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GEORGIA

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Head of state: Mikheil Saakashvili
Head of government: Zurab Noghaideli
Death penalty: abolitionist for all crimes
International Criminal Court: ratified

Pre-trial and convicted prisoners were reportedly ill-treated on several occasions, and excessive force was reportedly used in prison disturbances in which at least eight detainees died and many more were wounded, including special forces officers. Police officers continued to enjoy impunity in dozens of cases in which torture, ill-treatment and excessive use of force have been alleged. The authorities failed to protect women from domestic violence or bring its perpetrators to justice. A new law on domestic violence was a positive step, although it postponed the setting up of urgently needed temporary shelters for women and children. The internationally unrecognized breakaway areas of Abkhazia and South Ossetia retained the death penalty. Civil society activists in South Ossetia risked harassment because of contacts with Georgian activists.

Torture, ill-treatment and excessive force

The government's two-year Plan of Action against Torture, which expired in December 2005, was not extended although many recommendations by a range of international human rights bodies remained unimplemented. These included recommendations made by the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, the UN Committee against Torture, and the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment.

In a positive move in April, parliament removed any time limit on the period in which charges could be brought for the crimes of torture, threat of torture, and inhuman and degrading treatment.

Investigations were opened into allegations of police torture or ill-treatment in dozens of cases. Five officers were sentenced to prison terms of between three and seven years. Investigations were allegedly not thorough or impartial in at least some cases.

- In January officers of the Interior Ministry severely beat and otherwise ill-treated Sandro Girgvliani and his friend Levan Bukhaidze on the outskirts of Tbilisi. Levan Bukhaidze was abandoned and managed to get back to the city. Sandro Girgvliani died as a result of injuries he sustained and was found near a local cemetery the next day. In July, four officers were sentenced to prison terms for causing his death. However, no impartial investigation was opened into allegations that those who killed Sandro Girgvliani had acted on the orders of senior officials of the Interior Ministry, it was reported.

In May the UN Committee against Torture called on the authorities to introduce regular monitoring by an independent oversight body of human rights violations by police and prison personnel; to strengthen investigative capacity to ensure allegations of torture or other ill-treatment were investigated promptly and thoroughly; and to promptly inform all detainees of their rights to counsel and to be examined by a medical doctor of their own choice. The Committee also recommended legislation on reparation for victims of abuse and in the meantime practical measures to provide redress, fair and adequate compensation, and rehabilitation.

Investigation-isolation facilities and prisons

In several instances, ill-treatment and excessive force were allegedly used against inmates of investigation-isolation facilities and prisons. However, only in the case of disturbances in Tbilisi in March was there an official investigation, which did not start until June and had not made its results public by the end of 2006.

- On 27 March special police and prison forces entered the Investigation-Isolation Prison No. 5 in Tbilisi to suppress an allegedly orchestrated armed riot and attempted break-out. The operation left at least seven inmates dead and many others wounded, including special forces officers. The same day President Mikheil Saakashvili and senior officials denied allegations that excessive force had been used. Unofficial reports suggested that the special forces had been sent in to suppress a spontaneous protest over abuses of prison hospital inmates by a senior prison official and special forces during the night of 26 to 27 March. It was also alleged that they did not attempt non-violent means to establish control, but immediately fired automatic weapons and rubber bullets and beat detainees with truncheons. Many of the injured reportedly did not receive adequate medical treatment. In some cases, doctors only obtained access to detainees following interventions by the Ombudsman.

Violence against women in the family

Violence against women by their partners and former partners included verbal and psychological abuse, physical and sexual violence, and killings. Most frequently, women were beaten, hit and kicked, but they were also burned with cigarettes, had their heads bashed against walls, or were raped.

The authorities did not gather comprehensive statistics on domestic violence. A study by the non-governmental Caucasus Women's Research and Consulting Network reported that 5.2 per cent of women had experienced frequent physical abuse by their partner, adding to the data produced by UN Population Fund studies in Georgia in 1999 and 2005 which found that 5 per cent of women reported physical abuse.

Among obstacles to eradicating domestic violence were the widespread impunity enjoyed by its perpetrators, and insufficient measures and services to protect victims such as temporary shelters and adequate, safe housing. The authorities also failed to ensure a functioning cross-referral system between health workers, crisis centres, legal aid centres, and law enforcement authorities, or to provide mandatory government training programmes for police, procurators, judges and medical staff.

The adoption by parliament in May of a new law on domestic violence was an important step in meeting the government's obligations to prevent abuses and protect survivors. The law introduced a definition of domestic violence in domestic legislation, and a legal basis for issuing protection and restraint orders. However, implementation of the provision for temporary shelters for victims of domestic violence was postponed until 2008. Also, a plan outlining measures and activities necessary to implement the law, which should have been approved within four months of the law's publication, had not been approved by the end of 2006.

In August the UN Committee on the Elimination of Discrimination against Women was concerned that the provision of the new domestic violence law to set up shelters for women and children had been postponed, that there was a lack of official data on domestic violence, and that domestic violence may still be considered a private matter. The Committee urged that a national action plan to combat domestic violence be completed and implemented, and recommended that a properly resourced mechanism be given the necessary powers to promote gender equality and monitor its practical realization. It also recommended strengthening the protection of victims; data collection, research and evaluation of measures taken; training; and public awareness raising.

Abkhazia and South Ossetia

Freedom of expression at risk

In June the mother of civil society activist Alan Dzhusoity was dismissed from her job as head mistress of a school in Tskhinval/Tskhinvali, South Ossetia, in an apparent attempt by the authorities of South Ossetia to put pressure on her son to end his contacts with Georgian civil society organizations. Several days later, Alan Dzhusoity and fellow activists Alan Parastaev and Timur Tskhovrebov, in a television discussion in Tbilisi, called for an independent South Ossetia, peace and dialogue between South Ossetians and Georgians, and acknowledgement by Georgia that the South Ossetian population had a right to self-determination. Eduard Kokoity, the de facto President of South Ossetia, subsequently summoned civil society activists and warned them against contact with Georgians.

Death penalty

South Ossetia continued a moratorium on death sentences and executions. Abkhazia had a moratorium on executions only. Two prisoners were on death row in Abkhazia. Reportedly, at least 16 people had been sentenced to death in Abkhazia since the early 1990s.

In June the Parliamentary Assembly of the Council of Europe (PACE), in recommendations on the death penalty in Council of Europe member and observer states, stated that the death penalty should be abolished in Abkhazia and South Ossetia, and that all death sentences in Abkhazia should be immediately commuted to bring an end to the state of uncertainty suffered by prisoners on death row for years.

AI country reports/visits

Reports

- Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2006 (AI Index: EUR 01/017/2006)

- Commonwealth of Independent States: Positive trend on the abolition of the death penalty but more needs to be done

(AI Index: EUR 04/003/2006)

- Georgia: Briefing to the Committee against Torture (AI Index: EUR 56/005/2006)
- Georgia: Thousands suffering in silence - Violence against women in the family (AI Index: EUR 56/009/2006)

Visits

In January AI delegates met senior government officials and key policy makers in Georgia to discuss torture and other ill-treatment. In April an AI delegate conducted a research visit.

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