

Flygtningenævnets baggrundsmateriale

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Georgia

GEORGIA

Head of State	Nino Burdzhnashvili (replaced Mikheil Saakashvili in November)
Head of government	Lado Gurgensidze (replaced Zurab Nogaideli in November)
Death penalty	abolitionist for all crimes
Population	4.4 million
Life expectancy	70.7 years
Under-5 mortality (m/f)	45/37 per 1,000

There were not enough shelters for women escaping domestic violence, and some measures to protect women from violence were delayed. Police reportedly used excessive force to disperse anti-government demonstrations in November, and throughout the year there were reports of police beating suspects when arresting them. Unfair trials of political opponents of the government were reported.

Background

Mass demonstrations in November called for the resignation of President Mikheil Saakashvili, parliamentary elections, changes to the election rules, and the release of Irakli Batiashvili (see below). On 7 and 8 November police reportedly used excessive force in dispersing demonstrators. The President imposed a state of emergency, restricting the rights to receive and disseminate information, to freedom of assembly, and to strike. On 8 November he announced presidential elections in January 2008 and a referendum on the timing of parliamentary elections. On 25 November he resigned in order to run in the Presidential elections.

International scrutiny

European Committee for the Prevention of Torture

In October the European Committee for the Prevention of Torture published a report which noted progress in preventing ill-treatment of people in police custody but stated that instances of ill-treatment of detainees persisted. It found that conditions in many detention facilities were poor, and in one severely overcrowded facility in Tbilisi, amounted to inhuman and degrading treatment.

UN Human Rights Committee

In October the UN Human Rights Committee expressed concern about torture and other ill-treatment, prison conditions, interference with the independence of the judiciary, domestic violence, reports of forced evictions of internally displaced people and violations of the rights of ethnic minorities. The Committee called on Georgia to

draft and implement a comprehensive action plan against torture and other ill-treatment, to investigate allegations and bring perpetrators to justice, and to ensure that victims had access to reparation including compensation. It urged Georgia to investigate women's complaints of violence and bring perpetrators to justice, and to establish sufficient shelters for those escaping domestic violence.

Violence against women

The authorities took some steps to implement the May 2006 Law on Domestic Violence, for example issuing protection and restraint orders, but some key provisions were not implemented swiftly or fully. The number of shelters was insufficient and the government did not provide financial support for shelters run by NGOs. An Action Plan on Measures to Prevent and Combat Domestic Violence (2007-2008) was approved late and appeared to further delay the setting up of shelters.

Police abuses

Although 39 police officers had been sentenced to prison terms for ill-treating detainees since 2004, impunity persisted amid allegations that investigations were often not prompt, thorough or impartial. The authorities failed to introduce identification tags for all police involved in arrests as a safeguard against torture and other ill-treatment.

By the end of 2007 no victim of torture or other ill-treatment had ever received compensation in Georgia. Limited changes in the legislation on compensation did not bring it into line with international standards as it failed to give all victims of abuse an enforceable right to adequate compensation.

The government failed to establish an independent mechanism to prevent torture and other ill-treatment, although, as a party to the Optional Protocol to the Convention against Torture, Georgia was required to do so by July 2007.

- The investigation into the deaths of Zurab Vazagashvili and Aleksandre Khubulovi, shot by police in May 2006, was allegedly inadequate. The authorities claimed that the men were killed after opening fire at police, but NGO sources alleged that the police had set up an ambush and fired the first shots. In April 2007 the authorities closed the investigation into allegations that police used excessive force for lack of evidence. The lawyers of Zurab Vazagashvili's family alleged that investigators ignored witness statements, pressed witnesses not to testify, destroyed evidence and blocked lawyers defending Zurab Vazagashvili's rights.

Excessive use of force

Police, many of them wearing masks, were said to have used truncheons, rubber bullets, tear gas and water cannons to break up three rallies in Tbilisi on

7 November. Eye-witnesses reported that police beat and kicked demonstrators. Some 500 people reportedly required medical treatment, including 24 police officers.

- The Ombudsman, Sozar Subar, reported that on 7 November he witnessed police beating fleeing demonstrators near a church in the centre of Tbilisi. The demonstrators threw stones at the police but stopped at his request. However, another special police unit arrived and beat the demonstrators, and when the Ombudsman remonstrated with police, he himself was kicked and verbally abused. One of his staff members, Daniel Mgeliashvili, was also hit over the head.

Justice system

Some trials of political opponents of the government were reported to be unfair.

- NGO sources alleged that the trial of Irakli Batiashvili, who was sentenced to seven years' imprisonment on charges of "complicity" and "conspiracy or uprising to overthrow the constitutional order by force" in May, did not comply with Georgian law and international standards. His lawyers claimed that the authorities had tampered with evidence and that the court did not treat the defence fairly. Tbilisi Appeal Court upheld the verdict in September.

Abkhazia and South Ossetia

The internationally unrecognized territories of Abkhazia and South Ossetia retained the death penalty in law. In January the Parliament of Abkhazia established a moratorium on executions during peacetime. At the end of 2007, there was one prisoner on death row in Abkhazia. South Ossetia continued to have a moratorium on death sentences and executions.

Amnesty International visit/reports

- Amnesty International delegates visited Georgia in May.
- Georgia: Amnesty International and non-governmental organizations of Georgia urge the government to promptly approve Action Plan on Domestic Violence (EUR 56/006/2007)
- Georgia: Briefing to the United Nations Human Rights Committee (EUR 56/008/2007)
- Georgia: Authorities must promptly investigate police actions in dispersing demonstrators (EUR 56/011/2007)