



**UN International Day in  
Support of Victims of Torture**  
26 June 2004, Tbilisi, Georgia

**TOGETHER AGAINST TORTURE**

**Coordinator**  
**EMPATHY, Psycho-Rehabilitation Centre**  
**for Victims of Torture**  
**[RCT/GEORGIA, EMPATHY]**

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**Second Conference**

# **Together Against Torture**

**EMPATHY,  
Psycho-Rehabilitation Centre for Victims of Torture**

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## **Conference**

### **TOGETHER AGAINST TORTURE**

**June 26, 2004**

#### *Conference Venue*

**Hotel “Simpathia” , Conference Hall,  
Address: 4 Gagarini, I Alley; Tel./**

***Working Languages: Georgian, English, Russian (with Simulation Translation)***

***Technical Service: Media Projector***

## **Conference Agenda**

***10.00. – 11.00. – Registration of Participants***

***11.00. Opening Session***

United Nations International Day in Support of Victims of Torture - Dr. Mariam Jishkariani – President of the RCT/EMPATHY, Georgia, International Expert – Member of the WPA Section “Torture Psychological Consequences and Persecution”

#### ***Welcome Speeches***

Invited Speakers:

Mrs. Adriana Longoni – Head of the Operational Section in the EC Delegation to Georgia and Armenia

Mr. Gigi Tsereteli – Member of the Parliament of Georgia, Head of the Health and Social Welfare Committee

Mr. Zurab Abashidze – Deputy Minister on Penitentiary System, Ministry of Justice of Georgia

#### ***Keynote Speeches***

11.20.

Sequels to Torture and Situation in Georgia – Dr. Mariam Jishkariani, RCT/EMPATHY, Georgia

11.50.

Torture and Rough Violation of Human Rights in Georgia after the Revolution – Mrs. Nana Kakabadze ; Chairman of the “Former Political Prisoners for Human Right”

12.10.

Situation in Gali Region: Problems and Ways for Solution - Dr. Nona Tarbaia, Gali Crisis Centre Director, EMPATHY Partner Organization.

12.30.

Presentation of Case on Torture – Dr. Zurab Chkhikvadze, Independent Forensic Expert Psychiatrist, RCT/EMPATHY, Georgia

12.50.

Presentation of Second Declaration “Together Against Torture” – Mariam Jishkariani, RCT/EMPATHY, Georgia

13.10.

### ***Discussion***

13.30.

### ***Coffee Break***

### ***Women Prisoners’ Art therapy Works’ Sale – Exhibition***

14.00.

Problems of Refugees from Chechnya – Mr. Said Madaev, NGO “Bart”(Consent)

14.20.

Georgian Legislation and Practice Concerning of Torture in Connection with International Liabilities – Mr. Vakhtang Vakhtangaze; NGO “Union Article 42 Constitution”

14.40.

Anti - Torture Measures in Georgian Penitentiary System - Ms. Maia Khasia, Head of the Prisons’ Department Ministry of Justice of Georgia.

15.00.

Independent Expertise Role on Documenting and Preventing of Torture – Dr. Zurab Beria, Prof., Geoege Naneishvili – Society of Psychiatrists of Georgia

15.20.

### ***Discussion***

15.45.

Adoption of the Declaration “Together Against Torture”

16.00.

### ***Closing of Ceremony***

16.15. ***Banquet***

## SEQUELS TO TORTURE & SITUATION IN GEORGIA

*Dr. Mariam Jishkariani*

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### ***Introduction***

As known, torture indelibly traces life, physical and mental health and social activities of a human. Physical and mental disorder symptoms developed as a result of torture may be recovered, though emotional or moral harm, which a person undergoes during the torture and life-long consequences reflected not only in his family but also in a number of generations, has been a perpetual shadow of his life and activities.

Just proceeded from the demolishing and destructive role of torture for a human, is subject to restriction in any situation.

Hence, legal and medical documenting, investigation and expertise of torture are of great importance.

### ***Legislative Background***

- Georgia joined the UN Convention against Torture in 1994. Though measures corresponding to the convention demands have not been carried out in the country yet.
- One of the important steps taken towards these activities was introduction of item 335-e in Georgian Code of Criminal Law. This item, though incompletely, presents definition of torture and defines special punishment for it. However, there is no mention of moral or psychological influence and torture or inhuman, dignity pinching treatment.
- Unfortunately, even though has been acting as the independent country for 14 years, no reforms have been applied to medical expertise issues, except the fact that it has been transferred to the Ministry of Health. Nevertheless, Procurator’s Office still, though unofficially, has too much influence upon it. In November 2004 the Medical Forensic Expertise again was transferred to the Ministry of justice that reduced the independency of the expertise.
- The law regarding to medical expertise and more over, psychiatric expertise does not exist in Georgia. There is only the proposition of the year 1997 based on the Soviet Union Law.
- As already mentioned above, psychiatric/psychological expertise of torture is the most important issue for torture documenting activities. Though, despite above mentioned significant factors, preceded from the state or alternative expertise materials and the data provided by Centre “Empathy”, there has not been fixed any case of torture when lawyer of torture victim or investigation

agencies, procurator's offices or court apply to psychiatric/psychological expertise for the purpose of documenting torture results.

- What is more, in case of torture victim expertise, as a rule only outward injury expertise is carried out mainly and consequently, torture results are determined only by intensity of such damages; that is, there is excluded not only psychiatric/psychological expertise but also other complex medical expertise of any kind.
- As a rule, there is not determined any way of expertise planning due to the relevant situation and which methods and why had been utilized for the aforesaid expertise, in expert conclusions issued by state expert systems; this concerns not only medical expertise conclusions in general, but also psychiatric/psychological inferences.
- Against this background, no wonder that there are no diagnostic standards for torture victim expertise.
- Considerable factor encouraging in general lawyers, attorneys, etc. not to apply to psychiatric/psychological expertise for confirmation of torture, is a the fact that educational level of the society in terms of torture psychiatric/psychological consequences is not convenient.

### ***Historical Review***

The study of psycho - physical outcomes of torture has widely started after the World War II among former deported persons and former captives of concentration camps. But such studies are very scanty and do not almost exist among the victims of torture of the time of the former Soviet Union totalitarian regime. To our knowledge, the torture methodology elaborated and refined during that period is widely used in post - soviet countries up to the present day, especially among detainees kept in police isolators.

### ***Current Situation in Georgia***

Although Georgia acceded to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 22 September 1994, torture in Georgia still occurs on a regular basis and the relevant changes in the Georgian legislation have not prepared up today.

In April 2002, the United Nations Human Rights Commission officially condemned Georgia for being a country with widespread torture.

The wide practice of torture is indicated in the OMCT Report 2003 regarding children's right in Georgia, in preparing of this report the Centre EMPATHY reports and materials were used, and as well as in the Amnesty International Report 2003.

At least twice in 2002 year Human Rights Watch has expressed its concern about "widespread and continuing subjection of prisoners to torture and cruel, inhuman or degrading treatment or punishment by law enforcement officials and prison officers" – in April and in its recent Press release of 26 November: "... the interior minister (of Georgia) is pushing for a torturers' chapter," said Elizabeth Andersen, executive director of Human Rights Watch, calling for "halt of the further erosion of safeguards against torture" in Georgia.

Each month, the Ministry of Justice publishes a list of people who were transferred from police lock-ups to pre-trial detention centres and who have evidence of torture on their

bodies. The January – September, 2004 list contains more than 500 victims and it is just a partial list, according to the Ministry of Justice. It does not include those who were tortured “carefully” so there are no outward marks. Nor does it include those victims who were psychologically tortured.

The problem of torture and inhuman treatment victims and other abuse of human rights, rape etc is still exist and is actual in the military ethnic conflict zones (Abkhazia), in accordance our information and monitoring analysis in Gali region among repatriated persons too.

It must be indicated, that there are about 300 000 IDPs in Georgia and their problems are not solved yet. In accordance of our investigations most of them are with traumatic stress experience, such are torture, violence, rape and other human rights abuse. That problem exists among the refugees from Chechnya too, especially among victims of torture with captivity experience in the Russian “Filtration Camps”.

A report by the European Committee for the Prevention of Torture (CPT) on its May 2001 visit to Georgian detention facilities, published in July 2002, exposed how loopholes both in the criminal procedure code, and in its implementation, facilitated ill-treatment and torture. (See below extracts from CPT Report on Georgia).

### ***Main Target Groups and Risk Groups in Georgia***

- Police Torture Victims: Prisoners and former prisoners
- IDPs – torture victims that were suffered to torture during the military conflict in Abkhazia and in South Osetia (especially with captivity experience).
- Repatriated IDPs and civilian population of Gali region (military conflict zone) both Georgian and Abkhazian, who are current repressive and torture and inhuman treatment victims.
- Chechen refugees – torture and inhuman, degrading treatment victims, especially with captivity experience in Russian “Filtration Camps)

### ***Main Torture Methods Identified in Georgia and additional Stress and Inhuman Factors Reflected on the Psychological and Mental Health of Victims of Torture***

***All identified torture victims (according to UN Convention, article 1) were 252 persons clients of the Centre EMPATHY in the year 2003 - 2004.***

- ***Among them 129 persons – prisoners and former prisoners; Among them Female – 44; and Men – 65; 35 persons prisoners – adolescents - male;***
- ***Refugees from Chechnya – All 29 persons; among them all adults. Women – 11; Men – 18 . (13 persons of them with captivity experience)***
- ***IDPs from Abkhazia and South Osetia – 29 persons, 19 Women; 10 - Men, (10 persons with captive experience)***
- ***Illegal repatriated IDPs in Gali (Abkhazia, military conflict zone) – 50 persons; among them: Women – 17 p. and Men – 25 p. 8 children (4 female and 4 male). (9 persons with imprisonment experience in Pre – Trial Prisons in Gali and in Sokhumi),***



In accordance with study program analysis main settings for torture actions were the police stations (142 cases among all 252 VT – 56, 34 % ); Military Conflict Zones (Abkhazia; South Osetia; Chechnia) and Russian Prisons (all 110 VT – 43,66 %).

### Ages and nationalities of Target Beneficiaries

#### Number of victims assisted

NUMBER: Total	Men	Women	Children and adolescents (12 – 17 years old)	Adults 19 – 60 years	Over 60
<b>252</b>	<b>118</b>	<b>91</b>	<b>43</b>	<b>170</b>	<b>39</b>

### Breakdown by Nationality

Georgians: 172 p. Russian: 6 p. Armenians 9; Chechens 35; Azerbaijan: 6p. Abkhazian 4p; Osetian 7p; Kists: 7p.; Jewish 2p. Gipsy 2; Kurt 2.

### Main Torture Methods

### Extract of statistical analysis of Special Medical Card (Client Medical and Psycho – Social Monitoring Programme for VT /Chapter III/ of the Centre EMPATHY)

## PHYSICAL METHODS OF TORTURE

### ALL – 201 persons

**201 persons – victims of physical torture among Total Number 252**

**Table 1**

Torture methods	Total N 201 N / F	Prisoners & FP N / F		R. from Chechnia N 18 N / F	IDPs from Abkhazia and SO N 19	Gali Region Illegal Repatriated IDPs N 41
		Adult N 95	Adolescents N 28			
1 Beating (with cudgel, boots, pistol, other blunt object, hand, other - please indicated)	186 / 0,92	88 / 0, 92	28 / 1	15 / 0,83	15 / 0,79	40 / 0,97
2 Electric Shock (oral, sexual, extremities etc)	47 / 0,23	39 / 0,19	3 / 0,01	3 / 0,17	0	2 / 0,05
3 Hanging	30 / 0,15	24 / 0,25	2 / 0,07	4 / 0,22	0	0
4 Non - physiology dislocation	44 / 0,22	15 / 0,16	12 / 0,43	12 / 0, 67	4 / 0,21	0
5 Sexual torture (Rape, <u>Stripe, humiliation pose</u> ) etc)	26 / 0,13	11 / 0,11 3 raped	6 (rape) / 0,21	7 / 0,39	5 / 0,26	3 / 0,07
6 Tooth - Medical Torture (extract a tooth or other)	10 / 0, 05	7 / 0,07	0	2 / 0,11	1 / 0,05	0
7 Suffocation (by the water, bag, gas - mask or other - please indicated)	45 / 0, 22	33 / 0,35	2 / 0,07	6 / 0,33	1 / 0,05	3 / 0, 07
8 Pharmacology torture (with different drugs, injections - knows or not what kinds of drugs - please indicated) ----- --	3 / 0, 01	1 / 0,01	0	2 / 0, 11	0	0
9 Cauterization (amputation of the extremity - nose, ear, eyes, cut off meet, nails etc - please indicated)---	5 / 0, 02	2 / 0, 02	1 / 0,03	0	1 / 0,05	2 / 0,05

	-----						
10	Burn (with cigarette, with hot iron objects etc - please indicated)	18 / 0, 09	9 / 0,09	0	2 / 0, 11	2 / 0,10	5 / 0,12
11	Torture with animals (dogs etc) -----	7 / 0, 03	1 / 0,01	0	4 / 0,22	1 / 0,05	1 / 0,02
12	Other (please described- Torture with neural – paralytic gas “Cheriomukha”), as well “Telephone”; “Phalange”	22 / 0,11	20 / 0,21	0	3 / 0,17	0	0
13	Other : frousing of falanges under the threaten to death	4 / 0, 02	1 / 0,01	0	2 / 0,11	1 / 0,05	0

## PSYCHOLOGICAL METHODS OF TORTURE

(Total Number 252 )

All 252 were psychological torture victims

**Table 2**

Torture methods	All persons N 252 /Frequency	Prisoners &FP Number /Frequency		R. from Chechnia N / Frequency N 29	IDPs from Abkhazia and SO. N 29	Gali Region Illegal Repatriated IDPs N 50 / Frequency		
		Adult N 109	Adolesce nts NI 35			Adult N42	Children N8	
1	Deprivation, isolation	163 / 0, 65	72 / 0, 67	29 / 0, 83	16 / 0, 55	21 / 0, 72	22 / 0,52	3 / 0, 37
2	Dark, less of oxygen, cold	168 / 0,67	70 / 0, 64	27 / 0, 77	20 / 0, 69	17 / 0, 59	28 / 0,67	6 / 0, 75
3	Animals in the isolator (rodents, insects etc)	110 / 0, 44	57 / 0, 52	25 / 0, 86	16 / 0, 55	6 / 0, 21	6 / 0,14	0
4	Dirt and lack of the sanitary - hygienic normal conditions	115 / 0,46	71 / 0, 28	31 / 0, 88	20 / 0, 69	6 / 0, 21	9 / 0,21	0
5	Agent in the cell	50 / 0,20	39 / 0, 15	23 / 0,66	3 / 0, 10	0	2 / 0, 05	0
6	Other torture victims in the isolator	130 / 0,51	63 / 0, 58	19 / 0, 54	18 / 0, 62	20 / 0, 69	9 / 0, 21	0
7	Hearing the voices of someone's being tortured	128 / 0,51	58 / 0, 53	16 / 0, 46	15 / 0, 52	21 / 0, 72	18 / 0, 43	0
8	Attending on some ones torture fact	103 / 0,41	25 / 0, 23	12 / 0, 34	12 / 0, 41	16 / 0, 55	30 / 0, 71	8 / 1
9	Torture of the family members or other close persons	102 / 0,41	28 / 0, 26	6 / 0, 17	16 / 0, 55	19 / 0, 65	29 / 0, 69	4 / 0, 50
10	Sleep deprivation	138 / 0,55	50 / 0, 46	25 / 0,71	18 / 0, 62	20 / 0, 69	25 / 0, 59	0
11	Uncertainly waiting for torture	173 / 0,69	82 / 0, 75	26 / 0, 74	16 / 0, 55	21 / 0, 72	23 / 0, 55	5 / 0, 62
12	Threaten 1. To be raped. 2. Regarding family 3. Regarding torture of the family member. 4. Other (please indicated or described) -----	143 / 0, 57 1. 47 2. 48 3. 43 4. 83	75 / 0, 69 1. 25 2. 15 3. 15 4. 44	12 / 0, 34 1. 7 2. 7 3. 2 4. 7	19 / 0, 65 1. 6 2. 5 3. 5 4. 4	13 / 0, 49 1.2 2. 7 3. 6 4. 9	24 / 0, 57 1. 7 2. 11 3. 15 4. 19	0
13	Humiliation, inhuman attitude, oppression	243 / 0, 96	103 / 0, 41	35 / 1	28 / 0, 96	29 / 1	42 / 1	6 / 0, 75
14	False death	74 / 0,29	19 / 0, 07	0	10 / 0, 34	16 / 0,55	25 / 0, 59	0
15	Starvation and lack of the water	88 / 0,35	32 / 0, 29	4 / 0, 11	18 / 0, 62	5 / 0,17	29 / 0, 69	0
16	Limitation of the natural needs of the Human	82 / 0,32	37 / 0,34	21 / 0, 60	16 / 0, 55	6 / 0,21	11 / 0 26	0
17	Non - real choice (collaboration as agent, signification, providing information etc) -----	103 / 0,41	57 / 0, 52	17 / 0,48	11 / 0, 38	9 / 0,31	8 / 0, 19	0
18	Lack of medical aid, inhuman treatment -----	202 / 0,80	65 / 0,60	29 / 0, 83	29 / 1	29 / 1	42 / 1	8 / 1
19	Other (please described) -----	0	0	0	0	0	0	0

The special methods that could not leave the scars were used in most of cases as well. Those are the "Box Gloves", "Modern Lastochka", "Telephone", "Phalanx". The psychological torture methods were used very widely as well, especially very "effective" was the threatening to be raped (in respect of men); humiliation, as well as inhuman attitude and oppression were used in all 252 cases too.

***The Torture methods that we defined as physical torture – include methods that mean physical violence from torturers' side to victims and pain or any other physical (body traumatization) – of other person, and as it is mentioned above, here is included the physical torture methods that didn't leave any physical scars too (for example suffocation by the gas – mask); The division of torture on physical and psychological methods is very difficult and conditional, because all psychological methods have physical – somatic consequences too (for e.g. cold, starvation etc) and of course the physical methods have the psychological after effects too. Based on above mentioned the psychological methods included conditionally such methods that first of all damage the victims moral and psychological condition and didn't included any kind psychical violence by other person's side.***

In most of cases among prisoners the following methods of torture were identified : 1. Electric shock. 2. Suffocation. 3. Cauterization. 4. Sexual torture (rape etc). 5. Hanging. 6. Systematically beating. The psychological methods of torture were used widely as well. For example: "Feigned Death", threat to be raped (especially for men), threat to the family etc. The methods that do not leave the scars were used very widely as well.

The mostly common physical methods of torture among refugees and IDPs were systematically beating especially on the head and lumbal area and as well as non – physiological dislocation and burning.

Among psychological torture methods most common were inhuman and humiliation treatment in cases with refugees and IDPs and especially "False Death", limitation of natural needs, starvation and lack of water.

Threaten to be raped was high level among prisoners, especially men, but the sexual torture cases, rape, stripe and other humiliation poses were identified mostly among refugees and IDPs too.

Among adolescents most used torture methods were systematically beating and sexual torture; As well as the psychological methods of torture and inhuman treatment were used widely among adolescents with imprisonment experience.

The consequences of torture in police are deteriorated by the inhuman living conditions in the Pre – trial prison such as: the darkness caused by the shutters on window cells, less of oxygen, cold, high level of the wet, overcrowding in the prison that is the reason that the prisoners in most of cells were sleeping in shifts or in pairs (sleep deprivation, violation of the personal autonomy); inmate-inmate relationships based on informal criminal code; high level of corruption and violence among prisoners that are silently approved by the Prison Authorities; not providing adequate medical care and some times violation of medical ethics.

## ***Some Features : Mental and Psychological Consequences of Torture among Victims of Torture in Georgia***

### ***Acute Outcomes***

The observation reveals high level of complex physical and psychological disturbances in the acute period after the torture, that in most of cases were usually the cranial trauma (110 person – 43, 65 % - Total N 252) and hemorrhagic (93 cases – 36,90 %), Pain – Traumatic Shock (89 cases – 35,32 %); suicide ideas, para – suicide or self – injury actions (in 134 cases – 53,17 %). Emotion – shock reactions were found in 183 cases – 75,62 %.

Lack of professional medical aid and in most of cases inhuman treatment and attitude to VT caused severe acute physical and mental disturbances that increased due to the consequent inhuman life conditions in the pre – trial prison and abnormal life conditions in case of Refugees and IDPs. All those situations with previous traumatic Events (repeated torture in most of cases) cause chronization of the complex traumatic stress syndromes with somatic and psycho – somatic disturbances that is revealed in tendencies to develop personality changes. In social sphere that causes difficulties of adaptation, conflict situations, and increased aggressive reactions. Incorrect attitude and improper professional medical aid, non- availability of the rehabilitation system for prisoners and any specific aid for victims of torture were the reasons for developing the following mental or psychological disturbances.

### ***Current and Chronic Outcomes of Torture***

#### **Mental (Psychological) Consequences of Torture (In accordance with ICD 10) and used psychological tests.**

##### ***For Adults (Total number 204)***

Diagnosis	Code (ICD 10)	Prisoners/ former Prisoners N 109 /F	Refugees from Chechnya N 24 /F	IDPs from Abkhazia and South Osetia N 29 /F	Gali Region N 42 F	N. / f Among 204
Acute Stress Related Reaction	F 43.0.	6 / 0, 05	0	-	1 / 0, 02	7 / 0, 03
PTSD	F 43.0.	17 / 0, 15	8 / 0, 33	10 / 0, 34	12 / 0, 28	47 / 0, 23
PTSD with Depression	F43.1 ; F43.22.	15 / 0, 14	8 / 0, 33	10 / 0, 34	11 / 0, 26	44 / 0, 21
PTSD with Somatoform Disorder	F43.1 F45.	11 / 0, 10	2 / 0, 08	2 / 0, 07	10 / 0, 24	25 / 0, 12
PTSD with Post Commotion Syndrome	F43.1. F07.2.	23 / 0, 21	3 / 0, 12	2 / 0, 07	-	28 / 0, 14
Chronic Changes of Personality (after torture)	F62.0.	13 / 0, 12	3 / 0, 12	4 / 0, 14	4 / 0, 09	24 / 0, 12
Emotional Personality Disorder with PTSD	F60.3. F43.1.	7 / 0, 06	-	-	1 / 0, 02	8 / 0, 04
Organic Personality Disorder (Epilepsy) with PTSD	F07.0. F43.1.	3 / 0, 03	-	-	1 / 0, 02	4 / 0, 02
PTSD with psychotic syndromes	F43.1 ?	8 / 0, 07	-	-	1 / 0, 02	9 / 0, 04
Conversive – Dissociated Disorder with PTSD	F 44 F 43.1	2 / 0, 02	-	-	-	2 / 0, 009
Dementia (after the comotion during the crani	F03.	0	-	1 / 0, 03	1 / 0, 02	2 / 0, 009

trauma (torture event)						
Skizophrenia	F 20.0x0	3 / 0, 03	-	-	-	-
Disocial Personality Disorder	F60.2	1 / 0, 009	-	-	-	-

**For Adolescents (Total N 43)**  
**Juvenile Colony and Gali Region**

Diagnosis	Code	Persons (Total N 35 )		P / frequency
		Prisoners N35 / f	Gali Region/ N 8 / f	All N43 / f
Non – Organic Enuresis with PTSD	F 98.0. F 43.1.	2 / 0, 06	2 / 0, 25	4 / 0, 09
Socially Integrated Behavioural Disorder with PTSD	F 91.2. F 43.1.	8 / 0, 23	-	8 / 0, 19
Socially Disintegrated Behavioural Disorder with PTSD	F 91.1. F 43.1.	9 / 0, 26	-	9 / 0, 21
PTSD with Depression	F 43.1. F 43.22.	12 / 0, 34	-	12 / 0, 28
Epilepsy with PTSD and one with enuresis	F 07.0. F 43.1.	3 / 0, 08	-	3 / 0, 07
Behavioural Depression Disorder	F 92.0	-	3 / 0, 37	3 / 0, 07
PTSD	F 43.1	1 / 0, 03	3 / 0, 37	4 / 0, 09

Experience of toxicomania – among Juvenile prisoners – in 20 cases.

**Physical Outcomes of Torture**

**Total Number 252 among them with physical disorders Number 199**

Diagnosis	IDPs from Abkhazia and South Osetia and Gali region / N 73 / F	Refugees from Chechnya / N 24 / F	Prisoners and former Prisoners / N 102 / F	N 199 among total N 252 / F
Cardio – Vascular System	47 / 0, 64	9 / 0, 37	10 / 0, 10	66 / 0, 26
Respiratory System	7 / 0, 09	4 / 0, 05	12 / 0, 12	23 / 0, 09
Allergic Disorders	8 / 0, 11	3 / 0, 12	3 / 0, 03	13 / 0, 05
Infection Disorders	2 (Hepatitis C) / 0, 03	4 (TB) / 0, 17	5 (2 – TB, 3 Hepatitis C) / 0, 05	11 / 0, 04
Tumour	2 / 0, 03	2 / 0, 08	4 / 0, 04	8 / 0, 03
Abdominal System	26 / 0, 36	5 / 0, 21	19 / 0, 79	50 / 0, 20
Uro – Genital System	9 / 0, 12	15 / 0, 63	15 / 0, 62	39 / 0, 15
Ocular System	5 / 0, 07	2 / 0, 08	-	7 / 0, 03
Otto - Laringology	2 / 0, 03	3 / 0, 12	10 / 0, 10	15 / 0, 06
Endocrine System	8 / 0, 11	2 / 0, 08	12 / 0, 12	22 / 0, 09
Osteo – Muscular System	11 / 0, 15	10 / 0, 42	13 / 0, 13	34 / 0, 13
CNS Disorders	28 / 0, 38	14 / 0, 58	68 / 0, 67	110 / 0, 44
Drug Addiction and Alcoholism				59 / 0, 23
1. With remission	1. -		1. 11 / 0, 11	1. 11
2. Active (episode users)	2. 26 / 0, 36	1 / 0, 04	2. 21 / 0, 20	2. 48

Infected Injury	-	-	1 / 0, 01	1 / 0, 003
One surgery operation (Utero – ectomia)	-	-	1 / 0, 01	1 / 0, 003

As it is seen from the tables the most common diagnosis is the Posttraumatic Stress Syndrome that reveals in repetitive phase symptoms (obsession feelings or images regarding traumatic, torture event, nightmares and sleep disturbances, episodes flashbacks etc) and in avoidance phase symptoms, with depression and psycho – somatic reactions. It would be indicated that in most of cases several psycho – somatic syndromes were revealed, such as Chronic Pain Syndrome (head, back, neck area): 204 cases – 82,93 %; CNS functional disturbances: 142 cases – 56,34 %; Blood pressure liability (88 – 34, 92 %) and pain in heart area (139 – 55, 16 %) and as specific among women prisoners – Dysmenorrhoea and among adolescents – enuresis.

It would be indicated that the high level of the domestic or street violence experiences, hypo – control, less of education and elementary social skills, high level of tocsicomania and drug addictions or alcohol experiences among adolescents before imprisonment along with incorrect attitude in prison bring about high level of personality disturbances that in most of cases reveals in stable pattern social – behavioural disturbances and violation of adaptation possibilities.

The natural features of the prison system: lack of freedom, isolation from the family members, limitation of choice and interest areas, waiting for the court judgements while being in pre – trial prison are the permanent factors that increase the personal tension and failure of the internal compensatory possibilities. Those natural negative factors of prisons in post – soviet prison system are deteriorated by "post – soviet prisons' negative factors" that are the camp system, overcrowding, criminal environment, lack of realization for personal possibilities, operative – agency system and inhuman attitude to prisoners, sometimes incorrect medical aid and violation of the medical ethics norm.

These factors negatively affect personality adaptation possibilities and in combination with torture and inhuman or degrading treatment and punishment cause in most of cases the Chronic Changes of Personality. The main symptoms of the latter are isolation, psychological authentication with high level of distrust and extremely hostile attitude to everyone, world or state. All the above cause the formation of the Aspect of Enemy and transformation of this is very difficult in such a prison system.

It would be indicated that among adolescents the mentioned above syndrome has some important features that we suggested and identified as "Children – Adult Syndrome", that means the conflict between psycho – physical possibilities of the child and objective demands of the cruel reality of the children's environment. The lack of social welfare institutions and an inadequate justice system leave no chance for juveniles to improve and start new life after release.

In accordance with our observations in cases of refugees from Chechnya the significant role on the development of severe psycho – physical disturbances play following important stress factors:

- current war situation in Chechnya;
- lack of attention from the World Society to respect of the Chechen refugees tragedy;
- lack of the protection mechanisms toward these community;

- Permanent fear of death or uncertainly waiting of the horrify information (death of family members or close relatives; imprisonment of same persons; rape and torture of someone);
- Feelings to be unprotected and feelings of helpless and useless; Permanent Persecution of Chechen ethnicity and being in situation of exile from the other World and Society.
- Kidnapping and cases of missing of someone
- limitation of social needs and motivations of personality
- Extremely limited humanitarian aid that must be considered as a inhuman leaving condition

These permanent factors with revealed high level of torture and inhuman treatment toward of Chechen ethnicity, as we suggested, maybe considered as genocide of this ethnicity. It must be indicated that this dramatic situation created basis for chronic soul and physical traumatization of personality that manifests in chronic PTSD or somatic diseases, for chronic depression and anxiety with high level distrust and hostility to other world and environment, misunderstandings and difficulties of interpersonal and intrapersonal relations. This extremely crisis situation created difficulties of adaptation and as well as difficulties in rehabilitation too.

Based on mentioned above only the Rehabilitation Centres activities such is EMPATHY or others are not enough for solving the extremely difficult situation of Chechen refugees. This situation needs in an important attention from UN or other international organizations' side and for creating of stabile and strong protection mechanizes for protection of these community.

It must be indicated that the situation is extremely difficult in military conflict zone in Georgia (Abkhazia), especially in Gali region. The Georgian State system has not any state mechanizes for distribution of its Low on this territory. It created the chaotic criminal situation on this territory and created the unhindered environment for torture and inhuman treatment toward the civilian community of this region. After the big political changes in Georgia in connection of the "revolution of roses" the situation in Abkhazia and especially in Gali region, where are living most of civilian Georgian citizens, became extremely dangerous, increased facts of torture and violence from Abkhazian military forces' side and non - correct attitude and political will from "Russian Peacemaker» side to this situation increased unprotected environment toward of illegally repatriated IDPs or other community living in this region. Respect of this, it must be indicated that this situation needs in special activities and attention from international society, especially such is UN, EU etc.

I addition: It must be mentioned that in most of cases refugees have a high level distrust and tendencies of autoisolation or isolation in their community. From our point of view that is reason of severe and prolong distress situation and feelings regarding uncertainly of future. As well as it must be mentioned that among illegally repatriated IDPs in Gali region were observed high level of phobic – anxiety syndrome, with tendencies of alcoholism and drug addiction as not – correct hyper compensation for relaxation. We consider that the reason of that is permanent fear situation and lack of safety.

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# **Torture and Inhuman, Degrading Treatment in the Post-Revolution Georgia**

***Nana Kakabadze,  
Former Political Prisoners for Human Rights***

## **Background**

After regaining its independence (early 90-ies), Georgia launched efforts towards democratic values. In their aspirations both the government and society as a whole registered their readiness to maximize harmonization of the Georgian legislation with international standards. However, due to objective and subjective challenges that the country encountered on this road for 12 years, quite often government-proclaimed democratic values were brushed aside to gather dust on the shelf. As a result, the extent of human rights violations in an independent Georgia was (and remains) far greater than it can be tolerated by a law-governed state. In recent years Georgia has witnessed violation of such fundamental rights as the right to self-expression, the right to fair trial, freedom of speech, conscience and worship, the right to access to effective protection from the state, etc. Besides, the representatives of the government routinely tortured, degraded or mistreated citizens. Even now, Georgia lacks adequate political, public and psychological environment for the protection of basic human rights.

## **Legislative Changes in the Post-Revolution Georgia**

After the November 2003 Revolution, the reigns of government went to a new team full of democratic and human rights slogans. However, soon after gaining power, the new government forgot many of their pre-election pledges and postponed indefinitely democratic reforms in the legislation (direct mayor and local administration elections, tax reform, release of small and medium business from taxes, immediate and significant increase in wages and pensions, etc). Instead, the government drafted, at breakneck speed, such laws which would rather promote bureaucracy and strengthening of power. Many of these drafts have already become laws. Others are expected to be quickly discussed and approved by the Parliament.

As a result of the Constitutional changes, we found ourselves in a state which loses meaning to such expressions as “distribution of power,” “power balance and mutual control between different branches of government,” “supremacy of law,” etc. By vesting the President with the power to dissolve the Parliament and putting the legislative body in a pocket, fears were confirmed that the present-day executive government aims to grab uncontrolled power against the background of a completely obedient judicial system which is ready to fulfill any directive of the government. By the recent changes the already strong presidential powers were further bolstered, responsibilities – diminished.

The legislative changes, whether proposed or already effected by the government, are an attempt to review an entire complex of relations between the state and its citizens. Majority of the principles laid in such changes find varying presence in the laws of different foreign states. Therefore, it cannot be engraved

in stone that these changes are designed to violate human rights. However, we must consider the reality in which these legislative innovations must be implemented. The crude reality is that unlike western democracies, Georgia has neither a strong civil society nor an independent judicial system, nor such an independent media that would withstand pressure from the government.

### **New Government's Style And Methods to Rule**

No doubt, the post-revolution government is far more effective than its predecessor. However, its efforts are primarily bent at highlighting its activities in a positive light, blowing its own trumpet to convince the people that all goes well and living standards are improving with each passing day. But unless the situation of the people improves dramatically, placing a focus on sustaining a popular support by the Soviet style of agitation-propagandizing can produce no long-term results. Therefore, it is better for the government to put emphasis on the substance, not the form, of its activity. For instance, the new government's much heralded corruption control efforts are necessary but hopelessly insufficient to ensure success of the reforms. People can see that the corrupt way of life still holds and gradual disillusionment with the government becomes a sad reality. What needs to be done is a dramatic transformation of the patterns of the government's political thinking. However, this can't be seen in the acts of the new government. Beautiful promises, words and slogans must now yield room to results. To achieve such results requires action in the right direction, which, sadly, is not the case. Talking about the supremacy of law can tickle the ear of any one but when you subject a detained suspect (even for grave crimes) to torture inhuman treatment, plant fire-arms or drugs in a person (even in a thief or drug-addict) marked for detention, when you brutally beat and arrest those who picketed a street for 20 minutes (see specific facts in the annex) and then request that they be prosecuted, when you record seizure of fire-arms from one part of people busted at an anti-criminal operation and release them but arrest the other part for the same crime, is not the government guilty in such case? Why should not such perpetrators be held accountable? The most thought-provoking of the implemented and proposed legislative changes is the change of the whole complex of relations between the state and its citizens is basically designed to bolster bureaucratic powers at the expense of citizens and their rights. True, the state must be strong and must enforce law in order for its citizens to trust it. However, strengthening of government structures by shrinking a democratic space and restricting a civil society may turn such a state into a guarantee for the suppression, not protraction, of human rights. We have already experienced the blessings of living in such a strong state in the great Soviet Union.

The most deplorable of all is the fact that those who, a few years ago belonged to other political wings and proclaimed human rights and battled against excessive bureaucracy against people, are now, after reaching the pinnacle of their political carrier, drafting and lobbying completely opposite laws. Just a few years ago, the current President Saakashvili stated in a newspaper (THE RESONANCE, 23.12.97): "The main reason for human rights violations today lies in the overpowering of the bureaucratic apparatus and lack of the rights of people against such apparatus. Human rights violations are the result of the structure of

the government staff and the place a citizen in this structure as this system is completely based on the inequality between a citizen and the state administration.” “A very dominant trend in state bodies is the fear that protection of human rights weakens the state. This is one of the most typical attributes of a totalitarian state.” The comparison of the fragments from the old newspaper and the changes proposed and implemented by the new government allows the following conclusion: either citizens’ rights against bureaucracy have so strengthened that it is necessary to reverse the situation in behalf of the public officers and to the detriment of citizens or the aforementioned newspaper statements of Milkheil Saakashvili were only beautiful words aimed at winning a popular support and once he became President of the country, his attitude to human rights issues underwent a radical metamorphosis (in behalf of bureaucracy and to the detriment of people).

### **Judicial System**

In the second half of the nineties, Georgia embarked on a reform in the judicial system. Nevertheless, a number of vices typical for the Soviet Court still hold out in the new judicial system of Georgia. During Shevardnadze’s rule, a reformed court failed, for a variety of reasons, to attain a desired quality of independence. Instead of trying to promote the independence of judicial power, the new post-revolution government introduced revolutionary procedures and methods of rule, bringing the court into complete submission. As a result, the court is ready to fulfill whatever the government may direct. For this, fertile ground is created by the mentality of the representatives of the legal institutes the system has inherited from the totalitarian regime. The deviations from law of these representatives are an open secret. Their inherent nature is designed to protect not the state but the existing regime. It is true, a completely independent court has never existed in Georgia but under the new government the issue has come ever to the fore – for the last few months the judicial power has not made a single decision that would not fully meet the government’s requirement. Even the government and their supporters acknowledge that the present-day Georgia no longer has an independent court.

### **Non-governmental Sector**

As a driving force in the movement to get rid of the horrible regime, the new government which came into power by way of revolution, had enjoyed tremendous support from the population, including non-governmental organizations. Moreover, many human rights NGOs were involved, on certain occasions more actively than politicians, in the struggle for power. After the revolution forces came to power, certain NGO leaders found themselves in the election list of victorious political parties, and the majority of the revolutionary NGOs remaining in the third sector turned into a mere addition to the government, fighting for the government causes. Under such circumstances, the NGO sector weakened significantly because everyone fighting for human rights (including the impartial representatives of the third sector) were baptized as counter-revolutionists by the new government. The government makes every

effort to maintain a neutral, objective and professional image for its loyal NGOs in order for them to hold the sector. What happens is that on the one hand, some NGOs who came to power (LIBERTY INSTITUTE, ALPE, ENOUGH, etc) grabbed key posts in the Parliament, municipalities of Tbilisi and other cities, Security Council, Ministries of Internal Affairs, Security, Justice and so forth and, on the other hand, they themselves maintain old and establish new pro-governmental NGOs which they amply fund through the donor organizations (international and national funds) they had monopolized back under the previous regime (through active lobbying and inserting their own representatives in these funds) and today, all the more so, have obtain from them guaranteed funding of their own organizations. Such a state of affairs leaves no room for impartial and unbiased NGOs. Their efforts are beaten back by the government through its instruments of power as well as financial mechanisms (funds under the influence of pro-governmental NGOs). As an exception, less pressure is exerted on such NGOs which have never been a force to be reckoned with, under neither the previous nor the current government – their current activity is only of formal nature and present no threat to the government. This also serves as one of the reasons for the surge in outrageous violations of human rights, law and order. That's why it is unacceptable for the government to act against certain individuals in gross violation of procedures – the instruments of power control and balance are completely dissolved.

It turns out that for the representatives of many NGOs who came to power with slogans for liberal values, human rights has been the means to grab power – now they are using their experience in the third sector to weaken the sector. It is noteworthy that the door to police departments and penitentiary institutions, which NGOs had opened in the last days of the Shevardnadze regime, was firmly shut by the new interior and justice ministers who will open it exclusively to pro-governmental NGOs to maintain the air of transparency. The only effective solution may come from the right attitude of the international governmental and non-governmental organizations whose assistance was crucial for the present government to come to power. However, one should not raise illusory hopes because, as is often the case, sometimes foreign organizations close their eyes to undemocratic behavior of the leaders that they support. We should not lose sight of how Putin brought the free media and the civil society under the control of his regime and that Putin's patterns and methods of power bolstering seem quire acceptable and worth imitating for Saakashvili, as he has often stated in public.

We and some other NGOs (unfortunately, minority of the third sector) were against such active involvement of the civil society in the struggle for power because the strength of a civil society lies in its objectivity, impartiality and commitment to liberal values, which any pro-governmental NGOs are devoid of. Sadly, being carried away by the revolution euphoria, at that time many of our colleagues attached many discrediting strings to our stance while alleging today that a civil sector cannot effectively fight acts of torture so prevalent in police departments, planting of fire-arms and drugs, dispersal of protest demonstrations, alteration of the Constitution to suit one's political aims, trampling underfoot the judicial system, ignorance and reducing to formality of

legal practice, restriction of freedom of speech, embellishment of the election law to one's own advantage, etc.

### **Revolutionary Order Instead of Corruption Order**

Up to now Georgia has lived in a corruption order. Although the current government fights corruption, especially for everybody to see, corruption for the officers in state structures is still a way of life. This can be explained, on the one hand, by the existence of moneyless bureaucracy and, on the other hand, by the absence of rights of citizens against such red-tape apparatus. The structure of the state apparatus is completely based on an inequality between an individual and the administration. The new democratic General Administrative Code has so far failed to change the deeply rooted tradition of inequality between individuals and the administration. What's most important, one of the core incentives of corruption still holds out – low pay rate to and social insecurity of officials. Unless the average pay rate of important officials is at least twice as much as the subsistence level, fight against corruption will be a mere slogan and used as a popular reason to stage big shows. As a matter of fact, under the conditions of moneyless bureaucracy, an official is forced to feed on individual income as he/she is put in such dire economic straights that he has to abuse power to maintain himself/herself.

The new pattern of the revolutionary order lies in the arrest and release of officials after extortion of money (ransom) from them. The amount of ransom ranges from several hundreds of thousands to several tens of millions of dollars. The society has no doubt as to the corruptibility of these officials but the illegal methods of extortion the government employs betray the government's anything-goes approach to the application of law. Such an attitude to law has already resulted in arrests according to political belonging. In particular, the fire-arms planting method was used to arrest Lasha Chakhvadze and Merab Mikeladze, the students who supported Aslan Abashidze; ex-Minister of Internal Affairs Temur Khachishvili (who was released in just a week). Sul Khan Molashvili, former Chairman of the Chamber of Control, is held in prison under suspicious and absurd financial allegations. The category of arrestees according to political belonging includes former Deputy Minister of Internal Affairs of Ajara Giorgi Kupreishvili as well as the actions taken by the law-enforcement authorities against Diana Abashidze and her friends.

### **The Police and the Society**

Of particular threat to the society is the attempt of the new government to turn "illegal police officers" into their supporters as it uses them to intimidate and neutralize (by employing whatever methods, whether legal or illegal) politically or criminally unsuitable persons. Besides, such police officers may just as well be used to ensure victory at elections – as the sad experience shows, at all the elections held up to now it was the service provided by the police on or before the election day that guaranteed the success of the ruling party (especially in villages and small towns). This is one of the reasons for lack of respect for the policeman's status in the present-day Georgia. The popularity rating of police

officers is extremely low, evoking more negative than positive sentiments from the public. A police officer for the public is more a robber than a protector and safety guarantor. The police themselves are responsible for such an image as their actions are guided by their own, not the public's, welfare. Such welfare can be attained by any means – beginning from degrading and ending with brutal methods of torture. The worst thing is that the current social environment creates a fertile ground for the existence of such police officers. Attempts of the new government to improve the public image and rating of the police have not gone beyond the limits of mere declarations. Such efforts often produce reverse effects. Quite often, innocent individuals are victimized by the uncontrolled enthusiasm of police officers. For example, the shooting which broke out in Kutaisi on March 5 to hunt down criminals claimed the lives of 2 innocent people, 3 police officers and only 1 criminal. On March 9 (Tbilisi), police officers killed 25-year-old young man (Anton Kukulava) under suspicious circumstances and thereafter declared that he had put up armed resistance to them (which the eyewitnesses categorically deny). In general, according to the new tradition established by the revolutionary government, all the tortured detainees sustain bodily injuries as a result of the resistance they put up against the policemen who trying to arrest them, and all the persons killed by the police necessarily put up armed resistance and the police had no other choice but to shoot them to death. The efforts of the human rights activists who tried to protect the rights of detainees were beaten back by all the governments (including the current government) with one iron argument: "Police are fighting to safeguard the rule of law and prevent the reign of criminals which serves the interests of the public and human rights activists are protecting criminals and obstruct our noble efforts." The response of human rights activists to all the governments (including the present-day government) is this: "We request that the government establish order and the rule of law only in manner and to the extent provided by, not going beyond, the Constitution, in such way that it does not violate basic human rights and fundamental freedoms or the international commitments undertaken by the state. We believe that anti-Constitutional, anti-democratic and voluntary actions undertaken under the façade of beautiful slogans will sow in the public legal nihilism only which, in the nearest future, may inflict irreparable harm both to the government and to the entire nation".

## **The Problems of the Gali Region and Ways of Their Solution**

**Dr. Nona Tarbaia: Crisis Intervention Center (Gali) –Partner Organization of the RCT/EMPATHY**

The Nabakevi Outpatient Clinic officially resumed its operation on January 1, 1997. Before that date, the personnel had been working for 3 years in extremely hard conditions (to whine of bullets), without payment, on sole enthusiasm.

In 1997, thanks to the Abkhaz Health Ministry in Tbilisi (Minister E. Beria), an outpatient clinic with the personnel including one doctor and 5 nurses was opened.

In 2003, owing to the Georgian Health Ministry, a hospital was built, it was opened by Georgian Health Minister A. Gamkrelidze and Abkhaz Health Minister L. Avidzba. The opening of the hospital had an unprecedented repercussion on the population of the Lower Zone of the Gali Region. If it were up to me to decide, I would decorate both of the ministers with the order for great contribution to the peacekeeping process.

This hospital was a relief for 11 villages of the lower zone of the Gali Region with its 15 thousand-strong population.

The Gali Region is currently the most unfavorable region in Abkhazia. As you know, the most affected is the lower zone of the Gali Region where the residents were forced to leave their homes. Of 90 thousand people living in the Gali Region before 1992, only 60 thousand residents have come back home by now and 15 thousand people - to the lower zone. However, the situation in the region can be called peaceful only conventionally.

Despite the developing peaceful relations and lowering the aggression level, the residents sometimes become a target of uncontrolled acts of criminal structures from both sides.

The regions which is a buffer zone of the Georgia-Abkhazia confrontation has a surprisingly wide range of stress-related diseases.

A significant part of the burden of aid to those people who were exposed to stress situations - violence, and who need a psychological-rehabilitative help after the stress they suffered is carried by the women's association of IDPs "Concliation" and "Empathy" organization which were had enough courage to come to the lower zone of the Gali Region and help people who were left alone with their troubles.

Under the program "Rehabilitation of Victims of Torture in Georgia" and the new program "Torture Prosecution and Aid to Victims of Torture in the Prison System of the Military Conflict Zones in Georgia" launched in May 2004 and funded by the European Commission and the Open Society Institution (Budapest), medical and social workers are working at our outpatient clinic on a permanent basis, providing medicines and advise support.

As an example, I want to refer to just a few cases of torture.

In April 2004, the 75-year-old pensioner G. was struck down by criminals' car and was brought to the Nabakevi hospital. The patient was in a grave condition and we decided to move him to the Central Regional Hospital of the city of Gali, but they refused to admit him, saying that they were unable to help the patient in so bad state. Then, we turned to the Zugdidi Region's Head Physician L. Arachemia who kindly agreed to help us and sent an ambulance car. Because of bad roads, the car arrived only 2 hours later, the patient's condition worsened for that time and despite the resuscitation measures taken in the Zugdidi Regional Central Hospital, the patient died.

A week ago, Abkhaz criminal elements entered the Nabakevi village, took 2 Nabakevi villagers hostage, cruelly beat them up and forced them to crawl on the asphalt road. The beaten guys were secretly taken to hospital where they received medical aid. These are only two cases among many others.

The number of the following diseases has significantly increased for the past two years:

- Oncologic diseases;
- Cardio-vascular diseases;
- Disorders of Endocrine System;
- Mental diseases;
- Children are born with congenital anomalies, in particular heart disease.

There are many old lonely people in the region, living below the minimal subsistence level. Some old man used to come to the outpatient clinic for vitamins. I asked nurses to find out why he wanted so many vitamins. It turned out that vitamins were the only food for him and his old mother for all that time.

There are many children in the region whose parents cannot afford to send them to school as they have no money to buy footwear, textbooks etc. for them.

For the past 2 years, suicide cases, both among the young and old people, have become much more frequent.

I think, we are facing the situation which should be thoroughly thought over, we should think what we can do in order to ease the evolved situation, at least a little bit.

I appeal to all organizations which can help us. This region, with all its troubles and problems, is worth of more attention and respect.

If a hope for return to Abkhazia still exists, I believe such return will be due to the heroic people who even did not think of leaving the native parts, who heroically stand all hardships, do not complain, and my speech is a moan which I have tried to convey to you, the people who, I hope, will take our problems to heart.

To improve the work and servicing the population of the lower zone of the Gali Region, it is necessary to provide, first of all, necessary equipment, ambulance cars to the Nabakevi outpatient clinic, supply it with medicines and laboratory reagents on a permanent basis.



**Psycho-rehabilitation Center for Victims of Torture, Violence, and  
Pronounced Stress Impact “Empathy”  
Independent forensic–medical expert, doctor-psychiatrist**

**Zurab Chkhikvadze**

**Presentation and Analysis of the Case**

**Client’s code G-ZCH-028**

**Personal history of the client – facts and context of torture**

According to the information, given by the client, in June 14 2002, at about 14:00, two unknown people, dressed in civilian clothes arrested and took him to the building of Tbilisi department of the Ministry of Internal Affairs without presenting any documents “for investigation of the circumstances ”. At first he was taken upstairs (he doesn’t remember exactly at which floor), where non-sanctioned interrogation took place. It lasted for 6 hours. Later, at about 17:00 – 18:00 inspector and “advocate” came to him – he was tolled that he was suspected in kidnapping. He chose the right of mute so he was moved to the cell of pre-trial imprisonment.

At about 24:00 he was taken to the room, there were 6 men dressed in civilian clothes, who were demanding from him to confess his participation in kidnapping of several people. Later on they bound him to the chair, took of his shoes and socks. They put wires on his fingers and turned on electricity, after a while electrodes were removed to his toes, then to his ears. Every time our client loss consciousness, they brought him to his senses (brought him round) by beating, constantly demanding from him to sign the acknowledgment testimony. Torture lasted till morning. Our client didn’t plead guilty, but he also didn’t tell about the fact of torture to the advocate or to anyone else next day, because he knew well that worse would happen to him if he did this. Our client’s advocate turned to the expert of the first category, the director of the Center of Expertise and Special Investigation of the Ministry of Justice, Dr. Maia Nikoleishvili, who conducted the examination in the period from 19.06.04 to 27.06.04.

You can see the photo material, which clearly demonstrates 8 injuries on our client’s body, described in details by Dr. Maia Nikoleishvili.

“Dent-like injuries in the area of the left forearm, right and left (little) fingers, right wrist joint, left foot, and fingers of the left arm and foot; bruises in the area of the left wrist joint, bruise and dent-like injuries in the area of the right wrist joint and left foot are

caused by the dense, blunt object or objects. According to its morphological characteristics, the injury in the area of the left forearm is the result of the thermal impact. Taking into account the morphological picture, if we consider that mechanisms of injuring, analogous to ones, described by the client exist, Dent-like injuries in the area of fingers and toes could be the caused by the electroshock in the circumstances, indicated by him (the examined). The time of origination of the injuries does not come into contradiction with the date, indicated by the client.”

Anamnesis data: In November 1986 the client was called up for the military service. In October 23, 1987 he was placed in the psychiatric department of the regional military hospital No1586, here, in December 1987, military medical commission ascertained the diagnosis: Psychopathy of the excitable circle with decompensations, flatfoot of I-II quality. He was recognized as non-fit for military service in peacetime and fit for non-executive military service in war period. The same year he was registered in the Samtredia interregional psycho-neurological dispensary with the same diagnosis. In 1996 he was registered in the psycho-neurological dispensary of Tbilisi municipal hospital with the diagnosis of paranoid psychopathy with frequent decompensations.

In July 13, 1998 he got cranium-cerebral trauma for the second time. He had undergone the course of treatment in the traumatological center with the diagnosis: non-penetrating cranio-cerebral trauma. The syndrome of intra-cranial hypertension with strong pain was shaped, our client’s memory had also worsened. Periodically, the course of psycho-pharmacological treatment was conducted – using antidepressants and tranquilizers. After 1999 the following diagnosis was ascertained: steady residual phenomena after the non-penetrating cranio-cerebral trauma with the psychopathisation of the personality. Characteristically, revealed dysphoria got combined with the paranoid emotional experiences and shaped as a general psychopathologic picture (condition).

After his detention our client undergone the ambulatory forensic (psychiatric) expertise in august 14 2002, for the first time. This time mixed personality disorder of non-psychotic type with complicated cranium-cerebral trauma with disposition to decompensations was ascertained. After the ambulatory forensic (psychiatric) examinations, repeated in September 26 and October 2 2002, stationary (hospital) expertise was prescribed.

The commission concluded that with the indicated diagnosis (mixed personality disorder of non-psychotic type with complicated cranio-cerebral trauma with disposition to decompensations) our client could realize the factual character and illegality of his deeds and recognized him as responsible (sane).

In January 25 2003, our client received plural traumatic injuries in the areas of head and back while special operation conducted by the members of the special detachment of the Ministry of Internal Affairs in the isolation ward No5 of the Ministry of Justice resulted in severe physical damage of many detainees. Because of the extremely grave clinic condition prisoners' medical institution of the Ministry of Justice refused to receive him, so he was immediately transported to the reanimation department of the Central Hospital of the Ministry of Defense of Georgia. According to conducted computer tomography examination intra-cranial hypertension was ascertained.

Because of this fact, investigation initiated by the public defender of Georgia was conducted in January 27-29 by the Center of Forensic-Psychiatric Expertise of the Ministry of Health, and it confirmed the final diagnosis: non-penetrating cranio-cerebral trauma, cerebral contusion, contusion of the soft tissues of the skull, multi-excoriations of the back, bruises. A psychiatrist consulted him: the client declared that someone had chased him with hammer and everything had been organized to destroy him. Many events from the recent past were erased from his memory. He revealed episodes of anxiety and panic (especially in the evenings in darkness). His sleep was interrupted, while awaking he saw the episodes of the quarrel. Diagnosis: Affective – delirious syndrome.

On 6<sup>th</sup> of March 2003, the repeated ambulatory forensic-psychiatric expertise was carried out. It was proved that the psychopathologic symptoms were sharply worsened in the boundaries of the affective – delirious syndrome; the client was sure that there was a person, who took in poisoned medicine and food. He heard the threatening voice, was strained, anxious and was in a bad mood, had difficulties in coming into communication, was suspicious and was sure that he would never be able to see his daughter –because of this idea, he was frequently crying.

The treatment and following supervision in psychiatric department of specialized type was acknowledged necessary for our client. On this stage expert –psychiatrist of the Psycho-rehabilitation Center for Victims of Torture, member of alternative psychiatric expertise, Zurab Chkhikvadze joined the investigation.

Our client was placed to the Qutiri Center of psychic health – he admitted that someone had watched him, hi didn't trust anyone, including his doctor, convulsions of a tonic –clonic character were indicated. The leading characteristic of his behavior was impulsiveness he saw non-existing people, and heard "voices", was sure tat someone wanted to "destroy him" – in this period he was undergoing psychopharmacologic

treatment with neuroleptics, antidepressants, and psycho-correctors. Because of the problems in diagnostics, in April 19 2004 he was carried to the department of the forensic psychiatric expertise of M. Asatiani scientific/research institute of psychiatry, where independent expert, board member of the Center “Empathy” Zurab Chkhikvadze continued his treatment, investigation and case management.

Proceed from the study of the medical and legal documentation and on the basis of the investigation of the clinical anamnesis following methods of torture and inhuman treatment were indicated. Physical methods: beating with blunt objects – resulted in frequent loss of consciousness, torture from electroshock from the extremities (fingers), from the lobes of the ear - resulted in frequent loss of consciousness. Psychological methods: deprivation of sleep; uncertain expectation of the torture; later, the threat of torture; verbal insults – threatening, humiliation; unreal choice – confession, confession of the additional crime; and finally, inexistence of adequate medical aid. The purpose of the torture was to obtain the information, admission of the guilt, confession of the additional crime, humiliation of the personality, oppression and broking of the personality. To a certain degree Torture was determined by the sadistic tendencies of the torturers.

### **Chronic outcomes of the torture**

Somatic – neurological outcomes: Plural scars on the client’s head are the result of the beating in 2003, asymmetry of the nasolabial fold, horizontal nistagm was settled, he carried out coordination attempts with dissymmetry, general background of deep reflexes of a middle vivacity, anisoreflexia without sidedness (beginning from the 2002). There are important changes revealed in encephalography, which point on diffusive organic damage – encephalopathy.

Neurological diagnosis: residual phenomena after cerebral trauma with the signs of the organic damage of the C.N.S.; generalized epilepsy with tonic – clonic convulsions.

Psychic condition: from the very first day of the observation the client is strained, spends the most part of the day alone, mostly in his bed, hence, periodically is anxious, reveals aggressiveness and irritation, is deepened in his own feelings. Psychological investigation couldn’t be conducted, because the client was unreachable for the contact. Middle med-personnel as well as guard confirm that several times and 3 times in the

presence of physicians of the expertise department, tonic – clonic convulsions with trismus of a serious character developed. After attack he was disoriented. In case of additional questioning he said that he is absolutely healthy and nothing disturbs him except of the bad sleep and headache. While a private conversation with the doctor he told that the people, sent into his ward were connected with his family members and they wanted to kill him, that everything that had happened to him in the prison was planned beforehand. Sometimes he cried, “they won’t get better from me” and after this he secluded himself and locked himself in his own.

The client notes that sometimes he heard a voice of “father”, and a bark of the dog – they encouraged him and assured him that he wasn’t alone. Sometimes as if he saw the white-bearded man and spoke to him – that man informed him that out client’s name was “Antimoz the helper” and he would save many people in the year 2000, that would be very hard period and everything could perish. That man assured him that the year 2000 has not come yet, and it will come when his beard is long enough. That time all people will be identical and their name will be “Alph”.

Before he was taken to the electroencephalography, he began crying, “I said that the world would brake, everything has begun!” He declared that the time has come to fulfill his foretell. Sometimes his leaps moved. Complains of constant headache, sleeplessness, and of the bad memory. He confirmed again that the white-bearded man came to him again and told him 4 very important words. The client is completely guided by his own inner world, while accessing his state and the whole situation.

All mentioned above makes us conclude, that our client suffers from Chronic Changes of Personality after Torture (**F 62.0**), Schizophrenia Type Delusional Disorder (**F 06.2**), Psychotic register acute Disorder (Hallucinatory–Paranoid syndrome), epileptic attacks.

According to the specialists of the Center “Empathy” our client needs an urgent treatment and rehabilitation in the specialized clinic, as well as protecting of his rights as of a victim of torture and inhuman treatment. Also he needs to be supported in all of the three stages of the court as well as while appealing to the European Court of the Human Rights in case of Necessity.

# **From Recognition of the 1944 Genocide to Genocide Recognition in the 21<sup>st</sup> Century**

**Said Madaev, Association “BART“**

## **1. Background – “Chechnya and International Terrorism”**

In the middle of the 20<sup>th</sup> century (in 1944), the Chechens were subjected to genocide for the alleged collaboration with the fascist Germany, and it was done when WWII took a radical turn in favor of the Soviet Union and despite the fact that 58 thousand Chechens were fighting in the ranks of the Soviet army, thousands of them were honoured the highest rewards.

Several decades later, in the 1990s, after the collapse of the Soviet Union, the Chechen Republic launched a national-liberation movement for independence and acted in accordance with the then operating Constitutions of the USSR and the Russian Federation.

It is only the Kremlin’s reluctance to recognized the state sovereignty of Chechnya that led to the war which entailed the deaths of hundreds of thousands of peaceful civilians, destruction of Chechen cities, towns, villages, tortures, humiliation, lootings and absolute impunity of the Russian troops perpetrating appalling crimes. These crimes could not but engender acts of despair on the part of some Chechens.

When the problem of international terrorism came to the fore early in the 21<sup>st</sup> century, Russia amounted the Chechen national-liberation movement to international terrorism.

## **2. Chechnya – Human Rights at Risk**

Under the pretext of fighting terrorism on the territory of the Chechen Republic, Russia continues violating human rights there.

During the 2<sup>nd</sup> Chechen military campaign, there were numerous facts of bombing and missile attack on peaceful civilians, the most extensive of which are the following:

1. October 21, 1999 – missile attack on the central market-place of Grozny, over 200 persons were killed, thousands wounded.
2. October 29, 1999 – bombing of refugees on the Rostov-Baku highway. In this connection, claims were filed with the European Union, 6 of them are currently under consideration.
3. Bombing of the Kotor-Yurt village. Numerous casualties.

4. February-March, 2000 – the Komsomolskoe village razed to the ground, after this operation in the area of the neighboring village, Goiskoe, 5 thousand dead bodies were found, 300 of them were (fragments) mutilated, to be more exact, there were only fragments of the bodies. Hundreds of Chechens are missing, many Chechens passed through screening camps (Chernokozovo, Mozdok) and were bought out alive by their relatives or found dead and mutilated.
5. . Bombing and missile attacks on the Galaiti and Zama-Yurt villages. 24 persons killed and 100 crippled.
6. November-December 1999 – Firing on the Duba-Yurt village. The village was completely destroyed, numerous casualties.
7. Aldyn tragedy of February 5, 2000, 86 persons killed.
8. Bus shooting followed by its burning on the site in the Chervlennoe village, about 100 persons were killed.
9. November 19, 1999 – the 30<sup>th</sup> section of Grozny, about 20 persons were killed.
10. Bombing of the Khorsinoi village, 17 persons were killed.

These are only a few examples from the long list of bomb-missile attacks on villages and deaths of peaceful civilians.

Having quite reasonable fears for being killed in bombings or persecuted, about 300,000 people, mostly women and children, left their homes. As of mid-2002, about 160,000 people lived in temporary settlements and refugee camps, mostly in Ingushetia. The refugees were oppressed by the Russian authorities forcing them to return home. At the same time, they flatly refused to give any security guarantees to the refugees.

Those residents who remained in the Chechen Republic were subjected to illegal arrests and tortures, thousands of civilians were murdered.

Chechnya is a territory under military occupation where arbitrariness of the military, representatives of the Russian Power is reigning. The territory where block posts are everywhere, where people may be detained without any reason and disappear without a trace and from where nearby Chechen settlements are fired on at nighttime.

Military raids (the so-called mopping up) have become increasingly frequent in the recent years. Mopping-ups are accompanied by large-scale human rights violations, violations of the rights of civilians, women, children, and mostly the male population at the age from 14 and above are severely tortured and killed. There were no evidences of any guilt of peaceful civilians detained in mopping-ups. They are accused of being gunmen or gunmen's relatives, or their sympathizers.

I'd like to explain the meaning of the term "mopping up".

Mopping up includes the following acts:

1. Raid – mass detention of residents according to some sign or another.

2. Torture - both unmotivated and committed for extortion of false testimony against the tortured person himself, his beloved etc.
3. Extrajudicial executions of most of the detained persons.
4. Disappearance of detainees without a trace.
5. Trafficking in detainees or their dead bodies.
6. Robbing of peaceful residents.
7. Deliberate destruction or damage of personal property.

Let me give some examples:

- On February 5, 2000 – 89 persons were killed in mopping-ups in the Aldy village, city of Grozny;
- Stary Atagi and Novy Atagi, dozens of killed and missing;
- Stanitsa Assynovskya and Stanitsa Sernovodskaya. 700 people were detained, 6 of them disappeared without a trace;
- Regular mopping-up operation in Grozny, Urus-Martan and other inhabited localities. Hundreds of killed and missing.

In the aggregate, over 2,000 persons have disappeared without a trace.

Many citizens of Chechnya whose near and dear are missing in mopping-ups or after unlawful arrests applied and continue to apply to all power structures of the Republic. (On May 9, 2004, the military carried out another popping up operation in the Zavodskoi region of the city of Grozny, Muslim Khadzhiev was detained. The reason for his detention and his further fate are no unknown; On May 12, 2004, the military detained three senior pupils in the Dyshni-Vedeno village, their further fate is unknown). There are thousands of such examples. The human rights center "Memorial" has information about the missing. Most of the abducted people are peaceful civilians who disappeared without a trace. Some of them are found buried.

On the territory of the Chechen Republic, in the place of deployment of the Russian troops, there are concentration camps where inmates are kept in subhuman conditions, which is a violation of all international norms.

After Russian soldiers leaving block posts, mass burial places are found in the area of the block posts. Here are some examples:

- A place of burial of 40 persons was found in Argun, on the border with Grozny, specialists established that they were buried alive. There are women and teenagers among them;
- A mass burial place with mutilated bodies was found in the area of the Duba-Yurt village;
- A mass burial place was found in the area of the Zakan-Yurt village;
- Several dozens of mass burial places with at least 120 corpses were found in Grozne;



- A mass burial place containing the bodies of young girls and women having traces of violent death, many of them are not identified (about 25 dead bodies), was found Near the Gekolo settlement, a suburban region of Grozny.

I have mentioned only a few of the appalling findings.

The found bodies bear traces of violent death. They are the evidences of their being in concentration camps. As it was mentioned above, the concentration camps are located in places of deployment of the troops, and there are a lot of them. Some of such places are well known – in Chernokozovo, Khankala, Urus-Martan, Mozdok.

Although many authoritative human rights organizations raise the alarm over tortures used in such camps, the Russian authorities strongly deny everything and when journalists visit these jails, they are shown newly whitewashed cells and well-nourished and healthy-looking young man who are allegedly prisoners of these camps, and answering journalists' questions they say that they are satisfied with their treatment and conditions. However, according to information of Human Rights Watch, former inmates of the screening camps told almost the same about their experience in the concentrations camps – the detainees were taken for interrogation through the corridor – i.e. a rank of soldiers carrying rubber cudgels. The detainees received numerous blows, some of them were forced to crawl or reach the interrogation room in humiliating poses and then they were subjected to tortures during interrogation:

1. Electroshock.
2. Hanging on handcuffs.
3. Strangling with various things.
4. Stripping naked.
5. Humiliation and even rape.
6. Beating on genitals.

They were forced to sign confession to their being members of bandit formations and commission of grave crimes which they did not commit. For instance, Umar Khakimov who was kept in the concentration camp of Chernokozovo from February 5 to February 12, 2002 tells the following: They were beating me while I was being walked through the "corridor". During interrogation, they used electroshock, forced me to touch wires, I did not see what it was ... I was just told to take something... When I touched the wires, I thought my eys would stand out of my head. It was in the interrogation room. I had to stand there with my hands up. After the interrogation I could only crawl to my cell.

It's one of the numerous facts which still continue in Chechnya.

It is known that amnesty was repeatedly announced for the resistance movement participants. Many believed they would be pardoned and could return to peaceful life because they did not commit grave crimes. They laid down arms and gave themselves up to the Russian military.

For instance, amnesty for 72 resistance movement participants in the Komsomolskoe village in March 2000, which was broadly covered by mass media. Only 3 of them survived, the others were killed.

Some people who were convicted died in Russian prisons under mysterious circumstances:

1. Turpal-Ali Adgiriev.
  2. Lechi Islamov.
- and many others.

Thus, we can say that death penalty is not abolished in Russia for Chechens.

Finally, I'd like to say that considering the numerous cases of human rights violations in the Chechen Republic mentioned by international organizations such as Human Rights Watch, Memorial, Amnesty International and many other organizations, the UN's non-adoption of resolution on mass human rights violations in Chechnya evidences that the so-called democratic countries have become, by their connivance, direct accomplices of genocide of the people of Chechnya .

Thank you.

***P.S. Finally, I want to say that 173 residents have been detained since the beginning of the year, 89 of them have been released, 71 are missing, 13 persons have been found killed.***

***And the most recent information about mopping-up operations conducted by the so-called power structures in Ingushetia – they have detained and taken away 60 refugees of different ages and sexes. 26 of them have been released, mostly ill and elderly, 34 are still detained.***

The report is based on the information obtained from:

1. Human Rights Watch. Annual Reports for 2002-2004.
2. Amnesty International. Annual Report for 2004.
3. Memorial. Annual Reports for 1999-2004.

## **Georgian Legislation and Practice in Relation to International Commitments for Torture Prevention**

Vakhtang Vakhtangadze, Article 42 of the Constitution

Regaining its independence and entry into the international community as an independent state opened new vistas for Georgia. The most crucial of these vistas was an objective to build a democratic state.

As independence alone was not enough to transform Georgia into a modern fully-fledged democracy, Georgia acceded to a number of international human rights organizations committed to safeguarding the core value of a democratic society – human rights. Georgia acceded to series of instruments binding her to create effective and non-illusive mechanisms to protect human rights. This process was to be equally shared by all the three branches of authority.

No doubt, building a democratic state is a challenging process, especially after the 70-year Soviet rule. Neither is assurance of human rights an easy task. However, this does not mean at all that the state must reconcile with the problem and express its attitude with inaction.

Along with many other fundamental rights, Georgia undertook the obligation to protect such human rights as the right to be protected from torture or other cruel, inhuman and degrading treatment or punishment. Since 1995 Georgia has acceded to almost all the fundamental documents of the UN and EU, including the 1996 UN Pact on Civil and Political Rights, 1950 European Convention on Human Rights, and 1984 UN Convention on Struggle Against and Prevention of Torture.

Despite numerous velvet democratic changes, Georgia failed to effectively resolve or soften the problem of torture. Screening the issue from this angle exposes the general approach of the state to its international commitments for human rights which, in turn, finds its due reflection in the practice in the country. As sad as it can be, recent years have shown the gravity of the problem in our country.

The issues related to torture in Georgia includes legislative as well as general practical areas. Such a situation tarnishes the country's image in both Europe and the world community.

In my speeches I'll try to briefly touch on all the issues related to torture in Georgia. I'll provide series of speeches and recommendations made on an international level in respect of Georgia. I'll put emphasis on both legislative and general practice nationwide, discussing both strengths and weaknesses.

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The Constitution of Georgia recognizes the life, freedom and inviolability of a human being as the supreme value and creation of appropriate guarantees for the safeguarding and strengthening of this value is the very foundation on which a democracy stands.

The highest law of the country proclaims that the freedom, honor and dignity of a human being are inviolable. No torture, cruel or other inhuman, degrading treatment or punishment of a human being can be permitted. These are the fundamental provisions for the realization of which the entire criminal legislation must be mobilized. It stands to reason that introduction of effective mechanisms

for the protection of human rights and freedoms in harmony with the Constitutional provisions is the prerogative of the law-maker under the same Constitution. However, a lawmaker in any democratic country is limited by the Constitution of the country, universally recognized human rights principles, and international commitment of the country in question. It should be mentioned that such limitations are primarily aimed at ensuring maximum protection of a human being from unreasonable intervention from the state.

By acceding to a number of international human rights instruments, Georgia undertook series of commitments targeted at fine-tuning the national legislation and implementing in it international norms. Especially tremendous were such commitments in relation to such fundamental right as the right to be free from torture.

Despite the severe economic plight, which bears heavily on the human rights situation in Georgia, Georgia succeeded in making positive steps but the recent trend fell into a negative flow at lightning speed, with all the positive results undergoing a negative transformation.

The human rights system and practice in our country have tightened the noose of international requirements around Georgia's neck. If the world community satisfactorily acclaimed Article 126 of the Criminal Code (which was not in full compliance with the substance of Article 1 of the 1884 UN Convention Against Torture) before, now they request that the same Article be brought in line with Article 1 of the 1884 UN Convention Against Torture. However, it should be mentioned that such approach of a law-maker to the problem of torture was unacceptable for Georgian attorneys and lawyers. According to this article, torture is the form of such treatment which does not produce the consequences provided by Articles 117 and 118 of the Criminal Code: premeditated serious damage to health or premeditated less serious damage to health, which, in my opinion, does not comply with the interpretations or general trends of modern human rights mechanisms.

I'd like to mention that NGOs always played an important role in bringing about positive breakthroughs in Georgia. Equally great is their contribution to legislative changes (e.g. Article 42 of the Constitution of Georgia, Young Lawyers' Association of Georgia). Thanks to the pressure they exerted, the Constitutional Court of Georgia revoked such provisions of the Criminal Procedure Code which dealt with a 12-hour interval of finding a detainee suspect and during which a person was denied of the safeguards envisaged by Article 42(3) of the Constitution. It was the time when forced confessions, beating and cruel treatment (including torture) took many forms. This was the article which allowed for so-called *incommunicado* detentions. Despite numerous positive steps, there are series of critical torture-related issues which remain unsettled. The result is an adequate, i.e. negative reaction of the world community. It is my sincere hope that the prevalent trend in our country, which takes a significant toll on the general human rights situation, will take a turn for the better. All of this, though, takes a willingness as there is nothing that can't be done in this sphere.

It is also clear that even in an ideal legislative environment, though it does not exist, the Georgian practice of so detecting a crime, eliminates the very purpose of its existence. Equally sad is the fact that the present situation has not change

much in comparison with the past. Torture is still a deeply rooted vice in our country. Torture still occurs in both police and penitentiary institutions.

Despite significant breakthroughs, it is still impossible to obtain full, urgent and impartial investigations into the facts of torture. Besides, there is a considerable reluctance to prosecute the criminals. The chiefs of law-enforcement authorities made numerous statements to prosecute the employees exposed in torture. However, regardless of repeated statements made by a number of organizations monitoring the human rights situation in Georgia, the Ministry of Internal Affairs of Georgia did not disclose the list of the persons prosecuted for such crime.

The current trend of torture in Georgia does not escape the notice of international organizations. In its reports the European Council has emphasized several times that Georgia faces a prevalence of torture and mistreatment in pre-trial detention and penitentiary institutions.

The continuation of the problem of torture can be seen in the general reluctance of the judiciary system toward the issue. As a rule, torture most often takes place during a trial.

No less serious is the problem in respect of examination of arrestees and suspects by independent doctors and experts. After being tortured, the victims are forced to write that injuries occurred prior to their committal to prison or even before detention.

Our organization is currently investigating a number of cases in which persons became victims of torture and other inhuman treatment. One of them, who is over 80, is so savagely beaten by law-enforcers that he is on the brink of death. I purposefully refuse to identify him. The housewife of the same family got a broken leg, and other males in the family were severely beaten so as to justify the reason for their detention and illegally plant evidence in their home. One of the victims became a victim of cruel treatment in the police department – the officers employed appalling methods in relation to him. One of the persons who was under the protection of our organization actually died as a result of torture. To justify this fact, the representatives of the law-enforcement authority staged a hanging scene. Diseased Inasaradze has closed eyes in a photograph. Even a green-horn lawyer knows that after such form of suicide, the diseased person's eyes remain open. The examination that followed revealed multiple injuries confirming the fact of torture. I say nothing about prison conditions where guaranteed rights of convicts are openly violated. Believe me, such a lackadaisical approach will cost dearly to the state. In just a few years the European Court of Human Rights will hear a number of cases in a row against the State of Georgia. Unfortunately, the Georgian Government has already experienced a defeat, being forced to pay sizable damages. Believe me, this is only the beginning.

I'd like to conclude my speech with a hope toward positive changes as I firmly believe that if there is a will, the problem will be solved (I'll add a few words later. They just escape my mind now. Whatever, I'll say nothing that would create a problem for the interpreter).

## Anti-torture Measures in the Penitentiary System

### Maia (Zoia) Khasia, - Head of the Social Affairs of the Penitentiary Department of the Ministry of Justice of Georgia

The Committee Against Torture (CAT) has conducted monitoring in the Georgian Penitentiary System several times, including in the spring of 2004. As a result, the Committee identified series of issues which were critically addressed in the CAT Reports.

Besides, for the last few years both governmental and non-governmental organizations have carried out monitoring in the Georgian Penitentiary System on a number of occasions. It should be mentioned that on no occasion have they encountered any fact of torture of detainees or convicts. Despite the above, the situation still requires attention – accommodation and living conditions of convicts in a number of institutions of the Georgian Penitentiary System is a classical example of inhuman and degrading treatment. Although these conditions should not be seen as a deliberate action of the heads of the Georgian Penitentiary System or any other governmental structure, the existence of objective reasons does not rule out violations and these conditions are alarming today.

The major part of the problem rests with accommodation and living conditions which take different forms in different penitentiary institutions. For instance:

Prison N1 of Tbilisi (consisting of former prisons N1 and N5 by order of the Minister of Justice) accommodates inmates convicted for especially grave crimes or persons against which a damning indictment has not been proved into conviction, i.e. they are still under prosecution, trial or investigation.

The prison, which is limited to 2100 inmates, is currently hosting up to 3000 inmates of different categories, including 28 prisoners convicted for life who, under the applicable laws, must be held in solitary confinement for 24 hours. The prison also accommodates women and juvenile inmates who must be isolated from other inmates. Besides, according to the 2002 CAT recommendation, isolation wards and cells which held capital convicts till December 2000 must not be reused. The information shows that the prison accommodation limits fail to meet the actual requirements. The distressed condition of the premises bears ever heavily on the plight of the inmates.

The building of **the Department of Arrestees** (former Prison N5) of Prison N1 became operation in 1912 and the Department which accommodates convicts (former Prisoner N1) – administrative building – in 1973, the main building – in 1912.

All the residential buildings, corridors and cells are in need of repairs. Poor sanitation condition reigns in almost all cells. Water pipes are badly in need of repairs. Especially deplorable is the state of electric wiring which looks more like a cob-web. Points of connections in electric wiring are exposed and any inmate, whether in a cell or a corridor, may, knowingly or unknowingly, freely touch it. This may result in their death. Majority of inmates are devoid of linen or other bedding.

Condition is equally deplorable in terms of supplies in medications and medical equipment. There is a lack of primary health care medications, bandages, surgical and other medical instruments. The available medical equipment is hopelessly outdated – most of them are no longer serviceable.

Prison N1 receives arrestees and convicts on a regular basis. However, the doctors can't give them any clinical-laboratory examination. Their medical analysis is performed out in the city which is chargeable and the analysis is taken by the patient's relatives. As a result, there are chances that patient may falsify such an analysis, conceal certain kinds of infectious diseases or, vice versa, alter the diagnosis altogether to mislead the

medical personnel. In fact, the only thing that the prison doctors can do is to externally observe the entrants to detect bodily injuries.

On many occasions Prison N1 receives mentally ill persons. Apart from the fact that the medical section does not hold a relevant license due to which they have no psychotropic substances, in many cases the entrants of such category have to stay in the prison for quite a long time without any medical care.

The prison is equipped with quarantine and special cells (cells for capital convicts). However, these cells have no windows and, consequently, no ventilation. This is a building where, by the EC recommendations (Paragraph 4 of Order N03-21/3-66, June 12 of the Ministry of Justice of Georgia (Immediate Termination of the Use of the Basement, Including Quarantine Cells, of Prison N5)), the institution was prohibited to accommodate inmates. Nevertheless, the institution continues to use them to solve the overaccommodation problem.

It should be mentioned that the institution faces a problem in equally distributing inmates to cells. Residential cells are overcrowded and the extent of inmate accommodation fails to comply with the provisions of Paragraph 2 of Article 33 of the Law on Imprisonment. The situation is particularly critical in Buildings III, IV and V. In this case, the extent of accommodation is not only a violation of the Law on Imprisonment but also falls short of any minimum living standards. The situation is worsened by the fact that inmates do not have articles of everyday necessity or, in many cases, beds. As a result, inmates often have to keep a line to go to bed. Besides, prisoners do not have a sufficient quantity of soaps or other detergents. As a result, grounds are fertile for an outbreak of insanitation.

Besides, the earthquake which occurred in April 25, 2003, inflicted substantial damages to the premises of Prison N1. Considering the extent of damages it suffered, the building which accommodates female prisoners poses a serious threat to the health and life of the inmates.

**Conditions are mostly similar in Prison N2 of Kutaisi. The building which is prescribed for 650 persons accommodates 446 inmates. An administrative building of Prison N2 became operational in 1948, a residential building – in 1890.**

The entire complex as well as the cells accommodating female and juvenile inmates badly need repairs. The penitentiary institution encounters frequent interruptions in water supply. Water is supplied to the buildings manually. The water shortage presents a threat of insanitation and infectious diseases in the prison.

Like in Prison N1, the medical section of Prison N2 fails to perform comprehensive medical examination of new entrants, neither against AIDS or sexually transmitted diseases (STDs). Such failure violates the provisions of Paragraph 1 of Article 38 and Paragraph c) of Article 42 of the Law on Imprisonment. Such examination is done only to inmates working in a nutrition unit and convicts with STDs.

The arrestees and convicts in the prison have no adequate living standards or seasonal apparel.

No less severe are problems in institutions where inmates serve a sentence delivered by court, i.e. institutions which accommodate convicts.

Medium and Maximum Security Prison N1, which is designed for 950 persons, currently accommodates 650 inmates. The actual shortage in the number of inmates compared to the aforesaid limit does not reflect the real situation. The residential buildings are badly depreciated. Rainwater leaks from the roofs. In wintertime, windows are locked with air-proof polyethylene and other materials that adversely affects human health. The treat is ever more serious in this case because this is not a celled institution. Rather, a single common room may accommodate 30-40-50 inmates. In addition to poor health conditions, there is a threat of fire – in residential buildings, inmates cover their

bedsides with bed covers while electric wiring is handmade and outdated and heating in wintertime is provided by handmade electric heaters.

The institution accommodating a large number of inmates does not have an operational dining hall. The dining hall building is in disrepair. There are no tables, dishes or other necessary utensils. Food is prepared in a nutrition unit and manually carried to residential buildings. This serves as one of the many reasons of easily noticeable insanitation in the prison.

The water-pipe and sewage system of the institution are also in disrepair. The institution receives water supply according to a schedule – for 2 hours a day. This provides a fertile ground for an outbreak of insanitation as well as infectious diseases.

The institution has an operational bathing house but it is in an unsatisfactory conditions and can hardly meet the needs of the inmates.

The arrestees and convicts in the institution have no adequate living conditions or seasonal apparel. This is particularly evident in winter. Neither do they have sufficient amount of linen, bedding or even beds. Like other penitentiary institutions, the prison experiences a lack of soap and detergents that creates a precondition for the outbreak of insanitation in the system.

The situation is similar in Rustavi Maximum Security Prison N2, Ksani Maximum Security Prison N7 and Geguti Medium and Maximum Security Prison N8 despite the fact that the building of Ksani Maximum Security Prison N7 was put into operation in 1962 and underwent capital repairs only in 2002. We should particularly mention the Inpatient Clinic which, in fact, is not operational at all. The two-story building, which was supposed to operate as an inpatient clinic, is currently used as a place of residence for inmates whereas the building, which was designed to be a household facility, is used as a medical section. The so-called walls of the building are build manually. The first floor is occupied by inmates who are accommodated here for living purposes, while the second floor is nothing but an open veranda. Thus, the institution has neither a building nor medical equipment for medical care.

Equally alarming is the situation in Prison N8 in terms of medical care. The building of a medical section is completely depreciated. The patient rooms at the right side of the building are in total disrepair. Only 9 rooms and 1 isolation ward are operational which, like the entire building, suffer from rainwater leakage. The situation is desperate in terms of medication supplies. It should also be mentioned that one position of a dentist was removed from the prison's medical staff.

Situation is deplorable in such specific penitentiary institution as a hospital for convicts and arrestees which is designed to serve 350 patients. The hospital currently accommodates up to 250 patients, including female and juvenile inmates as well as persons with AIDS and STDs.

Taking into consideration the general condition of imprisonment and medical treatment in the hospital, the existing situation goes beyond the minimum requirements of a healthcare institution. More specifically, a healthcare institution is designed for the treatment of ill convicts and arrestees. Treatment includes having a supply of medications, accommodation of convicts and arrestees according to their diseases, and observance of sanitary-hygiene standards. However, the institution fails to keep any of the aforementioned conditions.

Although the hospital is designed to accommodate 350 patients, it experiences a shortage of beds, linen, blankets and mattresses. The hospital also has a shortage of medications.

No patient room is an adequate sanitary condition.

Patients receive food from the kitchen according to cells or they prepare food on handmade electric heaters.

Electric wiring in patient rooms and corridors require urgent repairs.



Windows lack window-glasses. Instead, inmates use polyethylene materials or bed covers which is particularly dangerous when rooms with such windows accommodate patients.

Like other departments, the Infectious Department also experiences a shortage in medications.

The Mental Department also requires a great deal of attention. Its water supply is inadequate, restroom – in disrepair, beds and linen – insufficient.

The situation is similar in other departments as well.

As a matter of fact, the hospital fails to isolate patients according to departments.

In addition to living problems, the penitentiary system faces other challenges as well. For example, the Social Affairs Section of the Department took under control the cases where arrestees are committed to prisons with bodily injuries or in violation of the 72-hour term. Monitoring of such cases started on January 1, 2002. Before then, there had been no adequate registration of entrants with bodily injury. Although the existence of injury cannot necessarily be deemed as evidence of torture, it should, without fail, be registered as one of such evidence. Proceeding from the above, to prevent torture, the Penitentiary Department reacts immediately if and when entrants are committed with bodily injury – such information is upon receipt transmitted to: the Department of Reform and Monitoring of the Penitentiary System of the Ministry of Justice of Georgia; Department of Supervision of Observance of Law in Pre-trial Detention and Penitentiary Institutions of the Prosecutor’s Office of Georgia; the Office of the Public Defender of Georgia; the General Inspection of the Ministry of Internal Affairs of Georgia; and External Board of Public Control over the Penitentiary Institutions of the Ministry of Justice of Georgia (if applicable). In addition to periodic information, monthly reports are provided prior to the 5<sup>th</sup> day of the following month.

Likewise, special efforts are put forth to act upon the cases of committing arrestees to the prisons of the penitentiary system in violation of the constitutionally prescribed 72-hour term (Paragraph 6, Article 18 of the Constitution of Georgia) in respect of which information, as mentioned above, is given to the relevant authorities. Statistics in this regard is as follows:

Monthly number of persons committed to the prisons of the penitentiary system with bodily injury

Month	2002	2003	2004	Increase		Decrease	
				2003	2004	2003	2004
January	23	33	35	10	2		
February	19	51	43	32			8
March	49	54	51	5			3
April	34	53	41	19			12
May	36	52	39	16			13
June	15	46		11			
July	31	48		17			
August	72	54					18
September	27	49		22			
October	25	20					5
November	28	4					24
December	23	21					2
Total	382	485		103			

Difference in the respective periods of 2003-2004

Month	2002	2004	Increase	Decrease
January	23	35	12	
February	19	43	24	
March	49	51	2	
April	34	41	17	
May	36	39	3	
Total	121	169	48	

**Number of persons claiming injury in police precincts among those committed to the prisons of the penitentiary system with bodily injury**

Month	Total number	Including those sustaining injury in police
January	35	11
February	43	43
March	51	15
April	41	41
May	39	7

Before June 25, 2004, the prisons of the penitentiary system received 32 persons with bodily injury, including 5 persons claiming bodily injury in police precincts. 1 of the 32 persons claimed injury before June 20, and thereafter 5, i.e. 6 persons altogether claimed injury from police officers.

# About Conducting the Forensic –Psychiatric Expertise in Georgia

Z. Beria, G. Naneishvili

Society of Psychiatrists of Georgia

The most urgent among the critic situation of psychiatric service of our country during the recent years is the condition in the field of the forensic – Psychiatric expertise.

Among the objective reasons the most important are the following:

1. The Soviet system of legal – psychiatric expertise acted in Georgia for years.
2. Several Expert – Psychiatrists worked in this field who had acquired the appropriate knowledge and the certificate documentation of it in centralized way, only at one "Union", "Central" scientific/research Institute of forensic Psychiatry after Serbski.
3. The new personnel in this sub-specialty of psychiatry did not take place during the last decade. 3 years ago the courses of training for Expert – Psychiatrists with duration of 4,5 months was established at the Academy of post-diploma education of doctors. These courses were taken only by the 4 psychiatrists.
4. The incorrect legal reorganization of medical institutions caused the great disarray in legal regulation of expert psychiatric institutions.

At present the expertise of this field is conducted by

1. Expert Department of Joint Stock Company "Scientific / Research Psychiatric Institute"
2. Expert Department of Ltd., "Psychiatric Hospital of Batumi"
3. Independent Ltd., "Bureau of Legal – Psychiatric and Narcological Expertise " of Samtredia.

There are not conditions for existence of the alternative forensic – psychiatric expert Institutions. Judicial and Investigative Bodies have to limit themselves to existing limited choice in case of assignment of forensic – psychiatric expertise.

**It is necessary to make the following primary steps in the reformation of forensic – psychiatric expertise**

1. It's necessary to simplify and polish the system of training and periodical re-training of experts. To create the maximal conditions for all doctor – psychiatrists to prepare the new personnel without any artificial barriers.
2. To create the maximal conditions for functioning the forensic – expert institutions that is the main bases for the objective and impartial conducting of the alternative psychiatric expertise.
3. To separate the forensic – expertise department of the Scientific/research Institute from the Institute as the independent subject of law to completely provide its independent status.
4. The new structure must be the subject of public law and must be subordinate to the Ministry in an organizational way.

It should be given the functions of methodical and organizational assistance that will enable the Ministry of Labor, Health and Welfare of Georgia to accomplish the necessary methodical and organizational activities.

# Together Against Torture

## Declaration II

June 26, 2004

Tbilisi

### ***Appeal to:***

The President of Georgia and the Parliament of Georgia to bring the Georgian laws and other normative acts in compliance with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international standards against torture, and to bring about Georgia's accession to and recognition of international instruments.

### ***Elaborated by:***

Organizers of the Conference "Together Against Torture":  
Torture Victims Rehabilitation Center EMPATHY.

### ***Submitted to:***

Together Against Torture Conference participants for discussion and adoption.

June 26, 2004. Tbilisi.

## Preamble

**Torture is indelibly imprinted on human life. Although not always, physical consequences of torture may be eliminated, but psychical pain and suffering constantly haunts the victim of torture.**

The inquest into the atrocities of World War II, in particular, surveys conducted among concentration camp survivors and deportees, have shown that torture and inhuman, degrading treatment serves the suppression and ultimate destruction of a person, on most occasions leading to "complete failure" of a human being ("The Psychotherapist in a Concentration Camp", by V. Frankle).

Proceeding from all that has been mentioned above, the civilized world community has arrived at the conclusion that each human being has the right to be absolutely protected from torture and other inhuman, degrading treatment or punishment. This provision leaves no room whatsoever for limitations even under exceptional circumstances as expressly set out in the Universal Declaration of Human Rights and the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (namely, Paragraph 2 of Article 2 which reads: "No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture").

The Convention provides the following definition of "torture":

## Article 1.

For the purposes of this Convention, **“torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.**

Georgia joined this Convention on September 22, 1994. Unfortunately, no relevant changes have been made in the Georgian legislation as yet. This undermines struggle against torture and, therefore, calls for concerted efforts from both governmental and non-governmental structures, professional associations (especially, of doctors and lawyers), international organizations, media, and society as a whole.

**We,**

**Joining** the Anti-Torture Movement (the slogan of which is “Together Against Torture”) organized throughout the world on June 26 (International Day in Support of Victims of Torture);

**Having regard to** Article 5 of the Universal Declaration of Human Rights (Resolution 217 (III) adopted and recognized by the UN General Assembly, December 10, 1948);

**Recognizing** the European Convention on Human Rights and Fundamental Freedoms – Article 3: Prohibition of Torture (Rome, November 4, 1950);

**Recognizing** also the European Convention on Prevention of Torture and Inhuman, Degrading Treatment or Punishment (Turin, 18.10.1961);

**Recognizing** the provisions of the Additional Protocol of the UN Convention, believing that their implementation in Georgia to be an important step in combating torture (adopted and open for ratification on December 28, 2002);

**Recognizing** also the principles of the Istanbul Protocol which are the guiding principles for documenting torture on medical and legal levels;

**Having regard to** the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted by the UN General Assembly (Resolution 39/46, December 10, 1984, enacted June 26, 1987);

**Proceeding from** Article 17, Chapter 2 of the Constitution of Georgia on Human Rights;

**Welcoming** the entry of Article 335 (e) and definition of torture to the Criminal Procedure Code of Georgia;

**Recognizing** the need to correct the situation in torture practice and prevention in Georgia;

**Recognizing** also the critical and deplorable situation in terms of torture documenting and investigation into the facts of torture in Georgia (Article 335 has never been invoked);

**Relying on** the First Declaration we submitted in 2002 (June 26, 2002);

**Declare and call on the Government of Georgia to take urgent measures to make concrete steps towards prevention of torture practice in Georgia.**

## Declaration

### ***I. On International Level***

- As is known, Article 17 (2) of the UN Convention Against Torture established a Committee Against Torture (CAT) which studies factual material on torture, issues recommendations and requests explanatory reports from State Party.
- Unfortunately, as is known, Georgia has not ratified Article 22 of the UN Convention Against Torture, regarding the recognition of the CAT competence in respect of individual appeals.

1. Proceeding from the foregoing, we think it necessary to ratify Article 22 of the UN Convention Against Torture.
2. We think it necessary to ratify the Additional Protocol of the UN Convention Against Torture which deals with international and national torture prevention mechanisms.
3. We think it equally important to adopt the guiding principles of the Istanbul Protocol for documenting torture.
4. Recognize international medical ethical norms.
5. Implement UN Minimum Prisoner's Standards.
6. Implement the EC recommendations.

### **II. On Local Level**

7. In an effort of persecution torture in Georgia, subject to Articles 1, 2 and 4 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it is necessary to so fine-tune the

- special article (Article 335(e)) in the Criminal Code of Georgia that it provide full definition of “torture” and subsequent responsibility be prescribed according to specific articles of the Convention where torture is deemed to be a crime of particular gravity in both physical and moral and spiritual terms.
8. To prevent torture, it is necessary for the state to include, pursuant to Article 10 of the Convention, information on torture prohibition in educational programs (for law-enforcement officers, public or military, medical personnel, persons holding public office or others dealing with prisoners or interrogation, as well as students in of educational institutions) and draft special programs. In addition, it is necessary to include prohibition of torture in special instructions in respect of the duties of the aforementioned persons.
  9. Subject to Article 11 of the Convention, it is necessary for the State to establish and a special external monitoring system to exercise control over the interrogation of detainees and treatment of prisoners.
  10. Upon contact with law-enforcement authorities, detainees must immediately go through the medical examination (including by independent experts).
  11. In compliance with the principles of the European Court, the State must establish fair court assurance system entailing vertical dependence between the state and the person, priority being attached to the person, binding the state to prove its innocence in case of torture.
  12. The State shall, subject to Article 14 of the Convention, ensure that the victim of an act of torture obtains redress and compensation, including full rehabilitation. For this purpose, the State shall set up the Compensation and Rehabilitation Fund for the Victims of Torture.
  13. An important step on the road to torture prevention is to reform the legislative framework on Forensic-Medical Examination (it has not been touched since the Soviet times) and to establish and strengthen an independent expertize institution.
  14. Establish remedies for doctors in “risk zones” (prisons, medical experts, etc) in accordance with the Hamburg Declaration of World Medical Association.
  15. Mandatory enforcement of the principles of the Istanbul Principles and creation of a legislative basis to document the facts of torture.
  16. Pursuant to the Additional Protocol of the UN Convention Against Torture, creation of national torture prevention mechanisms by monitoring any imprisonment and setting up monitoring boards comprising professional and independent doctors, lawyers and human rights activists.
  17. Strengthening governmental and non-governmental human rights protection organizations and significantly heightening their role, scaling up efforts and launching innovative reforms in this sphere, that is so important for restoration of democratic principles.
  18. Drafting a special concept and strategic plan on both international and national levels to help enforce the provisions of the UN Convention Against Torture across the whole territory of Georgia.



19. Establishing a special governmental and non-governmental commission to implement the above provisions.

Signature:

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