



Report

**to the Georgian Government
on the ad hoc visit to Georgia
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 17 to 24 May 2021

The Government of Georgia has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2022) 12.

Strasbourg, 16 June 2022

Note: In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

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I. INTRODUCTION

A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Georgia from 17 to 24 May 2021. The visit was one which appeared to the Committee “to be required in the circumstances” (see Article 7, paragraph 1, of the Convention) and its objective was to review, in the light of the information that had reached the CPT,¹ the implementation of the Committee’s recommendations made in the report on its 2018 periodic visit concerning steps required to combat the phenomena of inter-prisoner violence, intimidation and extortion and the influence of informal prisoner hierarchy in semi-open penitentiary establishments for sentenced prisoners (so-called “zonas”).² It was the Committee's ninth visit to Georgia and the third ad hoc visit.³

2. The visit was carried out by three CPT members, Mykola Gnatovskyy (Head of delegation), Răzvan Horațiu Radu and Marika Väli. They were supported by Borys Wódz, Head of Division at the CPT’s Secretariat and assisted by Marzena Ksel, medical doctor, former Head of the Medical Department of the Polish Prison Service (expert) and two interpreters, Tamriko Mikadze and Mara Tsakadze.

3. The delegation visited all three “zonas” in the country, namely Prison No. 14 in Geguti, Prison No. 15 in Ksani and Prison No. 17 in Rustavi. Further, the delegation went to the closed-type Prison No. 2 in Kutaisi and to the secure ward of VivaMedi Clinic in Tbilisi in order to interview inmates recently transferred there from Prisons Nos. 14 and 17.

4. The report on the visit was adopted by the CPT at its 106th meeting, held from 25 to 29 October 2021, and transmitted to the Georgian authorities on 17 November 2021. The various recommendations, comments and requests for information made by the Committee are set out in bold type in the present report. The CPT requests the Georgian authorities to provide within three months a response containing a full account of action taken by them to implement the Committee’s recommendations and replies to the comments and requests for information formulated in this report.

¹ *Inter alia* from the Public Defender (Ombudsperson) of Georgia, see e.g. the press release issued on 1 April 2021 on the occasion of publication of the Public Defender’s Parliamentary Report 2020 (<https://www.ombudsman.ge/eng/akhali-ambebi/sakartvelis-sakhalkho-damtsvelis-saparlamento-angarishi-2020>), and in particular the following fragment: “ Like in previous years, the main problem in the penitentiary system remains informal governance, which creates a violent environment in the establishments and affects a large number of prisoners. In 2020, the Public Defender’s Office examined cases (related to the events that took place in 2013-2020), in which prisoners provided detailed information to the investigative bodies about the informal criminal governance scheme, persons involved in it and alleged criminal acts committed by them (threatening, beating, extortion, economic crime, abuse of power by staff, etc.). Although both prisoners and witnesses, including representatives of the prison administrations, confirmed the existence of a similar scheme, the internal monitoring bodies of the Penitentiary Service or the Prosecutor's Office did not respond effectively to these cases by bringing perpetrators to justice, and only few procedural and investigative activities were carried out.”

² See paragraphs 50 to 54 of the report on the 2018 periodic visit (document CPT/Inf (2019) 16), <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-georg-4>. See also paragraph 9 below.

³ See the full list of visits and their dates on the CPT’s website, <https://www.coe.int/en/web/cpt/georgia>. All the Committee’s reports to date are in public domain, upon the Georgian authorities’ request.

B. Consultations held by the delegation and co-operation encountered

5. At the end of the visit, the delegation held high-level talks with Rati Bregadze, the Minister of Justice and Beka Dzamashvili, his Deputy and Director General of the Special Penitentiary Service. The talks were also attended – upon the Minister’s invitation – by Giorgi Burjanadze, the Deputy Public Defender (Ombudsman) of Georgia.

Further, at the outset of the visit the delegation met Londa Toloraia, the State Inspector, to discuss action taken by the State Inspector’s Service (SIS) to investigate possible cases of ill-treatment and inter-prisoner violence in semi-open prisons.⁴

6. The delegation received excellent co-operation from the management and staff of the establishments visited. The delegation had rapid access to all premises it wished to visit, was able to meet in private with persons with whom it wanted to speak and was provided with access to all the information it required. This was indeed positive (particularly in the context of the ongoing Covid-19 pandemic) and demonstrated that information about the Committee’s visit and the CPT’s mandate had been circulated to the establishments concerned.

The Committee also wishes to express its appreciation of the efficient assistance provided to its delegation before and during the visit by the Liaison Officer appointed by the Georgian authorities, Ketevan Sarajishvili from the Ministry of Justice.

7. As stressed by the CPT in the past, the principle of co-operation set out in Article 3 of the Convention is not limited to steps taken to facilitate the task of visiting delegations. It also requires that decisive action be taken in response to the Committee’s recommendations. In this respect, the CPT is concerned that little or no progress has been made to implement the Committee’s long-standing recommendations referred to in paragraph 1 above.

The CPT trusts that the Georgian authorities will address these outstanding issues and inform the Committee of the measures taken in their response to this report.

8. Since the CPT’s very first visit to Georgia (in May 2001), the Georgian authorities have (as already mentioned in paragraph 1 above) considered it important to follow the standard practice of requesting the publication of the Committee visit reports together with the corresponding government responses. The CPT welcomes this approach.

Having said that, in recent years, both the Committee of Ministers and the Parliamentary Assembly of the Council of Europe have been encouraging the Organisation’s Members States which have not done so to request the automatic publication of future CPT visit reports and related government responses.⁵

The Georgian authorities are invited to consider authorising in advance the publication of all future CPT visit reports concerning Georgia and related Government responses, subject to the possibility of delaying publication in a given case.

⁴ See paragraph 27 below. The State Inspection Service was established on 1 November 2020 *inter alia* in order to carry out independent investigations into suspected cases of violence against persons deprived of their liberty. At the time of the 2021 ad hoc visit it had three operational units (in Tbilisi, Kutaisi and Batumi) and a staff of 124. It is noteworthy that the Prosecutor General remains the only organ with the right to decide, based on the outcome of the investigation carried out by the SIS, whether or not to bring the case to court.

⁵ See, in particular, Parliamentary Assembly Resolution 2160 (2017) adopted on 26 April 2017, and Committee of Ministers’ reply to Recommendation 2100 (2017), adopted at the 1301st meeting of the Ministers’ Deputies of 29 November 2017. See also www.coe.int/en/web/cpt/faqs#automatic-procedure.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Key findings by the CPT's delegation in semi-open penitentiary establishments

9. From the outset, it should be stressed that the CPT's delegation heard no allegations of ill-treatment of prisoners by staff at any of the three "zonas" visited. On the contrary, the delegation observed that relations between staff and prisoners were generally positive, even relaxed.

10. The three semi-open penitentiary establishments had certain features in common. They were relatively large-capacity establishments⁶ and the considerable, exclusively adult male sentenced populations (respectively 1,812 prisoners in Ksani, 1,506 prisoners in Rustavi and 680 prisoners in Geguti) were allowed to move freely inside the accommodation areas and adjoining outdoor territories⁷ throughout the day⁸ having, for the overwhelming majority of them, virtually no organised activities at their disposal: paid work (general maintenance, cleaning, laundry, bakery, distributing food, etc.) was only offered to a small number of inmates,⁹ there was no education or vocational training, no organised sports activities and whatever arts workshops or classes might have existed had been suspended since the start of the Covid-19 pandemic.

Further, there was no clear allocation policy (apart from allowing inmates to be accommodated in the same cells as friends and fellow prisoners from the same towns or regions) and no attempt was made at separating recidivists from first-time offenders (the latter mostly being young prisoners, aged below 25). A question could justifiably be asked whether this was the best approach when at the same time the prison administration's declared objective was to counter the influence of informal prisoner hierarchy (see paragraph 12 below).

Furthermore, under such circumstances young men risked – in the CPT's view – much more being "enrolled" (willingly or not) to the informal "crime academy"¹⁰ rather than being offered any real prospects of social rehabilitation. **The Committee would welcome the Georgian authorities' observations on this subject.**

⁶ Prison No. 15 in Ksani had the capacity of 1.388, Prison No. 17 in Rustavi had the capacity of 2.000 and Prison No. 14 in Geguti had the capacity of 1.344.

⁷ At Prison No.14 inmates had access to almost the entire territory, whilst at Prison No. 17 the (very extensive) area was divided in two parts (one area for inmates accommodated in Blocks 1 to 3 and the other area for inmates from Block 4). At Prison No. 14 the bulk of the prisoner population had been concentrated in the largest block (Block 6) with only the working inmates living in a separate Block (Block 4, see paragraph 21 below).

⁸ From 7.30 a.m. to 7.30 p.m. in Ksani, from 8 a.m. to 8.30 p.m. in Rustavi and from 9 a.m. to 8 p.m. in Geguti.

⁹ 46 in Ksani, 68 in Rustavi and 65 in Geguti.

¹⁰ Younger and inexperienced prisoners running the heightened risk of reoffending after release and/or being forced to become part of prisoner hierarchy.

11. The aforementioned situation was compounded by an extremely low staff¹¹ presence in the three “zonas”. At any given shift, there could be as few as 21 custodial staff present in Ksani,¹² 13 in Rustavi¹³ (allocated between 4 detention blocks) and approximately 20 in Geguti.¹⁴ In this context, as acknowledged by the management and staff, it was impossible for the staff to exercise full control.

12. The delegation was also concerned to observe obvious signs of the presence of informal prisoner hierarchy, such as typical symbols (in particular, the “Vorovskoy Mir/Thieves World” eight-pointed stars and snarling wolves also known as “Oskals”) visibly placed above cell doors and on cell walls (especially at Prison No. 17).

Further, in all prisons (but again mostly in Rustavi followed by Ksani, the least so in Geguti) there was a clear disparity in conditions between the cells: whilst most of the prisoners had to live in cramped and rather dilapidated accommodation,¹⁵ some of the inmates (presumably those occupying higher ranks in prisoner hierarchy) enjoyed relatively comfortable conditions, with more living space,¹⁶ refurbished cells (with parquet or tiled floors) and a lot of non-standard equipment (large TV sets, DVDs, hi-fi towers, air conditioning units, kitchen corners, etc.).

Last but not least, a number of inmates confirmed to the delegation the existence of the hierarchy and the collection (or rather extortion) of money (from prisoners but more often their families) for the illegal prisoners’ fund (“obshchak”).¹⁷

13. The combination of the above-mentioned factors resulted in a high risk of inter-prisoner violence, intimidation and extortion.

Several prisoners with whom the delegation spoke referred to verbal insults and threats (of physical violence and/or death vis-à-vis themselves and their families) from fellow inmates in the three prisons visited, usually in the context of the prisoner’s incapacity (for lack of money or any relatives capable of paying instead of him) or – rarely – unwillingness to contribute to the “obshchak”.

It is also noteworthy that many prisoners appeared clearly afraid to speak with the delegation. In this context, it is hardly surprising that only one express allegation of physical inter-prisoner violence (consisting of punches on his face – reportedly resulting in a damaged tooth – and on his left ear) was received from an inmate interviewed at Prison No. 2 (to where he had been transferred from Geguti Prison).

¹¹ Temporary staff rotation arrangements due to the Covid-19 pandemic, under which staff remained inside the establishments for two weeks – residing either in long-term visiting rooms (in Ksani and Rustavi) or in two of the recently refurbished detention blocks (Blocks 1 and 3 in Geguti) – had rendered the situation even more complicated as the available staff contingents had to be divided in two so as to allow prison officers sufficient time to rest in between their duty hours. Moreover, whenever a staff member tested positive for Covid-19 prior to starting the new two-week shift, the rule was that all other officers who had shared sleeping quarters with the officer in question had to be isolated too.

¹² The total number of staff posts was 163 but there were 45 vacancies including 24 for junior custodial staff (“controllers”), 2 for senior custodial staff (“inspectors”) and 12 for perimeter staff.

¹³ There were 111 staff posts in total (28 of them vacant) including 73 posts for custodial staff (14 of them being vacant at the time of the visit).

¹⁴ The total number of staff posts was 134 but 27 posts were vacant at the time of the visit.

¹⁵ See paragraph 21 below.

¹⁶ E.g. (in Ksani) one or two inmates living in the standard 19 m² cells (instead of the usual six) and (in Geguti) two inmates sharing the standard 14 m² cells in Block 6 (instead of the standard four to six). At Prison No. 17 in Rustavi, there were some cells measuring approximately 30 m² and fitted with only 3 normal (not bunk) beds.

¹⁷ Illegal prisoners’ fund theoretically meant as a form of mutual support mechanism but in fact serving mostly the interests of prisoners occupying top positions in the informal hierarchy. See also [https://www.informality.com/wiki/index.php?title=Obshchak_\(Russia\)](https://www.informality.com/wiki/index.php?title=Obshchak_(Russia)). Reportedly, the amount that inmates were expected to contribute varied between 10 and 300 GEL per month (depending on their wealth and the wealth of their families).

14. While visiting Prison No. 17 in Rustavi on 20 May 2021, the delegation witnessed the outcome of a fight between inmates, resulting in hospitalisation of a prisoner with polytrauma.

As already mentioned in paragraph 3 above, the delegation's doctors followed the ambulance to the clinic (VivaMedi in Tbilisi, a private clinic operating two secure wards for prisoners based on a contract with the Ministry of Justice) and spoke with the prisoner concerned and with the doctor who attended to him, and in addition examined the (already) available medical documentation. When interviewed by the delegation's doctors, the hospitalized prisoner had two wounds on his head (on the top of his head and in the right parietal area) that had already been bandaged. He also had two parallel-elongated subcutaneous bruises, sized 2.5 x 1 cm each, and dark-red irregularly shaped skin abrasions on his left shoulder, with the size of approximately 3,5 x 2 cm. Further, he displayed multiple elongated-shape bruises on his left shoulder and his left forearm, and a haematoma on his left forearm measuring 2,6 x 1 cm. The delegation's doctors also noted the presence of a bleeding wound (with the length of 1,7 cm) with smooth edges and sharp corners on the prisoner's nose, as well as multiple excoriations on his face. The doctor from VivaMedi Clinic told the CPT's doctors that the prisoner concerned had a fracture of his left fibula (calf bone), with dislocation, and a brain concussion.

The CPT requests to be provided with information on the outcome of the investigation into this case, in particular as regards the investigative steps taken (including the forensic medical examination) and any criminal and/or disciplinary sanctions imposed as a result.

15. It is also noteworthy that, after the visit (in July 2021), the Committee learned of a case where – during a mass brawl between prisoners at Prison No. 17 in Rustavi (reportedly sparked by disagreements about the collection and use of the “obshchak” money) – a prisoner had lost his life. An investigation into this case was initiated by the SIS.¹⁸ **The CPT would like to be informed about the outcome of this case too.**

16. Notwithstanding the CPT's persisting concerns regarding the recording and reporting procedures (see paragraphs 26 and 27 below), the delegation's forensic medical doctor found in the relevant medical documentation in the three “zonas” visited evidence of numerous recent¹⁹ traumatic injuries which (due among others to their type and location) were unlikely to have been sustained accidentally.

For example, at Prison No. 15 the delegation's forensic medical doctor noted a large number of injuries (recorded by prison doctors as “accidental”) such as: swelling and oedema in the nasal area; abrasions on the forehead; abrasions in the eye area; hyperaemia; abrasions in the occipital area; several cut wounds in stomach area; severe bruises in the area of neck (both of the latter described in the prison's medical records as “self-inflicted injuries”).

At Prison No. 17 in Rustavi, the following cases of injuries suggestive of inter-prisoner violence were found by the delegation's forensic medical expert: (case no. 1) bruises in the occipital area, around both eyes and on both sides of the temporal area; (case no. 2) bruises on the right side of the thorax, 2 cm in diameter, lacerated injuries on the right side above the eyebrow; (case no. 3) injuries around the right eye; (case no. 4) abrasions on the right eyebrow; (case no. 5) lacerated wounds in the parietal area and on top of the head.

¹⁸ See www.interpressnews.ge/en/article/114954-state-inspectors-service-carries-out-investigative-activities-into-the-murder-of-prisoner-in-rustavi-penitentiary-facility.

¹⁹ Dating back to the period as from 1 January 2021.

Further, in at least one case (on 23 January 2021) three inmates had been brought to the doctor at Prison No. 17 almost simultaneously (in the intervals of 10 minutes between consultations) and the three had injuries suggestive (in the opinion of the CPT's forensic medical expert) of inter-prisoner violence: prisoner A had bruises and abrasions in the temporal area, bruises on the left shoulder and in the area of his wrists, excoriations on the right side of his neck and on his left shoulder; prisoner B had hematomas in the parietal area, in the forehead area, a hematoma in the left frontal area, bruises in the right temporal area and injuries on the parietal area; prisoner C had bruises in the right eye orbit area, excoriations in the nasal area, bruises on the left lip and on the left leg. In the three cases, the prison doctor had merely recorded the inmates' explanations (identical for the three of them) that they "had fallen from their bunk beds".

There were less such injuries recorded at Prison No. 14 in Geguti, although the delegation's doctors did note some (e.g. a cut eyelid) where the recorded explanation ("slipped in the shower") appeared implausible.

17. Furthermore, two death cases recorded in the relevant medical documentation at Prison No. 15 in 2018 as "suicides" rose certain doubts of the delegation's forensic medical expert: in one case, there were lacerated wounds (injuries) in the throat area and in the other, there was a deep wound in the neck area which would have been an unusual way in which to commit suicide. **The Committee would like to receive more detailed information about these two death cases (including the respective autopsy reports).**

18. The delegation interviewed a number of the inmates whose injuries had been recorded by prison doctors and was struck by how extremely reluctant they were to speak about the origin of their injuries. In some cases, prisoners repeated explanations²⁰ already provided by them to the prison doctors which were, in the opinion of the delegation's forensic medical expert, implausible from a medical point of view.²¹

However, neither the prison doctors nor any other staff concerned (e.g. operational officers) had apparently made any attempts to address this inconsistency and to investigate further.²²

19. It is also noteworthy that in the three "zonas" there were some inmates who were isolated on their own request (and/or by decision of the administration, for their own safety);²³ further, in the three prisons visited the respective managements followed the same policy of transferring inmates who were considered at a significant risk from fellow prisoners to closed prisons (Prison No. 2 in Kutaisi,²⁴ Prison No. 3 in Batumi and Prison No. 8 in Tbilisi/Gldani) and such transfers were relatively frequent.²⁵ This was a clear indication that inter-prisoner violence was a real problem in the three semi-open penitentiary establishments.

²⁰ E.g. that they had fallen from an upper bunk bed, slipped on the wet floor in the sanitary annexe, stumbled over the doorstep or had injured themselves while exercising in the gym.

²¹ See several examples in paragraph 16 above.

²² See also paragraphs 26 and 27 below.

²³ There were e.g. two such prisoners at Prison No. 15 in Ksani.

²⁴ As already mentioned in paragraph 3 above, the delegation spoke with several such prisoners at Prison No. 2.

²⁵ In the course of the year 2020 there had been 29 such transfers from Prison No. 15 in Ksani and 50 from Prison No. 17 in Rustavi. As for Prison No. 14 in Geguti, 42 inmates had been transferred for this reason to Prison No. 2 and seven to Prison No. 8 since 1 January 2021.

20. As yet another possible indication of the power of informal prisoner hierarchy (especially given the other factors described in paragraphs 13, 16 and 18 to 20 above), there was a very low number of formal disciplinary sanctions in the “zonas” visited.²⁶ It seemed clear that there was a tacit understanding from both the management and members of the prisoner hierarchy that any “misbehaviour” and any internal conflicts between inmates should first of all be dealt with informally, between prisoners (and without formally involving the administration).

Likewise, there were virtually no formal complaints recorded,²⁷ and the very few that were recorded concerned exclusively inmates’ criminal cases (and were thus addressed at the criminal justice system – Prosecutor’s Office and courts – and not the prisons and their management) or, in rare cases, issues such as the refusal of transfer to a different establishment or the refusal to grant early (conditional) release.

21. Given the Georgian authorities’ declared plans concerning the future of the three “zonas” (see paragraph 23 below), the CPT will not dwell in detail on the subject of material conditions. At this stage, what merits a mention is that Prison No. 15 remained overcrowded (even as compared with its official capacity: capacity 1,388, population 1,812) and that conditions were particularly poor in the older blocks (Blocks 1 – 3, dating back to the 1970s) at Prison No. 17 in Rustavi: damaged walls, floors and ceilings, water infiltration, beds tightly crammed together (sometimes touching) with makeshift separations made of bedsheets and blankets.

The worst conditions were observed in Block 4 at Prison No. 14 in Geguti, which was admittedly a temporary arrangement to accommodate working prisoners while their “normal” block (Block 2) was out of service after major water damage which had occurred just before the start of the Covid-19 pandemic.²⁸ Although generally clean, well-lit and ventilated, sufficiently large²⁹ and suitably furnished, the makeshift cells at Block 4 represented a major fire hazard given that the walls had been made out of cardboard and carton and electrical wiring was partly unprotected (or in any case, installed unprofessionally by the inmates themselves).

The CPT would like to receive confirmation that – pending the closure of the establishment (see paragraph 23 below) – Block 2 at Prison No. 14 in Geguti will be repaired and prisoners moved back there from Block 4 at the earliest opportunity. The Committee also recommends that Block 4 be taken out of service as prisoner accommodation as soon as Block 2 has been recommissioned.

²⁶ For example, there had been only 35 placements in a disciplinary cell (“kartzet”) at Prison No. 17 in Rustavi in the whole year 2020.

²⁷ The Deputy Public Defender told the delegation that out of 1,345 complaints from prisoners received by the Public Defender’s Office in the course of the year 2020, only 4% had come from “zonas” (while the three semi-open prisons were accommodating approximately 40% of the whole prisoner population of Georgia).

²⁸ Block 2 had been reconstructed in 2015, large capacity dormitories having been replaced with cells measuring approximately 35 m² and containing 4 to 6 beds each (as well as a fully-screened sanitary annexe).

²⁹ Cells measuring from 10 to 25 m² and accommodating two to six prisoners.

22. The delegation observed at Prison No. 17 in Rustavi that accommodation in the older blocks (Blocks 1 to 3) was still based on large-capacity dormitories.³⁰

The Committee has stressed many times in the past³¹ that the risk of intimidation and violence is higher in large-capacity dormitories and that such accommodation arrangements are prone to foster the development of offender subcultures and to facilitate the maintenance of the cohesion of criminal organisations. They can also render proper staff control extremely difficult, if not impossible; more specifically, in case of prison disturbances, outside interventions involving the use of considerable force are difficult to avoid. With such accommodation, the appropriate allocation of individual prisoners, based on a case-by-case risk and needs assessment, also becomes an almost impossible exercise.

In the context of the Georgian authorities' plans (see paragraph 23 below), **the CPT recommends that steps be taken to gradually eliminate this type of prisoner accommodation from the Georgian prison system.**

B. Steps envisaged by the Georgian authorities in respect of semi-open penitentiary establishments

23. As already mentioned in paragraph 5 above, the ad hoc visit was followed by the delegation's high-level talks with the Minister of Justice and his Deputy in charge of the Special Penitentiary Service. The delegation was pleased to note that the Minister did not disagree with its findings regarding the influence of informal prisoner hierarchy and the phenomenon of inter-prisoner violence in semi-open prisons. Indeed, he referred to the Georgian Government's Strategy and Action Plan of prison reform³² which envisaged *inter alia* the closure of the three "zonas" and replacing them with smaller prisons,³³ each of them with a layout (smaller modular units) permitting better regime diversification and allocation, with more organised and individualised activities (with an increased focus on rehabilitation and resocialisation) and with more staff of appropriate categories. The Action Plan also envisaged additional steps to segregate the leaders of the informal prisoner hierarchy from the rest of the prisoner population, in order to eliminate their influence on fellow prisoners.

The Minister assured the delegation that all these measures, temporarily delayed because of the need to address the consequences of the Covid-19 pandemic in the prison system, were to be fully implemented by 2025 at the latest.

24. The Committee welcomes the Georgian authorities' stated determination to implement the aforementioned measures as a matter of priority. **The CPT requests to be provided, in the response to this report, with a detailed update on the steps already taken, those being taken and those still envisaged (with precise deadlines) in the framework of the Strategy and Action Plan on the Development of the Penitentiary and Crime Prevention Systems, in particular as regards semi-open penitentiary establishments ("zonas"). The Committee would also like to be informed of budget allocations made to secure the implementation of the Action Plan.**

³⁰ Measuring from approximately 50 to some 160 m² and accommodating from ten to 26 inmates.

³¹ See also "Developments concerning CPT standards in respect of imprisonment. Extract from the 11th General Report of the CPT, published in 2001" (document CPT/Inf (2001) 16-part, <https://www.coe.int/en/web/cpt/prisons-2>), paragraph 29.

³² Details of this Strategy and Action Plan (full name: Strategy and Action Plan on the Development of the Penitentiary and Crime Prevention Systems) can be found on pages 5 and 9 – 10, as well as in the Appendix to document CPT/Inf (2019) 17 (<https://rm.coe.int/16809460b9>).

³³ Including two new prisons in Rustavi and the long-awaited new prison in Laituri (the construction of which has begun more than 10 years ago).

25. In this context, the CPT reiterates its recommendations made in the report on the 2018 periodic visit regarding inter-prisoner violence,³⁴ material conditions,³⁵ regime and activities (as well as individual risk and needs assessment and individual sentence planning)³⁶ and prison staff.³⁷ All these recommendations remain fully valid in the light of the delegation's observations made in the course of the 2021 ad hoc visit.

For the sake of clarity and for the reader's convenience, the full texts of the aforementioned recommendations are reproduced below.

Paragraph 53 of the report on the 2018 visit

“The CPT calls upon the Georgian authorities to instruct the management and staff of Prison No. 15 (and all the other penitentiary establishments in Georgia) to exercise constant vigilance and use all appropriate means at their disposal to prevent and combat inter-prisoner violence and intimidation. This should include ongoing monitoring of prisoner behaviour (including the identification of likely perpetrators and victims), proper recording and reporting of confirmed and suspected cases of inter-prisoner intimidation/violence, and thorough investigation of all incidents. Steps must also be taken to protect the actual or potential victims against the actual or potential perpetrators (e.g. by transferring them to different establishments or otherwise preventing them from having any contact with each other).”

Further, an end must be put at Prison No. 15 (as well as, as applicable, in other prisons) to the practice of delegating authority to informal prisoner leaders and using them to maintain order and security among the inmate population. All informal prisoner leaders and their close circle must be deprived of privileges which other prisoners do not enjoy, including as regards material conditions; consideration might be given in this context to segregating the informal leaders and their close circle from the rest of the prison population, on the basis of a proper individual risk and needs assessment.”

Paragraph 47 of the report on the 2018 visit

“The Committee reiterates its recommendation that the Georgian authorities ensure that the minimum standard of 4 m² of living space per prisoner in multi-occupancy cells (not counting the area taken up by any in-cell toilet facility) is duly respected in all penitentiary establishments, for all categories of prisoners; for single-occupancy cells, the standard should be at least 6 m². In newly-built prisons, the standards should preferably be even higher.³⁸”

Paragraph 48 of the report on the 2018 visit

“The CPT once again calls upon the Georgian authorities to take decisive steps to develop the programmes of activities for both sentenced and remand prisoners. The aim should be to ensure that prisoners are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, education, sport, etc.) tailored to the needs of each category of prisoner (adult remand or sentenced prisoners, inmates serving life sentences, female prisoners, etc.).”

³⁴ Paragraph 53 of document CPT/Inf (2019) 16.

³⁵ Paragraph 47 of document CPT/Inf (2019) 16.

³⁶ Paragraphs 48 and 74 of document CPT/Inf (2019) 16.

³⁷ Paragraphs 96 and 98 of document CPT/Inf (2019) 16.

³⁸ See document “Living space per prisoner in prison establishments: CPT standards” (CPT/Inf (2015) 44, <https://rm.coe.int/16806cc449>).

Paragraph 74 of the report on the 2018 visit

“The CPT recommends that the Georgian authorities fully implement in practice the new provisions on individual risk assessment and individual sentence plans in all prisons and in respect of all inmates. In this context, particular attention should be paid to the procedural safeguards mentioned above³⁹ and, in the case of individual sentence plans, to involving (to the extent possible) prisoners in the drafting and reviewing the plans, so as to secure their commitment to the implementation of the plans and to their social rehabilitation.”

Paragraph 96 of the report on the 2018 visit

“The CPT calls upon the Georgian authorities to step up their efforts to increase prison staffing levels, which should concern custodial staff but also social workers and psychologists. As a starting point, efforts should be made to fill all the vacant posts.

In this context, the Committee is of the view that any significant staff increase will be impossible unless staff salaries are made more competitive with those offered in the police and in the private sector.”

Paragraph 98 of the report on the 2018 visit

“The CPT recommends that continuous efforts be made to increase the number of prison staff trained in dynamic security⁴⁰ and deployed in prisoner accommodation areas.”

³⁹ “Although most of the inmates had had their first risk assessment done, it became clear in the prisons visited that the vast majority were not aware of the fact and had not been in any way involved in the process (there had been no hearing, inmates had in most cases not received written information about the risk assessment decision and about the appeal procedure). More fundamentally, although the procedure (as set out in the implementing Ministerial Order No. 70 dated 9 July 2015) foresaw the involvement of a multi-disciplinary team (operational, security, medical, psychological, social), in practice the final say was always with the security department which frequently overruled other professionals and whose recommendations, which were classified as secret (and thus not communicated to other participants in the assessment process, including the inmates and their lawyers), were almost invariably followed by the Special Penitentiary Service. The impression was of a rubber-stamp procedure and of a wasted effort by the socio-medico-psychological teams.”

⁴⁰ Dynamic security also implies an adequate offer of constructive activities.

C. Other issues of relevance to the CPT's mandate

26. As had been the case during the 2018 periodic visit,⁴¹ detailed recording of injuries observed on prisoners according to the Istanbul Protocol (with “body charts” and photographs) and reporting of these details was only carried out by prison doctors if there was an express complaint by the prisoner of ill-treatment by staff and only with the inmate’s written consent.

The Committee reiterates its recommendation that the existing procedure be amended so as to require using the “body charts” and taking photographs – and reporting this information – whenever prison doctors believe there are grounds to suspect ill-treatment or inter-prisoner violence, irrespective of whether the prisoner concerned made any allegations and agreed to such recording and reporting.

27. As for the procedure for reporting injuries, the delegation was informed that, pursuant to a recently issued Ministerial order (November 2020), prison doctors were obliged to directly inform the State Inspector Service whenever they suspected that the injuries observed might have resulted from ill-treatment by prison staff.⁴²

However, this requirement did not apply to injuries likely to have resulted from inter-prisoner violence (even if the inmate concerned alleged having been injured by one or more fellow prisoners). In such cases, prison doctors informed the Director who in turn reported to the Ministry of Justice’s General Inspection (i.e. an internal, departmental monitoring body). Given the situation observed by the delegation in the three “zonas” visited (see paragraphs 13 to 19 above), this cannot be considered sufficient.

The CPT recommends that the relevant provisions be amended so as to require prison doctors to directly report to the State Inspection Service any injuries observed on prisoners which, in their opinion, might have been inflicted by other prisoners.

28. It was not the focus of this ad hoc visit to carry out an overall assessment of the health-care services in the semi-open prisons. Consequently, the Committee will limit itself here to mentioning some positive aspects, such as relatively quick and easy access to external consultations and hospitalisations, and the availability of testing and treatment for transmissible diseases including TB and hepatitis. The delegation also gained a generally positive impression of the approach adopted in the prisons visited to tackle the Covid-19 pandemic, including the systematic and frequently repeated testing of both prisoners and staff, placing all newly-arrived prisoners in quarantine and isolating inmates known to have the virus or suspected of having it, provision of personal protective equipment (masks and disinfectant) and ongoing vaccination of inmates and staff.⁴³

That said, persistent problems were observed in the three establishments visited as regards the provision of mental health care (psychiatric care and psychological assistance). Further, following a recent (2020) reorganisation of prison health-care services,⁴⁴ it was reported to the delegation that some doctors and nurses had left their posts, as a result of which staff complements had been reduced considerably.⁴⁵

⁴¹ See paragraph 80 of document CPT/Inf (2019) 16.

⁴² As well as, *a fortiori*, whenever the prisoner alleged having been ill-treated by staff.

⁴³ See also paragraph 11 above regarding the changed staff attendance patterns and paragraph 30 below as concerns modified visiting arrangements.

⁴⁴ In particular, prohibiting doctors and nurses to combine several jobs inside and outside the prison system and requiring them to choose one full-time position.

⁴⁵ For example, Prison No. 15 in Ksani now employed less doctors (four instead of ten) and nurses (15 instead of 18) than during the 2018 periodic visit.

In general, the CPT maintains its view that a transfer of responsibility for prison health-care services to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs is needed to improve the quality of health care through its better integration with the public health system, and also to strengthen the professional independence of health-care staff working in prisons. **The Committee remains convinced that time has come to start concrete preparations for such a transfer, comprising precise deadlines.**⁴⁶

29. In the months preceding the 2021 ad hoc visit, the Public Defender repeatedly, officially and openly denounced the *de facto* impossibility to carry out proper monitoring work inside the “zonas” due to threats and intimidation by members of the prisoner hierarchy and the reportedly inexistent response by prison management and staff.⁴⁷

In this context, **the Committee welcomes the new Minister of Justice’s declaration of willingness to positively engage with the Public Defender⁴⁸ and to allow the NPM to perform its role fully and without impediments in all penitentiary establishments.**⁴⁹

The CPT further notes with satisfaction the fact that, while the ad hoc visit was ongoing, a meeting took place between the Minister and the Deputy Public Defenders⁵⁰ and also the fact that the Minister had decided to invite the Deputy Public Defender, Mr Giorgi Burjanadze, to the high-level talks with the Committee on 24 May 2021.

30. As regards contact with the outside world, the CPT noted as a positive point that despite the ongoing Covid-19 pandemic prisoners continued being allowed to receive short-term visits⁵¹ (albeit exclusively in closed-type visiting facilities, without physical contact between inmates and their visitors) and there was sufficient access to a telephone in the three “zonas”; as for long-term visits,⁵² they were temporarily suspended but compensation was offered to prisoners in the form of video meetings (using the VoIP technology).

That said, due to the requirement for inmates’ relatives to use computers located in regional Probation Service offices, access to video meetings was *de facto* impossible for foreign prisoners (and Georgian prisoners whose relatives lived abroad). **The Committee invites the Georgian authorities to seek ways to eliminate this discriminatory practice.**

More generally, **the CPT recommends that prisoners be again given access to short-term visits under reasonably open conditions (“over the table”) and to long-term visits as soon as the epidemiological situation in Georgia improves.**

⁴⁶ See also the “Strasbourg Conclusions on Prisons and Health”, issued at the end of the May 2014 joint World Health Organization (WHO)/Council of Europe international expert meeting “Prison Health in Europe: Missions, Roles and Responsibilities of International Organizations”, http://www.euro.who.int/_data/assets/pdf_file/0005/252563/Strasbourg-Conclusions-on-Prisons-and-Health.pdf?ua=1.

⁴⁷ See e.g. www.ombudsman.ge/eng/190307074353siakhleebi/sakartvelos-sakhalkho-damtsvelis-sagangebo-gantskhadeba-penitentsiur-datseebulebebshi-shekmnil-mdgomareobastan-dakavshirebit. The Deputy Public Defender told the delegation that staff of the NPM Department had been unable to visit the three “zonas” since January 2021; they could only respond to individual complaints and make video interviews with prisoners who had requested to speak with them.

⁴⁸ *Inter alia* by inviting the Public Defender to join the Ministry’s Advisory Council on prison reform.

⁴⁹ See also Article 22 of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) which states that “The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.”

⁵⁰ www.ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelis-moadgileebebi-iustitsiis-ministrs-shekhvdnen.

⁵¹ 1.5 hours maximum, up to 4 times per month.

⁵² 24 hours maximum, normally up to 3 times per year but with up to two additional long-term visits possible as a reward for good behaviour.