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Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee Against Torture (CAT), I refer to the examination of the third periodic report of the Republic of Georgia (CAT/C/73/Add.1) on 3 and 4 May 2006. The Committee adopted Conclusions and Recommendations (CAT/C/GEO/CO/3), in which it requested further information from the Government of the Republic of Georgia on actions taken within one year regarding recommendations set forth in paragraphs 9, 13, 16, 17 and 19.

On behalf of the Committee, allow me to express appreciation for your Government's comments of 31 May 2007 (CAT/C/GEO/CO/3/Add.1) regarding those paragraphs. The additional information provided has assisted the Committee greatly in its ongoing analysis of progress on the issues cited above, and we are most appreciative for this very serious and informative response. There are some matters where the responses do not fully respond to the Committee's concerns, or in respect of which intervening events have rendered incomplete. Accordingly, on behalf of the Committee as Rapporteur for Follow-up, I would be grateful for the supplementary clarification on the following matters in order to amplify the information available to the Committee as it analyzes progress regarding implementation of the Convention.

In paragraph 9 of its Conclusions and Recommendations, the Committee urged the Republic of Georgia to elaborate a code of conduct for all officials and introduce regular monitoring by an independent oversight body, as part of an effort to promote a culture of human rights. The Committee is pleased to learn of the legislative and institutional changes cited in paragraph 3 of your reply. The reply also indicates in paragraph 6ff. that in 2006 there were 4 convictions involving seven officials, as a result of investigations into 137 cases which involved 16 persons. These convictions included the head of the investigative unit in the MVD. Please also inform us of the punishments for those seven officials. If available, we would also appreciate learning the number of complaints of torture or ill-treatment by government officials that have been lodged each year since 2006, the number of investigations into those complaints actually carried out, and their outcomes, and whether these resulted from official monitoring introduced. Please clarify how many of these investigations led to administrative sanctions, how many were tried in court, and how many resulted in criminal sanctions, and of what kind.

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Thank you for the information about codes and manuals in paragraph 9 of your response. Please update the Committee on the status of the Manual for use of Force by the Police and the Code of Ethics for the Representatives of the Penitentiary System which at the time of your last correspondence were still being drafted. What measures ensure enforcement of the codes of conduct mentioned in paragraph 9, and what are the sanctions for individuals found to be in violation of the codes? Please also clarify whether there are training programs in place to inform governmental officials about the codes of conduct and possible sanctions they may face for violating them. The Committee would appreciate further information on the offences for which disciplinary punishment was meted out for the officers listed in paragraph 15 of your response.

With regard to regular monitoring and information on various oversight bodies for the penitentiary system, the Committee particularly appreciates learning of the ratification of the Optional Protocol to the Convention Against Torture (OPCAT). We would be grateful for updated information on its implementation, including in particular the appointment of the National Preventive Mechanism. Similarly, the Committee would appreciate information on whether detainees are able to submit complaints to the Ombudsman, and the process for investigating such claims of alleged torture or ill-treatment, as well as further information on the measures in place to ensure the independence of the Ombudsman, an important mechanism. The Committee would be grateful to receive the same information for the Local Prison Monitoring Commission.

With regard to the new Unit for the Protection of Rights of Prisoners and the Human Rights Protection Unit (HRPU), the Committee appreciates the detailed information on the number of cases examined and investigations initiated as a result. I would be grateful to receive further information on the results, if known, of the protocols sent by the HRPU sent to the Prosecution Services, as explained in the reply.

In paragraph 13 of its Conclusions and Recommendations, the Committee urged the Republic of Georgia to take all necessary steps to ensure that all detained persons are informed of their right to a lawyer and doctor, and to inform the Committee of the specific measures taken. The Committee notes that, as indicated in paragraphs 50-61 of your response, the Criminal Procedure Code and other legislation stipulates that upon arrest a person should be informed of his/her right to a lawyer and to request a medical examination. The Committee is also informed in paragraph 60 of your letter, with regard to the right to a medical examination, that staff of detention facilities have "never hindered this right." Please assist the Committee in clarifying this claim by providing further information on the practical measures in place to ensure that these laws are implemented effectively and without prejudice. What oversight mechanisms—other than posting the information on the walls and including it in arrest protocols-- ensure that, in practice, detainees are informed about and actually provided with access to an independent lawyer and doctor? The Committee would also appreciate documentation regarding the outcomes of complaints towards police officers listed in the chart in paragraph 59 of your response, including on any complaint regarding access to an independent lawyer or medical examination. Updated information on the number of complaints submitted in connection with the Visual Examination Protocol, disaggregated by age, gender, and location, and the outcomes of the complaints, would also be appreciated, if available.

With regard to the Committee's recommendation in paragraph 16, the Committee is pleased to note the adoption of an order and a decree requiring employees of the Prosecution Service to wear identification badges displaying their picture and name, and members of the Special Task Force of the Penitentiary Department to wear identification insignia consisting of four numbers. Would the State party please clarify whether all staff members of the entire penitentiary system are required to wear either type of identification badge mentioned above? Have there been any cases of sanctions against employees who did and did not comply. Please also clarify whether the identification numbers are located on the Special Task Force uniforms are easily visible. Please also comment on any sanctions concerning proper identification of officers of the Ministry of Internal Affairs, and of Finance.

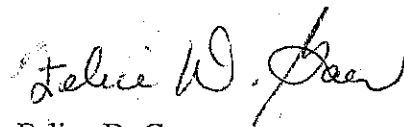
In its recommendation in paragraph 17, the Committee inquired about information on the causes and circumstances of all sudden deaths that have occurred in places of detention, as well as information in respect of independent investigations. The Committee is grateful for the clarifications about the procedure for investigating a potentially criminal death in custody. We would appreciate detailed information on the result of investigations mandated in the event of any reasonable doubt. Please provide updated statistical information on the number of deaths in custody since 2007 and the causes and circumstances of these deaths, and the results of any investigations to date.

Thank you for the information in paragraphs 73-82 of your response regarding the Committee's recommendation on the treatment of tuberculosis in the prison system. The Committee is pleased to learn there is ongoing cooperation with the International Committee for the Red Cross. Please clarify for the Committee how often the regular and *ad hoc* testing mentioned in paragraph 74 of your response takes place. From the information provided, it appears that prisoners in Batumi Prison No. 3 are tested on a monthly basis but information on the frequency of screenings for inmates housed in other prisons is unclear. The Committee would also be grateful to receive updated information on the number of screenings that have taken place since 2007, and the number of cases of tuberculosis that have been identified, disaggregated by location.

Thank you for the information provided regarding the protection of women in places of detention and the complaints mechanisms established. The Committee would also appreciate further information on the circumstances or conditions that would allow the head of the penitentiary establishment to delay discussing a complaint from a detainee for a period up to one month, as mentioned in paragraph 90 of your response. The Committee is pleased to receive your report that the complaints procedure for detainees is monitored by a dedicated staff person, and that analysis of complaints takes place regularly to analyze trends and problems. We would appreciate receiving further information on the findings of this analytical process, as well as statistical information on the number of complaints received since 2007 and the outcomes of these complaints.

Upon receipt of additional information, the Committee will be able to assess whether further information may be required. We look forward to continuing this constructive dialogue with the Government of the Republic of Georgia on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest considerations.



Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
Committee against Torture