes. Most did, but around 25 (five men and 20 women) remained with Zaal and Nino Tkeshelashvili, fearing that the police might attempt to arrest them. The group walked towards the Achmeteli metro station, but around 20 minutes later were said to have been blocked in a courtyard of building 3 B of Gldani's third sub-district by three police cars containing some 12 officers. These attempted to detain the pastor and his wife but were prevented from doing so by the other church members present (who also freed two of their number who had been put in a police car). The police officers are then said to have beaten and kicked several members of the congregation for about 10 minutes, before leaving as they were unable to detain those present. Among the injured was Gocha Lalebashvili, who was reportedly thrown to the ground and kicked in the head and face.

Amnesty International is not aware of any criminal investigation instigated into the allegations of assault by police officers, but Pastor Zaal Tkeshelashvili brought a civil case against several of the Gldani officers in connection with the forcible break-up of the meetings, claiming violations of his rights to freedom of religion and association. The first hearing was scheduled for 11 August at Gldani-Nadzaladevi district court, but was postponed when the policemen failed to appear after an hour. The case was rescheduled for 16 August. In addition to considerable media interest in the trial, there was also a

demonstration by follows of Father Basil Mkalavishvili, a defrocked priest of the Georgian Orthodox Church who is radically opposed to the newer non-Orthodox Christian faiths. Gathering outside the courthouse, Father Basil and his followers carried a poster saying "Orthodoxy or Death!", and threatened to hold a mass protest if the police officers were found guilty.

The court hearing took place on 16 and 17 August, under judge Tamaz Sabiashvili. On the first day the police officers reportedly claimed to have a document of 300 signatures asking the police to disperse the church's meeting, and a list of 75 people stating that the police did not break it up, but failed to produce these in court. On the second day they produced a list of 19 people said to have requested that the meeting be broken up, and the court heard testimony from nine of these. Two are said to have confirmed that they had asked the police to end the meeting, but others reportedly said that they had signed the document on the day of the hearing. The judge also refused to screen the video shot by the congregation at the 29 May meeting, on the grounds of problems with electricity (common in Tbilisi, even in the summer).

On 17 August the judge found in favour of the police, ruling that their actions to break up the meeting were appropriate. Pastor Zaal Tkeshelashvili lodged an appeal with Tbilisi Regional Court, but this was rejected on 10 October.

Police allegedly fail to act as Jehovah's Witness congregation attacked

Later in October the Tbilisi police again faced criticism, for allegedly failing to respond as followers of Father Basil Mkalavishvili assaulted members of a Jehovah's Witness congregation. The Jehovah's Witness church is legally registered in Georgia, but has been the focus of hostility from radical supporters of the Georgian Orthodox Church. The Jehovah's Witnesses report that a group of around 200 people attacked some 120 adherents, including women and children, who had gathered in a rented theatre for a Sunday service on 17 October. The attackers are said to have beaten the worshippers with iron crosses and wooden clubs. A few adherents escaped during the attack and reported it to two local police stations, but police allegedly refused to come to their aid or provide protection. Fifteen worshippers reportedly needed hospital treatment, including Fati Tabagari who suffered a temporary loss of vision after she was struck on the head.

Extracts from a video of the attack were shown on Georgian television, prompting widespread condemnation, including from President Eduard Shevardnadze who called for the attackers to be charged. The police opened a criminal case after the Jehovah's Witnesses lodged a complaint on 18 October, and laid charges against Father Basil Mkalavishvili. At the time of writing, however, the investigation has yet to be completed. According to the non-governmental Caucasian Institute for Peace, Democracy and Development, the Tbilisi city police department passed the case on to the Gldani prosecutor's department on 28 December 1999. On 20 January this year they in turn handed it over to the Tbilisi city procurator's office, who are now said to have passed it

back to the Gldani district procurator's office. To Amnesty International's knowledge Father Basil Mkalavishvili has also not been charged or prosecuted in connection with attacks on Pentecostal believers earlier that year. Speaking to the British-based Keston News Service, Paata Zakareishvili, then chief of staff of the Committee for Human Rights and National Minorities of the Georgian parliament, said: "For the two months before the raid [on the Jehovah's Witnesses] they [supporters of Father Basil Mkalavishvili] had organized raids on the Pentecostals in Tbilisi. I had appealed via my parliamentary committee to the Ministry of Internal Affairs for them to take action. but they merely replied that they had discovered no evidence of violence despite the fact that I have photographs with such evidence."⁹

Supporters of Father Basil Mkalavishvili were said to have been involved in a further attack on two Jehovah's Witnesses at the beginning of this year. Vladimir Begeluri and Giorgi Todua reported that they were assaulted by followers of the defrocked priest in the Gldani district of Tbilisi on 16 January. They reported the assault to the Gldani district police and procurator's office.

Alleged continued harassment of Giorgi Shiukashvili

Amnesty International is concerned that Giorgi Shiukashvili has faced continuing intimidation and harassment in connection with his allegations that he was beaten and ill-treated in detention by Tbilisi police officers.

Giorgi Shiukashvili was detained at around 2pm on 25 January 1998 by police from the Gldani district, Tbilisi, at a car repair workshop in Gldani, on suspicion of stealing wheels. Giorgi Shiukashvili alleges that he was beaten initially without explanation, and then in an attempt to make him say that another person detained was his brother. He was then transferred to the Tbilisi City Police Administration where he claims that he was severely beaten with truncheons over a period of 15 days until he confessed in writing to stealing wheels and several other crimes which he had not committed. Giorgi Shiukashvili was then transferred again, this time to investigation-isolation prison No. 1. He alleges that for around the first two weeks he was at this prison he was virtually unable to move, owing to the beatings he had received prior to the transfer, and that 18 other detainees in his cell were witnesses to his condition. He is quoted around that time as saying "I was beaten by truncheons. My nose was broken as a result of the tortures and beating. Presently I have severe headaches, I lose consciousness for several hours and forget everything. I wake up at night and tremble."

When his case came to trial in January 1999, at Gldani district court in Tbilisi, Giorgi Shiukashvili was acquitted and released from custody in the courtroom, reportedly in part because of the allegations of torture. Although a criminal case was said to have been

⁹ Keston News Service item of 29 October 1999.

opened against two police officers for physically assaulting him, relatives allege that there have been no vigorous efforts to pursue the prosecution of the officers concerned. They further allege that Giorgi Shiukashvili was briefly detained on 25 May 1999 at Mtatsminda district police station, and that an officer there threatened to force him out of Tbilisi unless "he stopped fighting against the police".

Alleged beating of Giorgi Gogsadze

In May 1999 Giorgi Gogsadze was reportedly summoned to the Gldani district police station in Tbilisi and questioned about the whereabouts of a relative who was suspected of murder. After he failed to provide any information, Giorgi Gogsadze was allegedly beaten by six police officers until he promised to inform them as soon as he learned of the relative's whereabouts. The beating and promise extracted were said to have been filmed on video. The head of the police station (whose name has been passed to Amnesty International), is said initially to have denied the existence of such a video. According to Giorgi Gogsadze, however, the police chief later attempted to settle the incident through an intermediary, promising to hand over the video and help the relative if Giorgi Gogsadze refrained from lodging a complaint.

Alleged beating of Mr Tqemaladze

On 8 August 1999 an elderly man known to Amnesty International only as Mr Tqemaladze was allegedly beaten by traffic policemen in the city of Rustavi. A criminal case was reportedly opened against the police officers for "exceeding their authority" (Article 187 of the Georgian Criminal Code), but at the time of writing Amnesty International is not aware of any prosecution that has yet come to court in connection with this case.

Alleged beating of journalists Giorgi Kapanadze and Sergey Belousov

On 14 October 1999 officers from division three of the Mtskheta district traffic police in Tbilisi reportedly assaulted Giorgi Kapanadze, a journalist with the newspaper Resonansi, and Sergey Belousov, a photographer with the newspaper who had attempted to take pictures of the incident. His camera was reportedly confiscated by the police. The journalists were said to have been assaulted after they intervened on behalf of another person who the police had reportedly beaten severely. Giorgi Kapanadze was concussed as a result, and had underwent treatment in Tbilisi's Hospital No. 1. He lodged a formal complaint about the incident, and is said to have picked out three police officers (their names are known to Amnesty International) at a formal identification at the Gldani district procurator's office. The case was due to be heard in court by the end of February.

Alleged beating to death in custody of Davit Vashaqmadze

In November 1999 a man named Davit Vashaqmadze died after an alleged severe beating by police officers in Tbilisi.

According to reports, Davit Vashaqmadze was visiting his friend Zaza Buadze on the evening of 13 November. There was a power cut, and they decided to leave in Vashaqmadze's car to find out if electricity was being supplied in other parts of the city. Vashaqmadze stopped his car in Tavisupleba Square to receive a call on his mobile phone, and was approached a few minutes later by two police officers who asked for his documents. Vashaqmadze did not have his documents on him, and the police officers are said to have then pulled the two men out of the car and started to beat them. Several other police officers also reportedly joined in the beating. Vashaqmadze and Buadze were then told that they would be taken to Mtatsminda police station, but were instead taken to a location outside the city centre where the beating continued. Davit Vashaqmadze is said to have suffered multiple fractures and other serious injuries, and to have died in hospital two days later. Zaza Buadze was also said to have sustained serious injuries. An investigation was opened by the Tbilisi City Procurator's office, and two officers of the traffic police (whose names are known to Amnesty International) are said to have been arrested on a charge of "exceeding their authority" (Article 187 of the Georgian Criminal Code).

Alleged torture of Dato Natelashvili

Further allegations of torture and ill-treatment by law enforcement officials in Tbilisi were also made in November 1999 by Dato Natelashvili. In a written complaint to the Tbilisi procurator and the General Procurator, Dato Natelashvili stated that he was beaten at the temporary detention facility of Tbilisi Main City Police Department over a period of two days after being transferred there from the Interior Ministry's investigation-isolation prison No 1. (Ortachala prison) on 19 November. He also alleged that he had been subjected to electric shock treatment in order to force him to confess to a murder.

Dato Natelashvili was detained on 26 June 1999, charged with theft and transferred from preliminary detention to Ortachala prison. On 19 November, however, he was transferred back to the temporary detention facility. His family were reportedly not informed of the transfer at the time, and only discovered the move when Dato Natelashvili's brother attempted to deliver a food parcel to him at Ortachala prison on 21 November. The next day Dato Natelashvili's brother and his two lawyers tried to visit him at the Tbilisi Main City Police Department, but were denied access. The lawyers reported that procuracy officials told them they were no longer able to represent their client as they had been designated as witnesses in the case.

Dato Natelashvili's written complaint (dated 30 November) reportedly stated that on the day of his transfer, 19 November, he was beaten by four law enforcement officials who had accompanied him from Ortachala to the Tbilisi Main City Police Department. They beat him the next day also, and used electric shock treatment to try to force him to confess to the murder of a man named Sheikhadinov. At the time of writing his complaint Dato Natelashvili said that he still suffered from pain in the right hand side of his body, and he requested a forensic medical examination. A third lawyer, allowed access to him on 25 November, reported that her client, who described to her how he was severely beaten, was unable to sit upright without severe pain. Amnesty International understands that Dato Natelashvili was transferred back to Ortachala prison after this visit, but does not know if he received any medical examination or if other investigations into his allegations have been instigated.

Alleged ill-treatment of journalists Jincharadze and Abashidze

Journalists Jincharadze and Abashidze (first names not known to Amnesty International), working for the television of the autonomous region of Ajaria, had reportedly travelled to Qvareli, in the eastern region of Kakheti, in order to cover the second round of the Georgian parliamentary elections set for 14 November 1999. On 12 November, however, they were allegedly assaulted by Qvareli police who were also said to have smashed their video cameras and briefly taken them into custody.

Death of Zviad Baghashvili

Zviad Baghashvili, aged 19, was reportedly shot dead by a police officer on 12 December 1999 in a village in Signaghi district. Sources vary as to the circumstances. One press report indicated that the incident took place in the village of Tsnori, after a car containing Zviad Baghashvili hit a traffic police officer and attempted to escape. Another unofficial source, however, reported that the incident took place in the village of Qvemo Bodbe, and occurred as a result of an argument over a young woman. The same source alleges that the a criminal investigation into the case is being hampered by intimidation of witnesses, and that it has been handed up one level from the district to the regional procurator's office owing to local reluctance to pursue action against the police officer concerned. Amnesty International understands that the police officer has been charged, but currently has no further details on the exact charge or charges.

Death in custody of Zaza Tsotsolashvili and Ivane Kolbaya

During 1999 unofficial sources contested the cause of death of two men reported by the police to have committed suicide in custody.

On 4 December police reported that a young man named Zaza Tsotsolashvili fell to his death after throwing himself from the sixth floor window of the Ministry of Internal Affairs building in Tbilisi. His two brothers named as Aleksandr and Kakha Tsotsolashvili were being questioned in the next room. Zaza Tsotsolashvili was taken to hospital, but died shortly afterwards the same day. Amnesty International understands that the Ministry of Internal Affairs has initiated an investigation, and that criminal proceedings have also been instituted by the Krtsanisi District Procurator's Office in Tbilisi. Four officials from the Interior Ministry's Organized Crime Department, said to have accompanied Zaza Tsotsolashvili to the investigator's office for questioning, have been suspended pending the investigation.

Elene Tevdoradze, Chairperson of the parliamentary Human Rights Committee who visited the room from which Zaza Tsotsolashvili fell, is quoted on 14 December (by the Black Sea Press) as saying that she doubted that he threw himself from the window. She is said to have based these remarks on her observations that the window was relatively high in the room and closed for the winter, and that Zaza Tsotsolashvili was not alone in the room at the time but accompanied by four police officers who would have been expected to prevent his efforts to climb up onto the high window ledge and open the window.

Amnesty International is also concerned about allegations that one of Zaza Tsotsolashvili's brothers was pressurized by police into refusing an independent forensic medical examination of the body (the brother is said to have visited the police and been held by them until 3am the following morning until he agreed not to seek such an examination).

In a similar case earlier in 1999, a 32-year-old man from Lankhuti named Ivane Kolbaya fell to his death on 22 March from the fifth floor window of the Tbilisi Central Police Department while being questioned by police officers about alleged thefts. His death was said to have been regarded officially by police as suicide, although the head of the Georgian forensic medical centre, speaking four days after the events to the non-governmental organization Human Rights Watch, reportedly said that forensic medical examiners did not have the capacity to determine conclusively whether the trauma marks they found on Ivane Kolbaya's body were the result of the fall or were sustained prior to his death. In an open letter to President Eduard Shevardnadze the following month, Human Rights Watch reported the cases of four other people (including two women) said to have died in a similar manner since 1995.¹⁰

¹⁰ See the open letter from Human Rights Watch of 14 April 1999. The four other cases mentioned, all residents of Tbilisi, were Gulchora Dursunova, said to have fallen to her death from the eighth floor window of the Ministry of Internal Affairs headquarters on 23 June 1998; Eka Tavarkiladze, who fell to her death from the sixth floor apartment window of a police officer on August 15, 1997 while being questioned about theft of an officer's property (the forensic medical examiners report, dated December 3, 1997, included pages of detailed description of the injuries she sustained, and stated that it was unlikely that she sustained all these injuries as a result of the fall, but added that it was not possible to

5. Amnesty International's recommendations

There are obviously many factors involved in the issues of why torture has been such a persistent problem in Georgia, and what can be done about it. It takes time to overcome a Soviet-era mentality of policing and penal issues, and Georgia's economy is still not sufficiently strong to provide levels of pay which would make the temptations of corruption less effective, let alone ensure all of the comprehensive personnel training needed. There is much that could be done that is not dependent on finance, however, and there are other aspects to the problem which owe less to economics and more to what is perceived by many as a continuing climate of impunity among some law enforcement officials.

Amnesty International acknowledges the many and concrete steps Georgia has taken already towards building democratic institutions and reforming its judicial and legal system. The organization also recognizes the major problems that may exist within the law enforcement system, for example those caused by lack of funding for professional staff, training and infrastructure, or those caused by a lack of public confidence in the willingness of such a system to address abuses. However, Amnesty International is urging the Georgian authorities to take the following steps to ensure fuller compliance with the obligations placed on it by the Council of Europe, and other international bodies, to prohibit torture and punish the perpetrators:

- ◆ ratify without delay the European Convention for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment, which provides for an independent committee with the power to make unannounced visits to places of detention in countries which are states parties;
- ◆ ensure that all people deprived of their liberty or arrested by law enforcement officials are brought promptly before a judge and also have recourse to a judge to challenge the lawfulness of their detention;
- ◆ criminalize torture as defined in the Convention against Torture as a distinct crime with appropriate punishments under national law (in line with Article 4 of the Convention against Torture);

determine with complete certainty if she sustained them before her death. The judge cited this report in his decision to acquit three police officers brought to trial in connection with the case); Akaki Iobashvili, who was said by police to have jumped to his death from the sixth floor of the Tbilisi Central Police Department in the early hours of 1 August 1997; and Zaal Ramishvili, who police claim jumped to his death from the sixth floor of the Ministry of Internal Affairs headquarters on 19 July 1995 (his father who visited him several days before his death reported that his son had been so badly beaten that he was unable to walk).

- ◆ ensure that all people deprived of their liberty or arrested by law enforcement officials are informed promptly of the charge or charges against them, and that they are allowed prompt and regular access to a lawyer of their own choice, as well as to relatives and an independent medical practitioner;
- ◆ ensure that every person deprived of their liberty is informed by the authorities of their rights, including the right to complain to the authorities against ill-treatment;
- ◆ ensure that a family member is informed promptly about the detention or arrest of a relative, and their whereabouts;
- ◆ ensure the initiation of prompt, impartial and comprehensive investigations of all complaints of torture or ill-treatment of detainees, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint has been made (in line with Articles 12, 13 and 16 of the Convention against Torture);
- ◆ ensure that all detainees are medically examined upon deprivation of their liberty, and thereafter as required, or whenever a detainee alleges torture or ill-treatment;
- ◆ ensure that investigations into allegations that a person has been tortured include the prompt, impartial and professional examination of that person by qualified doctors;
- ◆ ensure that no statement extracted as a result of torture is invoked as evidence in any proceedings (except against a person accused of torture as evidence that the statement was made);
- ◆ bring those law enforcement officials responsible for torture or ill-treatment to justice in the courts, in the course of proceedings which meet international standards;
- ◆ ensure that every victim of torture has unhindered access to the means of obtaining redress and an enforceable right to reparation including fair and adequate compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition, and that every detained person is informed of this right (in line with Article 14 of the Convention against Torture);
- ◆ establish an effective system of independent inspection of all places in which people are deprived of their liberty;

- ◆ ensure that information regarding the absolute prohibition against the use of torture and ill-treatment is fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

