



Q10180. Georgia – Researched and compiled by the Refugee Documentation Centre of Ireland on 18 June 2009

Prison conditions in Georgia and the likelihood of inmates suffering torture, inhuman or degrading treatment or punishment.

The first paragraph in the Summary of a detailed report on prison conditions in Georgia published in 2006 by *Human Rights Watch* states:

“Conditions of detention and the treatment of prisoners remain appalling, and in some facilities constitute degrading treatment. Most prisons are extremely overcrowded, filthy, and poorly ventilated. Prisoners receive inadequate nutrition and substandard (if any) medical care and often have no possibility to leave their cells to exercise. Legislative and policy changes, supposedly part of a reform agenda begun in December 2005, have curtailed prisoners’ rights by reducing the number of family visits and, in some facilities, infringing on prisoners’ right to confidential meetings with their lawyers.” (Human Rights Watch (13 September 2006) *Undue Punishment – Abuses against Prisoners in Georgia*, p.3)

The second paragraph of this Summary states:

“Since new government efforts were started in December 2005 to combat crime, especially organized crime (including the power of organized crime bosses within the penitentiary system), many prisoners have been subjected to beatings and other illtreatment, sometimes rising to the level of torture. What is more, the government’s latest anti-crime efforts have led to an increase in the prison population and have apparently led to government approval of a policy of quick resort to severe physical force, including lethal force, to maintain control over the prisons.” (ibid, p.3)

A section of this report titled “Overcrowding in Penitentiary Facilities” states:

“Overcrowding remains the most serious problem in most Georgian penitentiary facilities, particularly in pre-trial facilities, and itself may lead to serious human rights violations.” (ibid, p.20)

A section titled “Physical Conditions of Penitentiary Facilities” states:

“Overcrowding often leads to or exacerbates other problems, including unsanitary living conditions, poor health and hygiene among prisoners, and a lack of privacy. In several facilities, the age of the buildings combined with the lack of maintenance also result in appalling conditions.” (ibid, p.26)

A section titled “Medical Care for Detainees” states:

“Human Rights Watch found medical care for detainees to be wholly inadequate in all facilities. Detainees widely complained of health problems and lack of care, and the Republican Prison Hospital failed to meet basic standards for treatment.” (ibid, p.35)

A section titled “Access to Exercise” states:

“Georgian law also provides convicted prisoners with the right to exercise one hour per day. Although some prisoners reported being able to exercise daily for up to an hour, this right was not guaranteed consistently across facilities or even within individual prisons. In almost all cases, exercise facilities are small, high-walled areas topped with wire that lack sufficient space for prisoners to exercise physically.” (ibid, p.42)

A section titled “Lack of Access to Family Visits and Correspondence” states:

“Prisoners in all facilities visited by Human Rights Watch complained of lack of contact with their relatives. New amendments to the imprisonment law curtailed the standard number of visits and length of visits for convicted prisoners, and the government has added a provision allowing this right to be further limited “based on security interests within the penitentiary institution.” (ibid, p.44)

Allegations of excessive force against detained persons are referred to in the section of this report titled “Government Use of Force in Detention Facilities” which states:

“Numerous detainees in various facilities told Human Rights Watch about violence used against them during 2006. In some cases, the government used violent force to suppress disturbances in the prisons, the most prominent of which, the March 27, 2006 disturbance in Tbilisi Prison No. 5, resulted in the deaths of at least seven inmates and injury to at least 17 others as well as injury to at least 10 government agents. The government has sought to justify the use of force as necessary to suppress these disturbances, which it characterizes as riots or attempted riots. But serious questions remain about the proportionality of the response to these disturbances, and the lawfulness of the use of force, in particular regarding the March 27 incident. Human Rights Watch documented several instances of excessive use of force during the March 27 operation. In other instances, illegal acts such as assault, including severe beatings, have been carried out as punishment apparently in an attempt to intimidate certain detainees whom the government perceives as threats, such as the thieves in law. These beatings, particularly when done for the purpose of punishment, clearly violate the prohibition against inhuman and degrading treatment, and on some occasions have either been so severe, frequent, or combined with other forms of inhuman and degrading treatment to have amounted to torture.” (ibid, p.58)

A report by the *Council of Europe (Committee for the Prevention of Torture)*, in a section titled “Establishments under the authority of the Ministry of Justice” states:

“However, the steep increase in the prison population and the ensuing prison overcrowding undermine the efforts made to create a humane penitentiary system. Between the CPT’s second and third periodic visits, the prison population had more than doubled: there were approximately 16,500 prisoners in March 2007 as compared to some 7,000 in May 2004. At the same time, the official capacity of the penitentiary system, according to a Minister of Justice’s Order of 28 February 2007, was 14,162 places (calculated on the basis of 2.5 m² of living space per prisoner). The level of overcrowding varied from one establishment to another, remand facilities in general being hit harder than establishments for sentenced prisoners. The delegation witnessed the most extraordinary overcrowding (surpassing 400%) at the main pre-trial facility, Prison No. 5, which was holding a quarter of the country’s prison population (see paragraph 43). Prison No. 4 in Zugdidi was also grossly overcrowded (see paragraph 67). The overcrowding had a negative impact on all aspects of life in the prisons – access to sanitary and laundry facilities, provision of outdoor exercise, possibilities for visits and telephone calls, access to health care – the list is far from exhaustive.” (Council of Europe (Committee for the Prevention of Torture) (25 October 2007) *Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 2 April 2007*, p.20)

In a section titled “Ill-treatment” (paragraph 34) this report states:

“Not a single allegation of physical ill-treatment by staff was received at Prison No. 4 in Zugdidi. Similarly, the short targeted visit to Prison No. 5 in Tbilisi, during which a limited number of newly arrived prisoners were interviewed, did not bring to light any allegations of ill-treatment by staff working at that establishment. As regards Prison No. 7 in Tbilisi, no allegations of recent ill-treatment by staff were heard by the delegation; there appeared to have been a change for the better following the appointment of a new director several months previously, and relations between staff and prisoners were rather good. At Penitentiary establishment No. 2 in Rustavi, prisoners stated that ill-treatment by staff had ceased since mid-February (following a collective complaint by prisoners concerning the alleged ill-treatment of an inmate, and the opening of criminal proceedings against three staff members). In contrast, at Prison No. 6 in Rustavi, the delegation received numerous and consistent allegations of prisoners being beaten by staff upon admission to the establishment. Moreover, a number of prisoners complained of ill-treatment by staff in other contexts; the ill-treatment alleged (consisting of punches and kicks) was reportedly triggered by violations such as knocking on the cell door, talking to prisoners from other cells or failing to take the required position during searches, and was perceived by inmates as a means for staff to assert their dominance. Some allegations were also heard of prisoners having been placed naked in the disciplinary cells.” (ibid, p.22)

In a section titled “Detention conditions” an *International Federation for Human Rights* report states:

“The reform of the penitentiary system is one of the EU-Georgia Action Plan's key priorities. Moreover, the EU has financially contributed to this reform

through its Rapid Reaction mechanism. Nevertheless, detention conditions on the ground are still extremely preoccupying. FIDH, HRIDC, Human Rights Priority and Caucasus Woman's network are extremely concerned by the fact that the minimum average of square metres per prisoner in new prisons, including in the Rustavi prison that benefited from EU funding during its rehabilitation work, does not comply with international standards. Finally, our organisations are preoccupied by the persistence of ill-treatment in prisons. In its November 2007 Concluding Observations, the UN Human Rights Committee also expressed its « *concern about the persistence of adverse conditions in a number of prisons in the State party, namely gross overcrowding, poor rations and quality of food, inadequate access to natural light and fresh air, insufficient personal hygiene conditions, and about the large number of deaths of prisoners allegedly due to the prison conditions that amount to ill-treatment in some detentions facilities* ». The problem of overcrowding is not a new phenomenon in the Georgian prison system; however, over 2006-2007 there has been a record increase in the number of inmates. Compared to the number in 2003 – 6274 inmates - there has been an increase in the prison population of more than 200%; the number has grown to 19244 inmates. The excessive number of inmates, combined with the devastating conditions that prisoners have to endure, can lead, in certain cases, to inhuman and degrading treatment, which has a destructive effect on the prisoners' physical and mental health.” (International Federation for Human Rights (5 November 2008) *Georgia: Concerns and recommendations to be addressed by EU and Georgian authorities in the framework of the European Neighbourhood Policy*, pp.4-5)

In a section titled “Prison and Detention Center Conditions” the *US Department of State* country report on Georgia states:

“Conditions in many prison and pretrial detention facilities generally remained poor and did not meet international standards. The public defender's office, the OSCE, the Committee for the Prevention of Torture (CPT), and many NGOs, including Human Rights Watch (HRW), continued to report inhumane and life-threatening conditions, including poor facilities, overcrowding, and inadequate health care. Most prison and pretrial detention facilities lacked adequate sanitary facilities. According to Ministry of Justice data, 94 convicts died in prison during the year, compared with 98 in 2007 and 91 in 2006. The public defender's office reported that it frequently petitioned prison officials to obtain necessary medical treatment for inmates. Attempted suicides and self-mutilation occurred in prisons as protests against poor prison conditions and human rights violations. Human rights monitors, including the public defender, witnessed sporadic prisoner hunger strikes to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the government.” (US Department of State (25 February 2009) *2008 Human Rights Report: Georgia*)

In a section titled “Human rights and Fundamental freedoms” a report from the *Commission of the European Communities* states:

“Regarding detention conditions, several prisons were demolished, reconstructed or refurbished in the course of 2008, contributing to the improvement of conditions for inmates. However, Georgian prisons still remain overcrowded and limited progress was reported in the development of

systematic actions to address this problem. The limited use of parole or other alternatives to imprisonment is in contradiction with Council of Europe standards.” (Commission of the European Communities (23 April 2009) *Implementation of the European Neighbourhood Policy in 2008: Progress Report Georgia*, p.6)

References:

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

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Electronic Immigration Network
European Country of Origin Information Network
Google
Human Rights Watch
International Crisis Group
Immigration and Refugee Board of Canada
LexisNexis
Refugee Documentation Centre Query Database
UNHCR Refworld
US Department of State