



CPT/Inf (2005) 12

**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 18 to 28 November 2003
and from 7 to 14 May 2004**

The Government of Georgia has requested the publication of this report.

Strasbourg, 30 June 2005

CONTENTS

Copy of the letter transmitting the CPT's report.....	5
I. INTRODUCTION.....	7
A. Dates of the visit and composition of the delegation	7
B. Establishments visited.....	8
C. Context of the visit, consultations held by the delegation and co-operation encountered.....	9
D. Immediate observations under Article 8, paragraph 5, of the Convention	11
II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED	13
A. Establishments under the authority of the Ministry of Internal Affairs	13
1. Preliminary remarks	13
2. Torture and other forms of ill-treatment.....	14
3. Safeguards against the ill-treatment of persons deprived of their liberty	19
a. introduction	19
b. notification of deprivation of liberty	19
c. access to a lawyer.....	20
d. access to a doctor	21
e. information on rights.....	22
f. conduct of police interviews	23
g. custody records.....	23
4. Conditions of detention	24
a. introduction	24
b. temporary detention isolators.....	24
c. cells in District Divisions of Internal Affairs	26
d. administrative detention and sobering-up centre, Batumi.....	27
B. Establishments under the authority of the Ministry of Security	28

C.	Establishments under the authority of the Ministry of Justice	29
1.	Preliminary remarks	29
2.	Ill-treatment	31
3.	Conditions of detention	32
a.	Prison No. 5, Tbilisi	32
b.	Prison No. 3, Batumi	36
c.	Penitentiary establishment for women No. 5, Tbilisi.....	38
	<i>i. material conditions</i>	38
	<i>ii. regime of activities</i>	39
d.	Juvenile institution, Avchala.....	40
	<i>i. material conditions</i>	40
	<i>ii. regime of activities</i>	41
e.	Strict-regime penitentiary establishment No. 2, Rustavi	42
	<i>i. material conditions</i>	42
	<i>ii. regime of activities</i>	44
4.	Health-care services.....	45
a.	health-care services in the prisons visited	45
	<i>i. staff and facilities</i>	45
	<i>ii. medical screening on admission</i>	47
	<i>iii. medical records and confidentiality</i>	48
	<i>iv. tuberculosis</i>	49
b.	Central Prison Hospital, Tbilisi.....	50
5.	Other issues of relevance to the CPT's mandate	53
a.	prison staff.....	53
b.	visits	54
c.	discipline	56
d.	complaints and inspection procedures	57
III.	RECAPITULATION AND CONCLUSIONS	59
APPENDIX I:		
	List of the CPT's recommendations, comments and requests for information.....	67
APPENDIX II:		
	List of the national authorities and non-governmental and international organisations with which the CPT's delegation held consultations	79

Copy of the letter transmitting the CPT's report

Strasbourg, 26 July 2004

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of Georgia drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Georgia from 18 to 28 November 2003 and from 7 to 14 May 2004. The report was adopted by the CPT at its 54th meeting, held from 28 June to 2 July 2004.

I would like to draw your attention in particular to paragraph 163 of the report, in which the CPT requests the Georgian authorities to provide a response on the action taken upon its report within **six months**. The Committee would be grateful if it were possible, in the event of the response forwarded being in Georgian, for it to be accompanied by an English or French translation. It would also be most helpful if the Georgian authorities could provide a copy of the response in an electronic form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours faithfully,

Silvia CASALE
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

Mrs Lana GOGOBERIDZE
Ambassador
Permanent Representative of Georgia to the Council of Europe
3, rue Salzmann
67000 Strasbourg

Copy: Ministry of Justice of Georgia

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

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 visited Georgia from 18 to 28 November 2003 and from 7 to 14 May 2004.

The visit in November 2003 formed part of the Committee’s programme of periodic visits for 2003 and was the CPT’s second visit to Georgia. However, given the political situation in the country in November 2003, the CPT’s delegation was not in a position to complete its intended programme, and in particular could not travel to the Autonomous Republic of Ajara. A prolongation of the visit therefore took place in May 2004; its main purpose was to examine the treatment of persons detained in Ajara as well as conditions of detention in this part of Georgia.

2. The visit was carried out by the following members of the CPT:

- Ingrid LYCKE ELLINGSEN, Head of the delegation (both parts of the visit)
- Zdeněk HÁJEK (1st part of the visit)
- Marc NEVE (both parts of the visit)
- Jean-Pierre RESTELLINI (both parts of the visit)
- Volodymyr YEVINTOV (1st part of the visit)

who were supported by the following members of the CPT’s Secretariat:

- Petya NESTOROVA (both parts of the visit)
- Borys WÓDZ (1st part of the visit).

They were assisted by:

- Włodzimierz MARKIEWICZ (Lecturer at Poznan University, former Director General of the Polish Prison Administration), expert (1st part of the visit)
- Baden Henry SKITT (member of the Criminal Cases Review Commission, United Kingdom), expert (1st part of the visit)
- Tina CHKHEIDZE (interpreter) (1st part of the visit)
- Nino GUDUSHAURI (interpreter) (both parts of the visit)

- Tinatin GUELEKVA (interpreter) (both parts of the visit)
- Tinatin KHARCHILAVA (interpreter) (1st part of the visit)
- Tamar MIKADZE (interpreter) (both parts of the visit).

B. Establishments visited

3. The delegation visited the following places of detention:

Establishments under the authority of the Ministry of Internal Affairs

Tbilisi

- Temporary detention isolator of the Ministry of Internal Affairs, Tbilisi*
- Temporary detention isolator of the Main City Department of Internal Affairs, Tbilisi*
- Didube-Chughureti District Division of Internal Affairs, Tbilisi*
- Gldani-Nadzeladevi District Division of Internal Affairs, Tbilisi
- Isani-Samgori District Division of Internal Affairs, Tbilisi*
- Vake-Saburtalo District Division of Internal Affairs, Tbilisi*

Rustavi

- Temporary detention isolator of the Office of Internal Affairs, Rustavi

Autonomous Republic of Ajara

- Temporary detention isolator of the Ministry of Internal Affairs, Batumi
- Temporary detention isolator of the City Department of Internal Affairs, Batumi
- Administrative detention and sobering-up centre, Batumi
- 5th District Division of Internal Affairs, Batumi
- 8th District Division of Internal Affairs, Batumi
- Department of Internal Affairs, Keda

Establishments under the authority of the Ministry of Security

- Temporary detention isolator of the Ministry of Security, Batumi

Establishments under the authority of the Ministry of Justice

- Prison No. 5, Tbilisi*
- Prison No. 3, Batumi
- Penitentiary establishment for women No. 5, Tbilisi
- Juvenile institution, Avchala
- Strict-regime penitentiary establishment No. 2, Rustavi
- Central Prison Hospital, Tbilisi*.

* Follow-up visit.

C. Context of the visit, consultations held by the delegation and co-operation encountered

4. It is noteworthy that both parts of the CPT's second periodic visit to Georgia coincided with important political events in the country. Despite inevitable complications caused by this, the delegation's consultations with the competent national authorities took place in a spirit of close co-operation. A number of discussions were also held with representatives of international and non-governmental organisations active in areas of concern to the CPT. Further, numerous meetings were held with local officials at the establishments visited.

A list of the national authorities, other instances and organisations consulted during the visit is set out in Appendix II to this report.

5. The CPT's delegation was informed shortly before the beginning of the visit in November 2003 of possible difficulties due to its timing: a political crisis had developed in the aftermath of the parliamentary elections of 2 November and the country was in turmoil due to almost daily demonstrations. The delegation nevertheless decided to maintain the visit, which coincided with the change of the country's leadership following the resignation of President Shevardnadze on 23 November 2003. In the light of the special situation at the time, the delegation had to adapt its programme, taking into account the advice given by the Georgian authorities, in particular as regards travel outside Tbilisi.

During the visit in November 2003, the CPT's delegation held discussions with Giorgi TSKRIALASHVILI, Acting Minister of Justice, Amiran GAMKREIDZE, Minister of Labour, Health and Social Affairs, Kaha SIHARULIDZE, Deputy Minister of Foreign Affairs, Rusudan BERIDZE, Deputy Secretary of the National Security Council, Venedi BENIDZE, Deputy Prosecutor General, and Giorgi TVALAVADZE, Deputy Prosecutor General. It also met with senior officials of the Ministries of Justice, Internal Affairs, and Labour, Health and Social Affairs, as well as the Prosecutor's Office.

6. Shortly before the beginning of the prolongation of the visit in May 2004, the Georgian authorities informed the CPT of the critical political and security situation in the Autonomous Republic of Ajara, following the destruction of bridges connecting Ajara with other parts of the country. The delegation decided to maintain the visit as planned and arrived in Batumi a day after the resignation of the former Head of the Autonomous Republic of Ajara, Aslan Abashidze, on 6 May 2004, and the introduction of direct presidential rule.

The prolongation of the visit in May 2004 provided an opportunity for the CPT's delegation to discuss in detail all its findings with the current Georgian administration. The CPT is grateful for the time devoted to its delegation by George PAPUASHVILI, Minister of Justice, Kakha KOBERIDZE, Deputy Prosecutor General, and David JINJOLAVA, Head of the General Inspection of the Ministry of Internal Affairs. Discussions were also held with Temur LOMSADZE, Acting Public Defender of Georgia.

The CPT is grateful for the efforts made by the various contact persons designated by the Georgian authorities during both parts of the visit to organise the meetings requested by the delegation and ensure that information about the Committee's visit was provided to relevant staff.

7. As had been the case during the CPT's first visit to Georgia in 2001, the co-operation provided to the delegation by staff at the places of detention visited was, in general, very good. With one exception, there were no delays in gaining access to the places visited (including those not notified in advance). Further, the delegation was provided with the information necessary for the carrying out of its task and was able to speak in private with persons deprived of their liberty.

The above-mentioned exception concerned the Department of Internal Affairs in Keda (Ajara) which the delegation visited in the afternoon of 11 May 2004. Despite being presented with the official credential signed by the Minister of Justice, the officer on duty refused to let the delegation see the establishment's cells, insisting that he needed special authorisation for this from his superiors. However, he took no action to contact his superiors and the delegation was compelled to telephone the CPT's liaison officer at the Ministry of Justice in Tbilisi. As a result of the liaison officer's intervention, the delegation eventually gained access to the cells, some 50 minutes after arriving at the Keda Department of Internal Affairs. It should be added that both the officer on duty and an investigator at the establishment in question gave misleading information to the delegation concerning the use of the cells and initially insisted that there was no custody register covering their use (such a register was eventually produced at a later stage).

Actions of the kind referred to above are clearly not in conformity with the principle of co-operation laid down in Article 3 of the Convention. The CPT trusts that the Georgian authorities will take steps to ensure that such situations are not encountered during future visits.

8. It should also be noted that the delegation was not provided with full and up-to-date lists of establishments under the authority of the Ministry of the Interior. For example, the list of places of deprivation of liberty on the territory of Ajara contained only the Temporary detention isolator of the Ministry of Internal Affairs in Batumi; detention facilities at departments and divisions of Internal Affairs and administrative detention centres did not figure in the list. In this connection, the CPT would like to recall the provisions of Article 8, paragraph 2, sub-paragraph b, of the Convention, according to which "a Party shall provide the Committee ... with full information on the places where persons deprived of their liberty are being held". The Committee trusts that in the future it will be provided with comprehensive lists of all types of places where persons can be deprived of their liberty by agencies of the Ministry of Internal Affairs.

D. Immediate observations under Article 8, paragraph 5, of the Convention

9. At the end of the visit in November 2003, the CPT's delegation met the Acting Minister of Justice in order to acquaint him with the main facts found during the visit. On this occasion, the delegation made immediate observations, in pursuance of Article 8, paragraph 5, of the Convention, on several particularly urgent matters.

10. The first immediate observation concerned the Strict-regime penitentiary establishment No. 2 in Rustavi, conditions at which were appalling. Given its present situation, the establishment should not be kept in service; however, the closure of a penitentiary establishment holding some 800 prisoners may take some time. The delegation therefore requested the Georgian authorities to draw up a plan of action for the replacement of the Strict-regime establishment No. 2 in Rustavi.

11. The delegation also made three immediate observations in respect of Prison No. 5 in Tbilisi, requesting the Georgian authorities to:

- (i) transfer all inmates held in the building accommodating female and sick prisoners (which is in a life-threatening condition) to another, safer, facility;
- (ii) definitively take out of service all cells located in the basement of the main detention building (including the isolation and "kartzet" cells);
- (iii) ensure that all prisoners, including those in the "quarantine" section and disciplinary isolation cells, are guaranteed at least one hour of outdoor exercise per day.

The last of the above immediate observations applies equally to all penitentiary establishments in Georgia, given that prisoners placed in disciplinary isolation at the other establishments visited also did not benefit from outdoor exercise. If necessary, specific instructions should be issued on this subject.

12. The above-mentioned immediate observations were subsequently confirmed in a letter of 5 December 2003 from the Head of the CPT's delegation. The Committee requested the Georgian authorities to provide, within three months, a report on the action taken in response to those observations.

By letter of 30 March 2004, the Georgian authorities informed the CPT of measures taken in response to the immediate observations made at the end of the November 2003 visit. Those measures will be assessed later in the report. However, it was clear from the content of the letter that practically no action had been taken to address the delegation's concerns in respect of Prison No. 5 in Tbilisi. The delegation therefore decided to return to the establishment during the prolongation of the visit in May 2004.

13. The situation observed at Prison No. 5 in Tbilisi in May 2004 was alarming. The establishment – already suffering from significant overcrowding in November 2003 – had become grossly overcrowded, the vast majority of prisoners sleeping in shifts. Because of the increasing number of persons sent to prison, the cells in the basement of the main detention building (which had been taken out of service after the CPT’s visit in 2001) were back in use. Further, female prisoners and sick inmates continued to be accommodated in life-threatening conditions. Due to the overcrowding, the staff/prisoner ratio had reached a critically low level. As a consequence, the regime had been drastically reduced and prisoners were not even offered outdoor exercise.

In view of the situation described above, the delegation reiterated the immediate observations made in November 2003 in respect to Prison No. 5 in Tbilisi. In addition, the delegation requested the Georgian authorities to take urgent steps to:

- (i) transfer juvenile prisoners to a facility providing adequate material conditions and an appropriate regime of activities;
- (ii) considerably improve the staff situation with a view to ensuring that the number of staff employed is sufficient for the normal functioning of the establishment.

By letter of 24 May 2004, the CPT requested the Georgian authorities to provide within one month a concrete plan, with a timetable for its implementation, detailing the measures envisaged or already taken in the light of the immediate observations made in respect of Prison No. 5 in Tbilisi.

On 24 June 2004, the Georgian Minister of Justice responded to the Committee’s request. In addition to information concerning the above-mentioned immediate observations, the response provided details on an action plan for reforming the Georgian penitentiary system. The CPT is grateful for the timely response of the Georgian authorities and will consider the information contained in it later in the report.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Establishments under the authority of the Ministry of Internal Affairs

1. Preliminary remarks

14. The legal framework governing deprivation of liberty of criminal suspects was summarised in the report on the visit in 2001 (cf. paragraph 16 of CPT/Inf (2002) 14). The maximum time a criminal suspect may be detained by law enforcement agencies is 72 hours. To extend custody beyond this period it is necessary to obtain a decision by a judge on the application of the procedural preventive measure of remand in custody. Persons remanded in custody are transferred to pre-trial establishments under the Ministry of Justice.

In the report on the visit in 2001, the CPT expressed concern about a practice - based on a provision of the Code of Criminal Procedure (CCP) - which involved the police holding persons for up to 12 hours before formally declaring them suspects; this effectively meant that police custody was extended beyond the 72 hours provided by law. In January 2003, the Constitutional Court of Georgia declared unconstitutional the above-mentioned provision; as a result, the CCP was amended to the effect that a person detained by the police has the status of a suspect – with all the rights ensuing from this status – from the moment of his apprehension. However, the delegation's observations from the second periodic visit suggest that many police officers were unaware of the impact of the Constitutional Court ruling. **The CPT recommends that the Georgian authorities take effective steps to inform and educate police staff of all ranks and functions of the implications of the new rules.**

15. During the visit in November 2003, the delegation was pleased to observe a significant drop in the number of violations of the legal provisions on the duration of police custody. This is an important improvement, both in terms of preventing ill-treatment by the police and limiting the time spent in police cells, which continue to offer inadequate conditions of detention (cf. paragraphs 42 and 44). Most detained persons interviewed by the delegation indicated that they had been presented before a judge within 72 hours of the moment of apprehension. However, it appeared that in a number of cases, detained persons had been taken back to police custody – usually for a day – after the judge's decision to remand them in custody. **The CPT would like to have the comments of the Georgian authorities on this issue.**

As regards the Autonomous Republic of Ajara which was visited in May 2004, the delegation received numerous allegations that persons had been detained by the police for extended periods of time. This was confirmed by the delegation's own observations. For example, numerous stays of several weeks (occasionally over a month) were noted in the custody register kept at the temporary detention isolator of the Ministry of Internal Affairs in Batumi. Evidence was also found at the City Department of Internal Affairs in Batumi that persons had been detained there for up to two weeks in the course of 2004. In this connection, the delegation was told that according to Instruction No. 117 of 18 March 1994 by the Minister of the Interior, detained persons can be kept for up to 15 days (and exceptionally even longer) in temporary detention isolators at an investigator's request. Subsequently, the delegation raised this issue with the authorities in Tbilisi and was informed that the instruction in question had been rescinded following the entry into force of the CCP in 1999. **The CPT trusts that steps will be taken to ensure that the legal restrictions on the duration of police custody are respected throughout the territory of Georgia.**

16. During the visit to Ajara, the delegation found out that remand prisoners were on occasion transferred from Prison No. 3 in Batumi to police temporary detention isolators for further investigative work, at the request of investigators. Evidence was found at the temporary detention isolators visited that persons had spent weeks and even months there after being transferred from the prison. Police and prison staff did not see anything irregular in this practice as the prisoners in question were seen to be the “investigator’s prisoners”.

The CPT wishes to stress that, from the standpoint of the prevention of ill-treatment and intimidation, it would be far preferable for further questioning by investigators of persons committed to a remand prison to take place in prison rather than on police premises. At the end of the visit in May 2004, the Georgian authorities assured the delegation that they shared this view. **The CPT would like to receive confirmation that the practice found in Ajara of transferring prisoners under investigation back to police custody has ended.**

2. Torture and other forms of ill-treatment

17. In the course of the visit in November 2003, the CPT’s delegation once again received a number of allegations of physical ill-treatment by the police. Some of the allegations concerned the disproportionate use of force at the time of apprehension. However, the majority of the allegations related to ill-treatment at the time of questioning by police officers in charge of gathering evidence, with a view to obtaining confessions or other information. In this connection, it is noteworthy that there was a widespread belief amongst detained persons that they would be subject to physical ill-treatment or other forms of coercion if they did not confess. The forms of ill-treatment alleged concerned, for the most part, slaps, punches, kicks and blows struck with truncheons; some allegations were also heard of suspension and the infliction of electric shocks. In a number of cases, the severity of the ill-treatment alleged was such that it could be considered as amounting to torture.

In contrast, during the prolongation of the visit in May 2004, in Ajara, the delegation heard only few allegations of physical ill-treatment by the police of persons suspected of criminal offences. The allegations which were received related for the most part to the time of questioning and mainly concerned slaps, punches or kicks.

No allegations were received of ill-treatment by custodial staff working at the temporary detention isolators visited in November 2003 and May 2004.

18. On several occasions, the delegation gathered medical evidence consistent with allegations of physical ill-treatment. By way of example, reference might be made to the following cases:

- a person interviewed at Prison No. 5 in Tbilisi alleged that, a month and a half before being interviewed by the delegation, he had been taken by force to a police station in Gurjani, where a group of policemen handcuffed and suspended him in the so-called “parrot” position and repeatedly beat him with batons and fists on various parts of the body. He also alleged that the policemen attached electric wires to his ears and administered electric shocks with a device which resembled a black box. The delegation established that, after being admitted to Prison No. 5, the person concerned was examined by a doctor who recorded the following injuries: “scabby lesions on the right forearm and laterally on the two wrists; pink scratches behind the two ears; red haematomas on the back and the two shoulders”. A week later, the person concerned was reportedly examined by a forensic doctor, in the presence of his lawyer, who lodged a complaint on his behalf. When examined by a medical member of the delegation, the person concerned displayed: cicatrized lesions, brownish in colour, two of which being of a rounded shape, averaging 1 cm in diameter, situated on the lower back side of the right forearm, and a thin one measuring 4 cm x 8 mm on the posterior side of the left wrist;
- another person interviewed at Prison No. 5 in Tbilisi alleged that, following his apprehension in the district of Gori a week previously, he had been taken to a police station where he was repeatedly punched, kicked and hit with truncheons on various parts of the body while suspended in the “parrot” position. The register of new arrivals at Prison No. 5 showed that, when examined by a doctor following his admission to the prison, the person concerned bore the following injuries: “a circular haematoma around the right eye; a scabby lesion on the bridge of the nose; excoriations on the inner side of the left calf; several haematomas, blue in colour, on the back; the person says that he received the injuries at the police station of Kurta”. Upon medical examination by a member of the delegation, the person concerned displayed: a circular haematoma, bluish-red in colour, around the right eye; a cicatrised wound, pink in colour, on the bridge of the nose; seven scabby lesions, from 3 mm to 1.5 cm in diameter, on the anterior side of the left leg; five haematomas, bluish-red in colour, from 1 cm to 4 cm in diameter, dispersed on the back, with a diffuse pain on palpation of the whole thorax;
- a person met by the delegation at the temporary detention isolator of the Ministry of Internal Affairs in Batumi alleged that, five days earlier, he had been apprehended and taken to the police station in Keda. He apparently remained there for two days during which time he was punched in the face and stamped on by policemen. Upon medical examination by a member of the delegation, the person concerned displayed: circular haematomas, purplish-blue in colour, around both eyes, and a cicatrized rounded lesion, some 2.5 cm in diameter, in the middle of the forehead.

19. On examining the medical register of new arrivals at Prison No. 5 in Tbilisi, it was noted that in the first nine months of 2003, a total of 492 persons had borne injuries upon arrival at the establishment. Some 4 - 5% of them alleged that the injuries had been inflicted by law enforcement staff; however, prison doctors considered that the actual proportion was nearer to 20% as a number of prisoners preferred not to indicate the real cause of their injuries for fear of repercussions (police staff being present during some of the medical examinations). In the first nine months of 2003, there had been some 45-50 cases of prisoners lodging complaints in relation to police ill-treatment.

20. In the report on its first periodic visit to Georgia in 2001, the CPT concluded that criminal suspects ran a significant risk of being ill-treated by the police, and that on occasion resort may be had to severe ill-treatment/torture. In the light of the facts found during the second periodic visit, the Committee maintains this assessment.

In the report on the visit in 2001, the CPT made a number of recommendations designed to combat torture and other forms of ill-treatment. The delegation which carried out the second periodic visit to Georgia was pleased to note that a number of positive steps had been taken since 2001. These steps include improved detection and reporting of injuries observed on persons arriving at remand prisons from the police, a significant drop in the number of violations of the legal provisions on the duration of police custody, increased transparency at places of deprivation of liberty due to on-going monitoring by a variety of independent bodies, the setting up of a Human Rights Department at the Prosecutor General's Office, as well as the adoption in September 2003 of a national Plan of action against torture.

Nevertheless, concern about the persistence of ill-treatment by the police was expressed by many of the delegation's high-level interlocutors. The delegation's observations suggest that more can be done to improve co-ordination between the different Ministries and agencies involved. In this respect, the national Plan of action against torture has the potential of bringing together the individual efforts in a concerted action.

21. The delegation noted that, although the message that ill-treatment of detained persons is not acceptable is starting to get through to rank-and-file police officers, the situation remains mixed. At some of the police establishments visited, senior police officers shared the delegation's concerns as regards ill-treatment by the police and were making efforts to prevent violations, in particular through increased supervision. At the same time, at other establishments the delegation came across a failure to recognise that there was a problem. It is clear that much remains to be done to improve accountability at the local level.

The General Inspection of the Ministry of Internal Affairs has been making efforts in this direction. In operation since January 2002, the Inspection has general responsibility for examining complaints concerning police misconduct (including corruption), initiating disciplinary proceedings and communicating appropriate cases to the prosecutor's office, which in turn institutes criminal proceedings. The delegation was informed that, in the first ten months of 2003, 20 police officers had been dismissed and 19 demoted on charges of torture, ill-treatment or degrading treatment. Further, out of 39 cases submitted to the General Prosecutor's Office since the Inspection began its work, 27 cases had resulted in court proceedings and the rest were still under investigation. At the same time, divergent information about the number of criminal proceedings and sanctions imposed on police officers was provided by the General Prosecutor's Office.

The variance in the information received makes it difficult to obtain a clear picture of the situation. **The Committee would like the Georgian authorities to supply the following information in respect of 2003 and 2004:**

- **the number of complaints of torture and other forms of ill-treatment made against police officers;**
- **the number of criminal and disciplinary proceedings which were instituted as a result of these complaints;**
- **an account of criminal and disciplinary sanctions imposed.**

Further, **the CPT invites the Georgian authorities to introduce a uniform nationwide system for the compilation of statistical information on complaints, disciplinary sanctions, and criminal proceedings/sanctions against police officers.**

22. The report on the visit in 2001 contained recommendations concerning the recruitment and professional training of police officers (cf. paragraph 25 of CPT/Inf (2002) 14). The issue of training is addressed in the above-mentioned Plan of action against torture. In this respect, the CPT considers that, rather than organising separate courses on human rights for law enforcement staff, it would be far more effective to integrate human rights concepts into practical professional training, in particular for handling high-risk situations, such as the apprehension and interrogation of suspects. Further, particular attention should be given to training in the art of handling, and more especially of speaking to, persons in police custody, i.e. interpersonal communication skills.

It is also important to step up training for investigators and police operational staff in modern interrogation and investigation techniques, with a view to reducing resort to unethical and illegitimate practices, including ill-treatment. In the course of such training, it must be made clear that the precise aim of questioning criminal suspects should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to secure a confession from someone already presumed, in the eyes of investigating officers, to be guilty. In this context, reference is made to the recommendation in paragraph 37 concerning the drawing up of a code of conduct of police interviews.

The CPT recommends that the Georgian authorities develop the training of police officers, in the light of the above remarks.

Further, the CPT considers that the training of police officers can be usefully supplemented by the drawing up of a Code of Police Ethics. In this connection, the Georgian authorities should take into account the principles and standards set out by the Council of Europe's Committee of Ministers in the European Code of Police Ethics.¹

¹ Cf. Recommendation Rec(2001)10 of the Committee of Ministers of the Council of Europe.

23. The Plan of action against torture envisages amendments to the Code of Criminal Procedure, according to which an accused person shall have the right, at any stage of the investigation, to complain directly to a judge concerning matters of ill-treatment. As indicated in the report on the visit in 2001, the CPT is convinced that the diligent examination by the judicial authorities of all complaints of ill-treatment brought before them and, where appropriate, the imposition of a suitable penalty, will have a very strong dissuasive effect.

In this connection, during the second periodic visit, the delegation was pleased to note that, with a few exceptions (mostly on the territory of Ajara), detained persons had been physically brought before judges who decided on the application of the preventive measure of remand in custody. However, the judges in question apparently did not pay attention to detained persons' complaints about police ill-treatment and did nothing to ensure that these complaints were followed up.

Consequently, **the CPT must reiterate its recommendation that whenever criminal suspects brought before a judge at the end of police custody allege ill-treatment by the police, the judge record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of ill-treatment, the judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment.**

24. Particular mention should be made of measures taken by the Ministry of Justice to improve the detection and reporting of injuries observed on persons admitted to pre-trial establishments from the police. Following medical examination upon admission, the names of all prisoners arriving with injuries are now communicated to the Ministry of Justice. The delegation was informed that between January 2002 and November 2003, approximately 800 such cases had been recorded by the Ministry; of them, some 680 cases came from Prison No. 5 in Tbilisi. About 200 cases were transmitted for examination to the General Prosecutor's Office, and the remainder to the relevant investigation bodies or district prosecutor's offices.

Further, at Prison No. 5 the delegation learned that, in addition to the screening by medical staff, new arrivals bearing injuries were questioned by the Director or another staff member assigned by him, without the presence of police staff. As a result of this procedure which had been introduced at the beginning of 2003, some 330 cases of alleged police violence had been identified and communicated to the prosecutor's offices.

The CPT welcomes this proactive approach.

25. During the second periodic visit, the delegation noted with interest the introduction at Prison No. 5 in Tbilisi of visits – usually once a fortnight – by a forensic doctor who checked the medical register of new arrivals and examined some of the prisoners bearing injuries upon arrival (cf. also paragraph 114). If properly and systematically utilised, this practice has the potential of making a significant contribution to the prevention of ill-treatment by the police. **The CPT would like to receive the Georgian authorities' assessment of the results obtained from this initiative.**

3. Safeguards against the ill-treatment of persons deprived of their liberty

a. introduction

26. It should be recalled that the CPT attaches particular importance to three rights for persons deprived of their liberty by the police:

- the right of those concerned to have the fact of their detention notified to a close relative or third party of their choice,
- the right of access to a lawyer,
- the right of access to a doctor.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, which should apply from the very outset of deprivation of liberty (i.e. from the moment when the persons concerned are obliged to remain with the police). These rights should be enjoyed not only by criminal suspects, but also by all other categories of persons deprived of their liberty (e.g. persons placed in administrative detention, persons detained under the Aliens' legislation, etc.).

It is also essential that persons detained by the police should be expressly informed, without delay and in a language they understand, of all their rights, including those referred to above.

27. In the report on the visit in 2001, the CPT made a number of recommendations and comments as regards the above-mentioned safeguards. The delegation which carried out the second periodic visit noted that some improvements had taken place in the meantime, in particular related to amendments to the Code of Criminal Procedure. However, the information gathered in the course of that visit indicates that in practice there remains room for improvement.

b. notification of deprivation of liberty

28. The delegation was informed that, following the previously mentioned ruling of the Constitutional Court of January 2003 (cf. paragraph 14), the CCP had been amended, and currently the right of notification of deprivation of liberty applies from the moment of apprehension by the police.

Most detained persons interviewed in November 2003 and May 2004 indicated that they had been put in a position to promptly notify their family of the fact of their detention. However, certain persons (including juveniles) claimed that they had not been expressly informed of their right to inform a relative of their situation, and that their relatives had been notified only several days after their detention by the police had taken place. Moreover, a few persons alleged that they had been denied the possibility to inform a relative of their detention until the court's decision to remand them in custody or their arrival at a prison.

29. In the light of the above, **the CPT recommends that the Georgian authorities take all the necessary steps to render fully effective in practice the right of all persons deprived of their liberty by the police to inform a close relative or a third party of their choice of their situation, as from the very outset of their deprivation of liberty (i.e. from the moment when they are obliged to remain with the police).**

Further, the CPT recommends that the exercise of the above-mentioned right be recorded in writing.

c. access to a lawyer

30. At the outset of the visit in November 2003, the delegation was informed that, as a result of the Constitutional Court ruling of January 2003 and the subsequent amendments to the CCP, the right of a criminal suspect to consult a lawyer applied from the outset of custody (i.e. from the moment the person concerned was obliged to remain with the police). Further, the restriction on the duration of a detained person's meetings with his lawyer (i.e. up to one hour per day) had been lifted.

Despite these positive legal changes, the delegation's observations from the second periodic visit suggest that certain problems remain in practice.

31. Police officers at the establishments visited gave various interpretations of the provisions concerning access to a lawyer. According to some, the right of access to a lawyer became effective from the outset of detention and applied even when a person was asked to attend a police establishment as a witness. According to others, the right of access to a lawyer began from the moment a detained person was presented to an investigator, and it was the investigator's duty to inform the person concerned of his rights. It should be noted that at some of the police establishments visited in November 2003, police officers continued to use old forms of detention protocols which referred to the rescinded provisions of the CCP.

Some persons interviewed by the delegation claimed that they had requested to consult a lawyer while in police custody, but such access had been refused by police officers on various pretexts ("you do not need a lawyer", "you will get a lawyer if you sign the confession", "you will have a lawyer once you appear in court"). It is noteworthy that the delegation heard such allegations also from juveniles (in respect of whom the CCP provides for an obligatory participation of a lawyer).

In the light of the above, **the CPT recommends that the Georgian authorities take all the necessary steps to render fully effective in practice the right of access to a lawyer for all persons in police custody as from the very outset of their deprivation of liberty. The Committee also recommends that the exercise of this right be recorded in writing.**

32. As regards the possibility to use an ex officio lawyer, the current system – under which such a lawyer is chosen from a list of duty lawyers composed by the “Collegium of Advocates” – appears to ensure that ex officio lawyers are independent of the police. Nevertheless, as in 2001, the delegation met a number of persons who had been assisted by ex officio lawyers but expressed dissatisfaction with the manner in which they had performed their functions. Further, several persons alleged that they had been misinformed by the police as regards the existence of the system of free legal aid.

The delegation was informed that one of the problems in this respect is the absence of a clear definition as to who can perform the function of a defence lawyer. A draft new Law on the Advocacy is expected to clarify this issue.

The CPT invites the Georgian authorities to take further steps to ensure that the system of legal assistance for detained persons is fully effective in practice.

d. access to a doctor

33. Following the previously mentioned ruling of the Constitutional Court, the right of access to a doctor applies from the outset of deprivation of liberty by the police. The delegation’s observations during the visit suggest that, as far as temporary detention isolators were concerned, access to a doctor did not pose particular difficulties. Police doctors employed at the isolators examined detained persons at their own request or when called in by police officers. A separate register of medical examinations (usually quite detailed) was kept at the establishments visited. As for district police stations, police officers could call the public emergency service in case of need.

As regards access to a doctor of the detainee’s own choice, the delegation was informed that this was in principle allowed if the person concerned was prepared to cover the costs.

However, as in 2001, the delegation met a number of persons who claimed that they had asked to see a doctor but that their request had not been granted.

34. At the time of the visit in November 2003, the delegation learned that, in accordance with the Plan of action against torture, it was foreseen to make legislative amendments introducing systematic medical examination of suspects within 24 hours of their detention by the police. This is an interesting initiative; nevertheless, great care must be taken as regards the practical implementation of these amendments. For a system of compulsory medical examinations to serve as a safeguard against ill-treatment, certain conditions must be met: the doctors performing the examinations must enjoy formal and de facto independence, have been provided with specialised training and been allocated a mandate which is sufficiently broad in scope. If these conditions are not met, such a system of medical examinations can have the perverse effect of rendering it all the more difficult to combat torture and ill-treatment.

In addition to the above-mentioned systematic medical examination of suspects within 24 hours of their detention, detained persons should have a right of access to a doctor throughout the detention period. **The CPT recommends that the Georgian authorities take all the necessary steps to render fully effective in practice the right of all persons in police custody to have access to a doctor as from the very outset of their deprivation of liberty. The CPT also recommends that the following points on the subject of access to a doctor be taken into account in the process of elaborating legislative amendments:**

- **all medical examinations should be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a particular case - out of the sight of police staff;**
- **the result of every examination, as well as any relevant statements by the detained person and the doctor's conclusions, should be formally recorded by the doctor and made available to the detainee and his lawyer;**
- **the confidentiality of medical data should be strictly observed.**

e. information on rights

35. The situation as regards the provision to detained persons of information on their rights remains mixed.

At most of the police establishments visited in November 2003 and May 2004, the delegation noted the presence of a form (in Georgian) setting out the rights of persons suspected of having committed criminal offences. However, at some establishments, the form reflected the legal situation prior to the amendments to the CCP following the Constitutional Court ruling of January 2003 (i.e. it made reference to the 12-hour period before formally declaring a person a suspect). At other police establishments (in particular those visited in Ajara in May 2004), the form apparently reflected the above-mentioned amendments. It made reference, inter alia, to the rights to give evidence in the presence of a lawyer, to request to see a doctor, and to use the services of an interpreter. **However, no reference was made in the form to the right of notification of deprivation of liberty.**

Police officers indicated that the form was presented to a person upon his detention and he was asked to sign two copies of it, one of which was given to him and the other filed in the case record. Nevertheless, it transpired from the delegation's interviews with detained persons that a copy of the above-mentioned form was not systematically given to them at the outset of their deprivation of liberty. Further, the examination of case files revealed that a copy of the form was often absent. It should also be noted that a number of detained persons met by the delegation claimed that they had not received any information on their rights.

36. In order to ensure that persons in police custody are duly informed of all their rights, **the CPT recommends that the form setting out those rights be given systematically to all persons apprehended by the police at the very outset of their custody. The contents of this form should reflect, inter alia, the recommendations made in paragraphs 29, 31 and 34. The form should be available in an appropriate range of languages. Further, the persons concerned should be systematically asked to sign a statement attesting that they have been informed of their rights.**

f. conduct of police interviews

37. Another recommendation made by the CPT in its report on the visit to Georgia in 2001 concerned the drawing up of a code of conduct for police interviews (cf. paragraph 50 of CPT/Inf (2002) 14). Unfortunately, this recommendation has not been implemented by the Georgian authorities. The facts found in the course of the second periodic visit serve once again to highlight the necessity of such a code.

The CPT calls upon the Georgian authorities to draw up a code of conduct of police interviews without further delay.

More generally, **the Committee must stress that the prevention of ill-treatment by the police will require a fundamental change of attitude through improved recruitment and training, the availability of modern technological aids for evidence-gathering and enhanced surveillance techniques.**

g. custody records

38. In the course of the second periodic visit, the CPT's delegation observed certain improvements as regards the keeping of custody records. However, in general, the period spent in police custody remained poorly documented; a variety of registers recording incomplete information were kept at the police establishments visited and it was often difficult to establish what had happened to a given person detained by the police. For example, only the date (but not the time) of arrival at the establishment was noted; the date and time of transfer/release, as well as where the person had been transferred to, were sometimes missing; it was not obvious when the person had been questioned, etc. Further, a person could spend several hours with the police before being placed in a cell. This initial period of detention was usually not recorded, and if the person was subsequently released without being placed in a cell, no record was made of the fact that he had been in police custody.

39. No legal safeguard against ill-treatment is more fundamental than the requirement that the fact of a person's deprivation of liberty be properly recorded. The CPT considers that the fundamental safeguards offered to persons in police custody would be reinforced if a standard, single and comprehensive custody record were to be kept for all persons brought into a police station. This register should record all aspects of a person's custody and all the action taken in connection with it (including time of and reason(s) for the arrival at the police station; time of issuing the order of detention; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular official; when offered food; when questioned; when released, etc.). In addition to facilitating control over the observance of the legal provisions concerning police custody, the introduction of such a comprehensive register can protect police officers by countering allegations made against them. **In this connection, it is also important that the register be kept by custodial staff and not by operative police officers or inquiry staff.**

The Committee recommends that steps be taken to ensure that custody registers kept at police establishments are brought in line with the above considerations.

4. Conditions of detention

a. introduction

40. The CPT wishes to restate the conditions of detention which should be offered to persons in police custody.

All cells should be clean and of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should have access to natural light. Further, cells should be equipped with a means of rest (e.g. a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets.

Persons in police custody should be allowed to comply with the needs of nature in clean and decent conditions, and be offered adequate washing facilities. They should have ready access to drinking water and be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held in custody for 24 hours or more should, as far as possible, be offered one hour of outdoor exercise every day.

b. temporary detention isolators

41. The best conditions were observed at the temporary detention isolator of the Ministry of Internal Affairs in Batumi. The facility had been thoroughly refurbished in 1996 and was in a good state of repair and clean. There were ten cells (7-10 m²), each accommodating one or two persons. Ventilation and artificial lighting were adequate; however, the cell windows were fitted with shutters and, as a result, access to natural light was very limited. In addition to beds, the cells were equipped with tables, stools and a partitioned-off area containing a toilet and sink. The communal shower facility was of a good standard and detainees could take a shower once a week. Further, the establishment provided food to detainees and they were also allowed to receive food parcels. However, interviews with detainees suggested that access to outdoor exercise was not guaranteed (despite the presence of an exercise yard).

42. Conditions at the rest of the temporary detention isolators visited were on the whole poor, and occasionally very poor.

Small improvements were observed in the conditions at the temporary detention isolator of the Main City Department of Internal Affairs in Tbilisi, as compared with the situation observed in 2001. In particular, the ventilation system had been repaired and the establishment had been supplied with new blankets and plates. The cells were generally clean; however, the heating was out of order. Further, the possibility for detainees to maintain their personal hygiene was limited (there was no shower and a shortage of personal hygiene items was reported). Staff affirmed that food was provided once a day, but most detainees alleged that they had not received anything to eat for two days. No outdoor exercise was available.

The official capacity of the temporary detention isolator of the Ministry of Internal Affairs in Tbilisi had been reduced to 64. The facility was empty at the time of the visit in November 2003; the delegation was subsequently informed that it had been transferred to the Ministry of Justice and was being used as a pre-trial facility (Prison No. 7).

The temporary detention isolator of the Office of Internal Affairs in Rustavi had ten basement cells, seven of which were said to be in use. The cells were empty at the time of the visit (which coincided with a power cut). They had no access to natural light and ventilation was practically non-existent. Most of the floor space was taken by a low wooden platform; no mattresses or blankets were provided to detained persons. Further, the toilet facility was extremely primitive and dirty. No arrangements were made for supplying food to detainees and there was no possibility of outdoor exercise.

The two cells at the temporary detention isolator of the City Department of Internal Affairs in Batumi had practically no access to natural light; ventilation and artificial lighting were also very poor, and there was no heating. Wooden platforms represented the only equipment in the cells, which were extremely dirty (as was the toilet located in the yard). Further, detained persons were not provided with mattresses and blankets, and had no possibility to take a shower. No provision was made for food and detainees were not offered outdoor exercise.

At the Department of Internal Affairs in Keda, the two cells in use had practically no access to natural lighting; further, there was no artificial lighting and no form of ventilation. The cells were rudimentarily equipped, dilapidated and dirty. As to the toilet, it was in a state which made it impossible to use; further, there were no washing facilities. The situation as regards the provision of mattresses, blankets, food and outdoor exercise was identical to that at the City Department of Internal Affairs in Batumi.

43. In the light of the above remarks, **the CPT reiterates the recommendations made in the report on the visit in 2001 that steps be taken at temporary detention isolators in order to ensure that:**

- **in-cell lighting (which preferably should include access to natural light) and ventilation are adequate;**
- **the state of repair and hygiene of the cells and common sanitary facilities are satisfactory, and in-cell toilet facilities are equipped with a partition;**
- **detained persons are supplied with essential personal hygiene products (soap, toilet paper, etc.) and ensured access to washing facilities;**
- **all detained persons are provided with a clean mattress and blankets;**
- **detained persons are offered food – sufficient in quantity and quality – at normal meal times;**
- **detained persons have access to outdoor exercise for at least one hour per day.**

c. cells in District Divisions of Internal Affairs

44. The district police stations visited each had one to three cells which were intended, in principle, for short stays. At some of the police stations (e.g. the 5th and 8th District Divisions of Internal Affairs in Batumi; Gldani-Nadzeladevi District Division in Tbilisi), the delegation was informed that, following an order of the Minister of Internal Affairs, the cells were no longer used. However, at other police stations, the cells were clearly still in use, including for overnight stays. As in 2001, police officers met by the delegation offered contradictory information concerning the permitted length of stay in these cells: 3, 12 or 24 hours. It is noteworthy that stays of up to 3 days were observed in the custody registers at some of the district police stations visited. **The CPT would like to receive clarification of the permitted length of detention in cells at district police stations.**

As was observed in 2001, conditions in the cells were deficient in many respects. Some of the cells were very small (e.g. less than 2 m² at Gldani-Nadzeladevi; some 3 m² at Vake-Saburtalo). As stressed by the CPT in the report on the visit in 2001, **cells of such a size are only suitable for very short periods of detention, and should under no circumstances be used as overnight accommodation.** Practically all the cells seen by the delegation were dark, unventilated, dilapidated and dirty. Some of them were fitted with a narrow bench or seat, while others were devoid of any equipment; no mattresses or blankets were provided to persons held overnight. Further, no food was supplied to detainees and there was no possibility for outdoor exercise.

45. In the light of the above remarks and the general criteria set out in paragraph 40, **the CPT reiterates the recommendation made in the report on the visit in 2001 that the Georgian authorities review conditions of detention in District Divisions of Internal Affairs. In particular, steps should be taken to ensure that:**

- **cell lighting and ventilation are adequate;**
- **persons detained overnight are provided with clean mattresses and blankets;**
- **all detained persons are provided with food every day at appropriate times.**

The CPT also invites the Georgian authorities to examine the possibility of offering to persons held in custody for 24 hours or more at least one hour of outdoor exercise per day.

d. administrative detention and sobering-up centre, Batumi

46. The administrative detention and sobering-up centre in Batumi had two divisions: one for persons under administrative arrest (for stays of up to 30 days), which comprised two cells, and another for intoxicated persons (for stays of up to 8 hours), which consisted of six cells. At the time of the delegation's visit, two administrative detainees were being held at the centre.

47. Conditions of detention were very poor: the cells were extremely dilapidated and dirty (in particular those for intoxicated persons), had almost no access to natural light, inadequate ventilation and very poor artificial lighting (some of the cells and the toilet had no artificial lighting at all). A wooden platform – sometimes broken – was the only piece of equipment in the cells. No mattresses or blankets were provided for detainees. Further, there was no shower facility.

Administrative detainees relied on food received from their families. Outdoor exercise was reportedly available on request; however, no other form of activity was offered.

In the light of the above remarks and the general criteria set out in paragraph 40, **the CPT recommends that steps be taken at the administrative detention and sobering-up centre in Batumi to ensure that:**

- **in-cell lighting (including access to natural light) and ventilation are adequate;**
- **the state of repair and hygiene of the cells and toilet are satisfactory;**
- **persons detained overnight are provided with clean mattresses and blankets;**
- **detained persons are ensured access to washing facilities;**
- **administrative detainees are offered food at normal meal times;**
- **administrative detainees are offered some form of activity (e.g. books, TV, etc.).**

48. The delegation was concerned by the presence of a metal chair fixed to the floor in one of the cells, apparently used for restraining intoxicated persons who are agitated. In this connection, **the CPT would like to receive detailed information on the regulations and practice concerning the restraint of persons placed in sobering-up centres.**

B. Establishments under the authority of the Ministry of Security

49. The delegation heard no allegations of ill-treatment of inmates by staff at the temporary detention isolator of the Ministry of Security in Batumi.

50. The establishment was intended for detention periods of up to 72 hours; however, out of the eleven persons held there at the time of the visit, four had been apprehended a month previously and were under investigation, and seven were sentenced prisoners who had spent periods ranging from one to nine years at the establishment.

51. There were 11 cells which could accommodate between one and three persons. Conditions in the cells varied from adequate to poor. Some had good access to natural light, adequate ventilation and artificial lighting, and were adequately equipped; others (admittedly, not in use at the time of the delegation's visit) were practically devoid of natural light, dilapidated and austere.

Except for outdoor exercise, there were no activities, and detainees spent up to 23 hours a day locked up in their cells.

52. The delegation was informed that the anomaly of holding sentenced prisoners at the isolator was about to be corrected, following the introduction of direct presidential rule in Ajara (cf. paragraph 6).

The CPT would like to be informed of the plans for the future use of the temporary detention isolator of the Ministry of Security in Batumi.

C. Establishments under the authority of the Ministry of Justice

1. Preliminary remarks

53. The CPT's second periodic visit to Georgia included first-time visits to Prison No. 3 in Batumi (a pre-trial facility and the only penitentiary establishment on the territory of Ajara) and three establishments for sentenced prisoners: the Penitentiary establishment for women No. 5 in Tbilisi, the Juvenile institution in Avchala and the Strict-regime penitentiary establishment No. 2 in Rustavi. Further, follow-up visits were carried out to Prison No. 5 (the largest pre-trial establishment in the country) and the Central Prison Hospital in Tbilisi.

54. It should be stressed at the outset that the CPT is very concerned by the lack of progress in numerous areas of the Georgian penitentiary system.

At the time of the CPT's first visit in 2001, the country's penitentiary system had only recently been transferred from the Ministry of the Interior to the Ministry of Justice, and the implications of that change had not yet been fully absorbed. Further, the grave economic and social problems confronting the country inevitably had negative repercussions on conditions in prison establishments. The CPT's report on the visit in 2001 contained a number of recommendations, some of an urgent nature. The Committee recognised that the implementation of certain of its recommendations might require considerable budgetary expenditure going beyond the current financial capacity of the Georgian authorities; however, other recommendations did not have important financial implications and could be implemented without delay. Unfortunately, the facts found during the second periodic visit indicate that many of the recommendations made after the visit in 2001 have not been implemented, and that in some respects the situation has even deteriorated.

55. At the time of the visit in May 2004, the delegation was informed of a disturbing trend: the Georgian prison population had increased by some 700 inmates since January 2004, constituting a growth rate of 10% over four months. The total prison population stood at approximately 7,000, some 40% of whom were remand prisoners. As a result, overcrowding in the main pre-trial establishment in the country, Prison No. 5 in Tbilisi, had reached alarming levels. At the same time, with a few exceptions, the existing prison estate was in a very bad state of repair and some of the buildings were unusable. As a result, conditions in many establishments were in flagrant violation of the provisions of both Georgian legislation and international standards.

56. The CPT's delegation was informed of various measures conceived to address the above-mentioned problems. In the first place, the Georgian authorities were making efforts to expand and refurbish the prison estate. Negotiations with the EU on financing the completion of the new prison in Rustavi (Prison No. 6) were in the process of being finalised. According to the Minister of Justice, the capacity of this new facility would be 1,000 or 1,200; however, according to EU experts, it should not exceed 820. **The CPT would like to receive detailed information on the new Prison No. 6 in Rustavi, in particular: its future official capacity; the intended living space per prisoner; the categories of prisoners to be held; the programmes of activities envisaged; and the staff resources foreseen.**

57. Further, in the course of its discussions with the Minister of Justice and the Deputy Prosecutor General, the delegation was informed of plans to amend the Code of Criminal Procedure with a view to decreasing the length of pre-trial detention by setting limits on the authorised duration of the investigation and court proceedings. Efforts were also being made to develop the probation system. However, the delegation's interlocutors admitted that the alternatives to imprisonment provided for in the existing legislation were used rather infrequently.

The CPT would like to point out that in the experience of other countries, providing additional accommodation will not always represent in itself a lasting solution to the problem of overcrowding. Indeed, a number of European countries have embarked on extensive programmes of prison building, only to find their prison populations rising in tandem with the increased capacity acquired by their prison estates. By contrast, the existence of policies to limit or modulate the number of persons being sent to prison has in certain States made an important contribution to maintaining the prison population at a manageable level.

The CPT recommends that the Georgian authorities pursue the application of a range of measures designed to combat prison overcrowding, including policies to limit or modulate the number of persons sent to prison. In this connection, the Georgian authorities should take into account the principles and measures set out in Recommendation No. R (99) 22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, as well as Recommendation Rec(2003)22 on conditional release (parole).

58. The unsatisfactory situation as regards programmes of activities for inmates was another problem evoked by the Georgian authorities and witnessed by the CPT's delegation. According to information provided by the Penitentiary Department, only 10% of prisoners in Georgia have work. In the establishments for sentenced prisoners visited by the delegation, the vast majority of inmates were left entirely to their own devices, due to the lack of work, education, vocational training and sports activities. An exception in this respect was the Juvenile institution in Avchala where inmates received education. As regards pre-trial prisons, a practically total absence of out-of-cell activities for remand prisoners was the norm.

Ensuring that sentenced prisoners are engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association) is a fundamental part of the process of social rehabilitation. Moreover, remand prisoners should as far as possible also be offered work, as well as other structured activities. Even in times of economic difficulty, the provision of work to prisoners should not be determined solely by market forces; an active State policy, based if necessary on special incentives for the placing of orders for prison production, should be introduced. A wider range of voluntary unpaid work activities should also be offered to prisoners.

The CPT recommends that special measures be introduced with a view to ensuring that both sentenced and remand prisoners are provided with work. Further, the Committee recommends that efforts be made to develop programmes of education and vocational training in all penitentiary establishments.

59. Another issue with major implications for the state of the penitentiary system is the situation of prison staff. Most of the establishments visited were seriously understaffed (cf. paragraph 130). Senior officials of the Ministry of Justice voiced their concern regarding the problems of recruiting staff of adequate calibre, due to the meagre salaries, which moreover were paid with considerable delays. Further, practically no training was provided to new recruits (cf. paragraph 133). Moreover, the working conditions of staff hardly differed from the living conditions of prisoners, which were often grossly inadequate. As a result, the prestige of the profession was low, and it was difficult to keep up morale and prevent staff turnover.

If prison staff are poorly paid and badly trained, it is unrealistic to expect that they can instil a sense of self-respect in the prisoners in their care. **The CPT recommends that the Georgian authorities take steps as a matter of priority to provide better conditions of service for prison staff and to improve their training.**

60. During the visit in November 2003, the delegation was informed that a new Code for the implementation of sentences was in the process of being drafted and was expected to be submitted for discussion in January 2004. **The CPT trusts that the recommendations and comments made in the present report will be taken into consideration in the preparation of this new Code.**

Further, by letter of 24 June 2004, the Georgian Minister of Justice outlined the main principles of an action plan for reforming the penitentiary system. The plan aims, inter alia, at improving the legislative basis, rationalisation of prison management, training of penitentiary staff, developing regimes for prisoners and implementing alternatives to imprisonment. The key elements of the reform are expected to be completed by October 2005. **The CPT would like to receive information on progress made towards implementing the various measures contained in the action plan for reforming the penitentiary system.**

2. Ill-treatment

61. The CPT's delegation heard no allegations of torture or other forms of physical ill-treatment of inmates by staff in the penitentiary establishments visited. Overall, relations between staff and prisoners were relaxed. As regards in particular the Penitentiary establishment for women No. 5 in Tbilisi, the delegation noted that there was good contact between staff and prisoners.

62. It should be noted nevertheless that the severe shortage of prison staff and the low proportion of staff working in prisoner accommodation areas at the Strict-regime penitentiary establishment No. 2 in Rustavi and Prison No. 5 in Tbilisi made it difficult to control the situation and increased the risk of inter-prisoner violence. Prison staff recognised this problem and tried to prevent it through identifying upon arrival prisoners potentially at risk and accommodating them separately, as well as recording violent episodes and injuries sustained by inmates within the prison.

Nevertheless, the delegation's observations suggest that the existence of informal power structures among prisoners, controlling life inside the establishments, gave rise to cases of extortion and intimidation. The presence of such structures was conspicuous in all of the establishments visited, with the exception of the establishment for women; the inmates belonging to these structures generally enjoyed better material conditions and moved freely within the detention areas.

The CPT wishes to stress that the problem of inter-prisoner intimidation and violence cannot be solved without the management and staff resuming control over the situation in penitentiary establishments. It is necessary to render prison staff particularly attentive to signs of violence and to ensure that they intervene in a determined and effective manner, at as early a stage as possible. This presupposes constant monitoring of prisoner behaviour (including the identification of likely perpetrators and victims), proper reporting of confirmed and suspected cases of inter-prisoner intimidation/violence and thorough investigation of incidents. Further, prison staff are unlikely to be able to protect prisoners if they fear for their own safety. This implies inter alia that the level of staffing must be sufficient to enable prison officers effectively to support each other in the exercise of their supervisory tasks.

The CPT recommends that the Georgian authorities take steps, in the light of the above remarks, to prevent inter-prisoner exploitation, intimidation and violence.

63. Although not deliberate ill-treatment, the CPT must point out that the vast majority of inmates at Prison No. 5 in Tbilisi were subject to a combination of negative factors – gross overcrowding, appalling material conditions and levels of hygiene, absence of any regime activities – the cumulative effect of which could easily be described as inhuman and degrading treatment. A similar situation prevailed at the Strict-regime penitentiary establishment No. 2 in Rustavi.

3. Conditions of detention

a. Prison No. 5, Tbilisi

64. Prison No. 5 in Tbilisi, which is the largest pre-trial establishment in Georgia, was first visited by the CPT in 2001 and was the subject of a number of urgent recommendations in the subsequent visit report (cf. paragraphs 74 - 81 of CPT/Inf (2002) 14). The present report considers the progress made in response to those recommendations and makes proposals for further action.

65. On 19 November 2003, Prison No. 5 was accommodating 1,825 prisoners, which is comparable to the number held at the time of the visit in 2001 (1,855). By the time of the prolongation of the CPT's visit in May 2004, the number of inmates held at the establishment had grown by 22% and stood at 2,222, including 68 women and 66 juveniles. Although the total capacity remained officially fixed at 2,020, the delegation was informed that this figure dated back to the time of the Soviet Union and that a capacity of 1,500 would be more realistic.

In an attempt to cope with the gross overcrowding, a decision had been taken to merge Prison No. 5 with the adjacent Prison No. 1 (a closed-type strict regime facility for sentenced prisoners) and to transfer to the latter establishment prisoners awaiting the outcome of an appeal. Some 400 inmates were said to be affected by this movement. Preparatory steps for the implementation of the transfer were in the process of being made at the time of the visit in May 2004.

66. The delegation found that, save for the introduction of a new quarantine section with the assistance of the ICRC, material conditions at Prison No. 5 had deteriorated, due to the lack of any refurbishment, damage caused by an earthquake in April 2002 and the absence of supplies of equipment and materials.

The new quarantine section, situated on the ground floor of the administrative building, consisted of four rooms with an overall capacity of 60. It offered somewhat better conditions than the old quarantine section, in particular due to the absence of shutters on cell windows. However, the cells were already dilapidated (broken window panes and furniture, tattered bedding, dirty sanitary annexes) and unheated. Further, although the number of prisoners held was 40 at the time of the visit, it was not infrequent for the quarantine section to become overcrowded (e.g. up to 80 inmates had been held there at a given time).

67. At the end of the visit in 2001, the CPT's delegation asked the Georgian authorities to take out of use all cells located in the basement of the main detention block (i.e. quarantine, transit and disciplinary cells). This measure was reportedly taken soon after the 2001 visit. However, as a result of the increasing number of prisoners sent to Prison No. 5, it became necessary to start using the basement cells again. In May 2004, some 170 prisoners were being held in the basement (new arrivals, inmates segregated for their own protection and prisoners awaiting transfer). The cells were dark, badly ventilated, damp and disgustingly filthy. Further, in some cells, prisoners were sharing beds.

68. Conditions on the other levels of the main detention block remained extremely poor. Many of the dormitories were grossly overcrowded, with as little as 1 m² of living space per prisoner. The number of inmates often exceeded the number of beds, thereby compelling prisoners to sleep in two and occasionally even three shifts (for example, 46 prisoners in a cell measuring 45 m² which was equipped with 28 beds). The situation was exacerbated by poor ventilation and lack of natural light, as a result of the metal shutters fixed to the cell windows. In this connection, the delegation was informed that plans to remove the shutters (as recommended by the CPT in the report on the visit in 2001) had not been implemented due to a lack of funds. The sanitary arrangements were also completely inadequate: up to 50 prisoners might be sharing the same dilapidated and generally filthy toilet facility inside a dormitory. Further, there was no heating, and exposed electrical wires throughout the accommodation areas created a high risk of accidents.

It should be noted that some prisoners had spend up to two-and-a-half years in the deleterious conditions described above.

69. Following the earthquake in April 2002, juvenile prisoners had been moved to the main detention block. The delegation was concerned to observe that, as a result, the conditions under which juveniles were accommodated had deteriorated as compared with the situation in 2001; at that time, juvenile prisoners had been held in a separate building, together with the section for women, in cells which were pleasantly decorated and offered sufficient living space per person (4.7 m²). In May 2004, juveniles were accommodated in Unit 3 of the main detention block, in four very overcrowded cells (e.g. 23 persons in a cell measuring 30 m², with some prisoners sharing a bed), which were dark, stuffy, damp and dilapidated.

70. The separate building which continued to accommodate female inmates (as well as the health-care service) had suffered such extensive damage during the April 2002 earthquake that it was impossible to use part of it. The accommodation in use was in a life-threatening condition: ceilings and floors were collapsing and had been reinforced with metal rods. As in 2001, the cells were not equipped with sanitary annexes, but access to the common toilet was said to be easily obtainable upon request. On the positive side, each prisoner had her own bed; further, it was now possible to take a shower once a week (as opposed to once a fortnight in 2001).

71. Conditions of detention in Unit 6, which occupied the ground floor of the building accommodating female prisoners, were in many respects superior to those observed in the rest of the prison. This unit had been fitted out following the transfer of juveniles to the main detention block; it was designed to accommodate former high-ranking officials. There were 68 prisoners in the unit on 13 May 2004, distributed amongst eighteen cells. Living space per prisoner was much more generous (e.g. 5 prisoners in a cell of 18 m²), each prisoner had a bed, access to natural light and ventilation were acceptable, and the general state of repair was satisfactory.

72. The situation with regard to food had not changed since the 2001 visit; in practice, prisoners relied to a great extent on food parcels from their families.

Further, as in 2001, prisoners did not receive any personal hygiene items and there were no laundry facilities. The prison had relinquished responsibility for providing prisoners with bedding and many prisoners slept in what could only be described as rags.

73. Apart from the sentenced prisoners assigned to work at the establishment, none of the inmates were offered any form of organised activities. During the visit in November 2003, the delegation found that outdoor exercise was not guaranteed at weekends, and certain categories of prisoners (i.e. those under quarantine and inmates placed in disciplinary isolation cells) did not benefit from outdoor exercise at all. At the time of the visit in May 2004, the staff/prisoner ratio had reached such a low level that most prisoners were not offered any outdoor exercise.

74. As already noted (cf. paragraph 11), at the end of the visit in November 2003 the delegation made three immediate observations in respect of Prison No. 5 in Tbilisi, requesting the Georgian authorities to: (i) transfer all inmates held in the building accommodating female and sick prisoners to another, safer, facility; (ii) definitively take out of service all cells located in the basement of the main detention building (including the isolation and “kartzet” cells); (iii) ensure that all prisoners, including those in the “quarantine” section and disciplinary isolation cells, are guaranteed outdoor exercise of at least one hour per day.

In view of the deteriorated situation observed in May 2004, the delegation reiterated the above-mentioned immediate observations and in addition requested the Georgian authorities to take urgent steps to: (i) transfer juvenile prisoners to a facility providing adequate material conditions and an appropriate regime of activities; (ii) considerably improve the staff situation with a view to ensuring that the number of staff employed is sufficient for the normal functioning of the establishment.

75. At the end-of-visit talks in May 2004, the Minister of Justice acknowledged that Prison No. 5 was substandard in all the key aspects; however, a significant change in the situation could only happen after the completion of the new Prison No. 6 in Rustavi. In the meantime, plans were being made for the transfer of female and juvenile prisoners from Prison No. 5 respectively to the Penitentiary establishment for women in Tbilisi and the Juvenile institution in Avchala. Further, as already mentioned, the recent merging of Prisons No. 5 and No. 1 in Tbilisi was intended to alleviate the overcrowding at the former establishment (at the expense nevertheless of increasing overcrowding at the latter); however, this is only a stopgap measure.

By letter of 24 June 2004, the Georgian authorities provided information on measures envisaged or already taken in the light of the immediate observations made in respect of Prison No. 5 in Tbilisi. According to the response, the removal from service of the basement cells will be completed, and the overcrowding of the establishment discontinued, when the new prison in Rustavi is opened. In this connection, it is indicated that the construction works and the recruitment and training of staff will be finished in March 2005, and the new prison opened in April 2005. Further, additional staff have reportedly been appointed with a view to enabling prisoners to benefit from regime activities. As regards the transfer of female prisoners, it will be carried out when the refurbishment of the pre-trial unit for women has been completed.

The CPT calls upon the Georgian authorities to take immediate steps in order to ensure at Prison No. 5 in Tbilisi that:

- **every prisoner has his own bed;**
- **the metal shutters blocking cell windows are removed in order to allow access to natural light and adequate ventilation in all prisoner accommodation;**
- **female and juvenile prisoners are transferred respectively to the Penitentiary establishment for women in Tbilisi and the Juvenile institution in Avchala;**
- **the basement of the main detention block is taken out of service once and for all;**
- **all prisoners are guaranteed at least one hour of outdoor exercise per day.**

As regards prison staff, reference is made to the recommendation in paragraph 130.

b. Prison No. 3, Batumi

76. Prison No. 3 in Batumi is the only establishment under the authority of the Ministry of Justice on the territory of Ajara. It is essentially a pre-trial establishment, receiving remand prisoners from Ajara and the adjacent region of Guria. However, a decision has been taken to open a strict-regime section for sentenced prisoners in the near future.

The prison occupies a building constructed in 1914 as a cadet school and is located in a mountainous area outside Batumi, at the end of a steep road full of potholes. With an official capacity of 250, it was holding 139 inmates on the first day of the visit, including 3 women and 4 juveniles. Some 40% of the prisoners were under investigation, 25% were awaiting trial, while the rest were sentenced and awaiting the outcome of their appeal or transfer to another establishment. Further, there were 8 prisoners serving their sentences at the prison and performing various maintenance duties.

77. Material conditions of detention were in many aspects superior to those observed at Prison No. 5 in Tbilisi. The establishment was operating well below its official capacity and, with the exception of the situation in a few large cells, there was practically no overcrowding (e.g. three female prisoners in a cell measuring 17 m²; four male prisoners in a cell measuring 19 m²; seven male prisoners in a cell measuring 32 m²). However, should the prison operate at its intended capacity, conditions would become very cramped (e.g. a cell measuring 38 m², though holding 12 prisoners at the time of the visit, was equipped with 24 beds).

One major deficiency was the presence of slatted metal shutters on cell windows, which blocked access to natural light and ventilation. Further, some windows lacked panes and were covered with various materials. According to inmates, the cells became oppressively hot in the summer. In an attempt to compensate for the poor ventilation, staff allowed prisoners to keep open the cell-door hatches; however, this was only a stopgap measure. As for artificial lighting, it was generally adequate, but there were frequent power cuts. The cells were not heated and inmates used small electric coils both for cooking and keeping warm in the winter.

Cells were equipped with a bunk or single beds (many of which unoccupied and eating into the available space), a table, benches and stools. All cells had a toilet and a sink, usually partitioned-off with a curtain. Inmates were supplied with mattresses and blankets from the prison; as for bed linen, towels and personal hygiene items, they were provided by the prisoners' relatives or passed on from one prisoner to another.

78. The majority of the cells were in need of repair: the plaster on walls and ceilings was crumbling, the floors were damaged, and the furniture was often broken. Despite the lack of financing, the management was making efforts to gradually refurbish the cells. The delegation was shown one cell which had benefited from a recent refurbishment and offered very good conditions of detention; in particular, the cell window had been enlarged, the shutter taken down, and the sanitary annexe fully partitioned-off. Similar work was underway in another cell.

79. Male prisoners were allowed to have a shower every two to three weeks. As for female prisoners, they had a rudimentary shower in their cell and could use it at any time. The prison had two newly refurbished bathrooms (with, respectively, 6 and 8 shower heads and an adjacent changing room), which were clean and well-maintained. However, there were reportedly problems with the pumping of water to the prison.

80. Some of the prisoners interviewed alleged that the food provided by the prison was insufficient and of poor quality, and said they preferred to prepare their own food with products they received from their families. The daily food allowance per prisoner was approximately 1 Lari. The usual diet consisted of porridge, vegetable soup or casserole and occasionally canned meat; no dairy products or fresh fruit were available.

The kitchen was rudimentarily equipped but clean.

81. As regards the regime of activities, the delegation was pleased to note that at least one hour of outdoor exercise was offered on a daily basis. However, the seven exercise yards were small (18 to 34 m²) and of an oppressive design: enclosed areas surrounded by high walls topped with a wire mesh, without benches or any other equipment.

Apart from the 8 sentenced prisoners employed in the kitchen, the boiler room and on various maintenance jobs, none of the inmates had work; further, there were no other organised out-of-cell activities. Consequently, prisoners idled away the time with little to distract them. A few inmates could afford to have a television in their cells; others spent the day playing board games, reading books (the prison had a small library) and listening to the radio.

There were no sports facilities at the time of the visit but the delegation was shown a large room under refurbishment which would apparently be turned into an indoor gym.

It should be noted that juvenile prisoners were held under the same non-existent regime of activities as adult prisoners, the only difference being that they could have 2 hours of outdoor exercise per day.

82. In the light of the remarks made above, **the CPT recommends that steps be taken at Prison No. 3 in Batumi to:**

- **remove as a matter of priority the shutters covering cell windows;**
- **progressively reduce cell occupancy levels, aiming at a standard of 4 m² of living space per prisoner;**
- **increase the quantity and improve the quality of food;**
- **continue the refurbishment of the cells, following the standard set in the cell which has already benefited from refurbishment;**
- **enable all prisoners to have access to the bathroom at least once a week;**

- **develop the programme of activities for inmates; the objective should be that all prisoners (including those on remand) spend a reasonable part of the day outside their cells engaged in purposeful activities. In this connection, once the indoor gym under construction has been completed, access to it should be offered to all inmates (and not only sentenced prisoners working at the establishment);**
- **ensure that juvenile prisoners are offered educational and recreational activities which take into account the specific needs of their age group. Physical education should form a major part of that programme;**
- **improve the outdoor exercise facilities, in order to allow prisoners to physically exert themselves.**

c. Penitentiary establishment for women No. 5, Tbilisi

83. Penitentiary establishment No. 5 for women is the only prison for sentenced female prisoners in Georgia. Set up in 1947, it occupies an extensive area in one of the suburbs of Tbilisi. With an official capacity of 320, at the time of the CPT's visit the establishment was holding 85 adult female prisoners,² 17 of whom were foreign nationals originating from other CIS countries. All inmates were serving their sentences under a general regime.

The prison, which had suffered badly from an earthquake in 2002, was re-opened in May 2003 following extensive restoration. The delegation observed that material conditions were in general of a very good standard and was impressed by the staff's professional attitude and positive interaction with inmates.

i. material conditions

84. As already indicated, the establishment was operating well below its official capacity. At the time of the visit, prisoners were being accommodated in a two-storey detention block divided into three units, each comprising a large dormitory (320 to 370 m²), a recreation/association room and sanitary facilities. The number of beds in each dormitory varied between 31 and 50; however, only about half of the available beds were occupied. The dormitories had large windows which let in plenty of natural light; ventilation, artificial lighting and heating were also adequate. In addition to beds, the dormitories were equipped with individual bedside lockers and stools. All the furniture, as well as the bedding provided to those inmates who did not have their own, was new and of good quality. As a whole, the premises were pleasantly decorated, clean and well-maintained.

Prisoners had unlimited access to the sanitary facilities and could take a shower every day. The bathroom, toilets and laundry were well-appointed. Further, a range of personal hygiene items was provided to prisoners who had no means to acquire such items themselves.

² In addition, four prisoners were undergoing treatment at the Central Prison Hospital in Tbilisi.

85. The delegation received no complaints about the provision of food. However, it is noteworthy that the majority of the prisoners interviewed indicated that they ate mainly food which they had received from home and prepared themselves. The establishment was supplied centrally with products on the basis of a daily food allowance of 1.01 Lari per prisoner; the delegation was informed that the diet rarely included meat and fresh fruit and vegetables.

Both the kitchen and the refectory where prisoners received their meals were clean and well-maintained.

86. The CPT welcomes the steps taken at Penitentiary establishment for women No. 5 in Tbilisi to create a good-quality material environment; in many respects, the establishment could serve as a model for other prisons in Georgia. However, it is regrettable that, as part of the recent refurbishment, the large-capacity dormitories had not been divided into smaller units; such a development would offer increased privacy and allow a better allocation of prisoners according to their individual needs. **The CPT invites the Georgian authorities to explore the possibility of introducing smaller capacity inmate accommodation at Penitentiary establishment for women No. 5 in Tbilisi.**

ii. regime of activities

87. During the day, prisoners could circulate freely within their respective units and had access to a spacious yard with trees, benches, a fountain and a basketball pitch.

As already mentioned, each unit had a recreation/association room where prisoners could watch TV, play board games, etc. The establishment also had a library and a small chapel.

88. However, only a small proportion of prisoners (some 18%) were engaged in work. The establishment had a sewing workshop which could provide work for up to 40 prisoners; however, due to the lack of orders, only 3 inmates were working there at the time of the visit (making uniforms and bed-linen for the penitentiary system). Further, there was a greenhouse for flowers in which up to 5 prisoners could be employed, but only one inmate was working there at the time of the visit. In addition, 12 prisoners were performing various maintenance jobs (in the kitchen, on cleaning duties, etc.)

There were limited possibilities for vocational training in the establishment's tailoring school; however, it had not benefited from refurbishment and was clearly under-utilised.

89. A social and rehabilitation centre had recently been opened at the prison, providing psychotherapy and occupational therapy to some 20 inmates. It was run by a local NGO and employed three psychotherapists and an art therapist. Group psychotherapy sessions were organised twice a week (in Georgian and in Russian), and individual psychotherapy was also available on demand. Further, prisoners could engage in occupational therapy in a small but well-appointed ceramic workshop.

90. **The CPT recommends that the Georgian authorities pursue efforts to develop the programme of activities at Penitentiary establishment No. 5 for women in Tbilisi. A proactive approach is required on the part of staff in order to engage more prisoners in work and other purposeful activities (in particular, education and vocational training).**

d. Juvenile institution, Avchala

91. The Juvenile institution in Avchala is situated some 30 km from Tbilisi, in a recently refurbished building formerly used by troops of the Ministry of Internal Affairs. It is the only establishment in Georgia for sentenced juveniles. With an official capacity of 150 (calculated on the basis of 2.5 m² of living space per person), on the day of the visit the institution was accommodating 19 boys aged between 16 and 19 years. According to the management, the total number of inmates had never exceeded 26 persons.

i. *material conditions*

92. Material conditions of detention could generally be considered as acceptable. Accommodation was provided in a large dormitory (some 270 m²) with 15 beds and a smaller room (some 16 m²) with four beds. The dormitory was clean and had good access to natural light and ventilation. However, artificial lighting was very weak; further, due to the absence of central heating, the temperature was low (15°C). In addition to beds, the dormitory was equipped with bedside lockers and contained a recreation area with a table, chairs, a TV and a radio. Mattresses and blankets were provided to all juveniles; however, the supply of bed linen and clothing was problematic.

The smaller room (used for juveniles held separately for their own protection) was adequately lit and ventilated, and was warmer. The equipment consisted of two bunk beds, bedside lockers, a table, stools, a TV and a radio set. However, it should be noted that the bedding was in poor condition and the level of cleanliness left something to be desired.

93. The delegation heard no complaints about access to the toilet. Further, juveniles could wash in communal washrooms and take a warm shower every day. However, all the sanitary facilities were in a dilapidated and unhygienic condition. The situation with respect to personal hygiene items was also unsatisfactory: the only item provided was soap, and the delegation heard complaints that it was not always distributed in sufficient quantities.

The institution possessed one washing machine which, reportedly, was often out of order; as a result, juveniles mostly washed their bedding and clothes by hand.

94. The CPT has some concerns about the provision of food to juvenile inmates. According to the establishment's director, although the daily norm of 2,400 kcal per person was being respected, the food was barely sufficient to meet their dietary requirements. The delegation heard several complaints from inmates about the food, especially as regards its quantity, and noted that the diet did not include dairy products and fruit. The situation was partly alleviated by the fact that juveniles were allowed to receive an unlimited amount of food parcels.

95. In the light of the remarks made in paragraphs 92 to 94, **the CPT recommends that the Georgian authorities take steps at the Juvenile institution in Avchala in order to:**

- **ensure without delay that all juveniles are offered food in adequate quantity and of appropriate variety;**
- **improve artificial lighting and ensure that all accommodation areas are adequately heated and maintained in a clean condition;**
- **ensure that all juveniles are provided with full bedding in a decent condition and suitable clothing;**
- **refurbish the sanitary facilities and ensure that they are maintained in an adequate state of cleanliness;**
- **provide juveniles with sufficient amounts of essential hygiene products and cleaning materials.**

96. Further, in the CPT's opinion, large-capacity dormitories are for various reasons not a satisfactory means of accommodating inmates, especially juveniles. They inevitably imply a lack of privacy for inmates in their everyday lives. In addition, the risk of intimidation and violence in facilities of this kind will always be high. With such accommodation, the appropriate allocation of individual inmates, based on a case by case risk and needs assessment, also becomes an almost impossible exercise. **The CPT invites the Georgian authorities to explore the possibility of introducing smaller capacity accommodation for inmates at the Juvenile institution in Avchala.**

ii. regime of activities

97. The delegation was positively impressed by the establishment's school. It was run by teachers employed by the Ministry of Education and provided classes from 8.00 a.m. to 2.00 p.m. on weekdays.

Juveniles had access throughout the day to a large yard equipped with benches and decorated with plants. There was also a designated outdoor sports area for football, volleyball and basketball; however, no balls were available at the time of the visit. Further, the institution's indoor gym remained unequipped due to the lack of funds.

Except for a few inmates who helped with cleaning and serving food in the canteen, there was no work, and no vocational training was provided. Further, in the absence of specialised staff (the psychologist's post was vacant and there were no social workers), there were in practice no psycho-social rehabilitation activities. After school, juveniles had little to occupy their time other than watching TV, listening to the radio, reading books and playing board games.

98. The CPT wishes to stress that the care of juveniles in custody requires special efforts to reduce the risks of long-term social maladjustment. This calls for a multidisciplinary approach, drawing upon the skills of a range of professionals (including psychologists, pedagogues and social workers), in order to respond to the individual needs of juveniles within a secure educative and socio-therapeutic environment. Juveniles deprived of their liberty should be offered a full programme of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that programme. **The CPT recommends that steps be taken to enlarge the offer of activities at the Juvenile institution in Avchala, in the light of these remarks.**

e. Strict-regime penitentiary establishment No. 2, Rustavi

99. Strict-regime penitentiary establishment No. 2 in Rustavi is intended to hold prisoners sentenced for serious crimes and recidivists. In operation since the 1960s, it occupies a large site in a mostly abandoned industrial zone on the outskirts of the town of Rustavi. With a capacity of 1,000, the establishment was accommodating 818 prisoners at the time of the visit.

Penitentiary establishment No. 2 has had a history of escapes, the most important of which (129 inmates) had taken place some two months prior to the CPT's visit. This had led to significant staff changes. The current Director had been seconded to the establishment from the Security Division of the Ministry of Justice's Penitentiary Department; the delegation was informed that this was the fourth change of management since the beginning of 2003.

At the outset of the visit, the Director openly stated that conditions at the establishment – for both prisoners and staff – were totally inadequate and inhuman. Under the circumstances, the only objective of staff was to avoid further escapes. The delegation's visit more than confirmed this depressing assessment.

i. *material conditions*

100. The bulk of the inmate population was accommodated in three two-storey barracks, each holding some 200 persons. Following a fire which damaged part of the prisoner accommodation in 2001, a number of prisoners were moved to a building initially intended to house the infirmary; as a result, healthy and sick prisoners were being held together. In addition, some thirty prisoners segregated for their own protection were held in ramshackle constructions described as former warehouses.

101. The state of decrepitude of the whole estate (including the administrative building) beggared belief. The living barracks, which had not seen refurbishment in decades, were falling down and were only fit for demolition. Parts of the roof were missing and plastic sheeting had been slung between wooden rafters in an attempt to provide protection against the weather; however, these improvised shelters leaked in many places and water dripped through into the living areas. The inmates had divided up the large dormitories into small compartments, usually holding one to three prisoners, with the help of blankets, pieces of material and cardboard. As a result, the dormitories looked like a labyrinth of screened-off areas, and it was practically impossible to determine the living area per prisoner. Many of the windows lacked panes and were covered with assorted materials, substantially limiting access to natural light and ventilation. Further, artificial lighting was generally poor, the electrical wiring was often faulty and there were frequent power cuts. There was no central heating; exposed electric wire coils, which were both dangerous and unreliable, served as heating and cooking facilities.

Hygiene standards were simply deplorable. The water and sewage installations inside the barracks had been destroyed and as a result there was no running water or toilets in the accommodation areas. One water tap in the yard was the only source of drinking water. A separate building located some distance away from the barracks contained the toilets and the so-called “bathroom” (a rudimentary facility with nothing but two pipes with running water). The state of these facilities was execrable: they were extremely dirty, dilapidated, cold and totally lacking in privacy. Further, the supply of hot water was clearly problematic, due to frequent power cuts. Although in theory prisoners had unlimited access to the bathroom, it was doubtful that many of them availed themselves of this possibility.

With large numbers of prisoners held in such unsanitary conditions, the scope for disease and mass infections – as well as the potential for violent incidents – was very high.

At the same time, the delegation saw evidence of some prisoners enjoying markedly better material conditions (e.g. small apartments with a private kitchen and bathroom). Staff indicated that inmates who had the financial means were allowed to make improvements to their environment. In this connection, reference is made to the comment in paragraph 122.

102. Many prisoners complained about the insufficient amount of food provided by the establishment. It was clear that prisoners depended to a large extent on their families for the supply of food or on other prisoners who had means to purchase food. The Director informed the delegation that the daily food allowance of 1.15 Lari per prisoner managed to guarantee only basic foodstuffs, and that prisoners were generally undernourished and underweight.

The delegation’s own observations indicated that not only was the diet poor (consisting of porridge for breakfast, vegetable soup for lunch and rice for dinner) but also the food was prepared in the most primitive and unhygienic conditions. The kitchen was poorly equipped and dirty, with piles of potatoes lying on the muddy floor and old vegetable boilers, some with obvious evidence of mould.

103. Due to the lack of supplies, the establishment had relinquished practically all responsibility for providing prisoners with bedding, clothes and personal hygiene items. Many of the inmates had no shoes and lacked appropriate clothing for the winter. The state of the bedding – which was almost invariably the prisoner’s own – was often very poor.

ii. *regime of activities*

104. A general atmosphere of inaction reigned at the establishment. Throughout the day, prisoners moved freely around the premises with nothing to occupy their time. Further, as a result of the shortage of staff and the lack of organised activities, prisoners were left entirely unsupervised.

Except for some 30 inmates assigned to non-remunerated cleaning duties, none of the prisoners had work. The establishment used to have a well-functioning industrial unit which was no longer in operation. Nor were any other activities offered to prisoners, except for very limited opportunities for ball games. However, the sports field was overgrown with weeds and full of rubbish. The establishment had once comprised general education and vocational training schools, but the buildings had burned down.

The only means of distraction were watching TV, listening to the radio and reading books. The establishment had a library with some 2,000 books (mostly in Russian). Further, there was a small prayer room and a church was in the process of construction.

*
* *

105. To sum up, the appalling material conditions, the absence of regime activities, the inadequate health-care provision (cf. paragraph 108) and the general sense of hopelessness at Penitentiary establishment No. 2 in Rustavi combined to produce an environment which can only be described as an affront to human dignity. Given its present situation, the establishment should not be kept in service; however, the closure of a penitentiary establishment holding some 800 prisoners may take some time. As already mentioned (cf. paragraph 10), at the end of the visit in November 2003, the delegation made an immediate observation, requesting the Georgian authorities to draw up a plan of action for the replacement of Strict-regime penitentiary establishment No. 2 in Rustavi and to send it to the CPT within 3 months.

In their letter of 30 March 2004, the Georgian authorities informed the CPT that their ultimate goal was to relocate prisoners from Penitentiary establishment No. 2 in Rustavi to a new facility and demolish the existing buildings. However, this move had to await the completion of the new prison No. 6 in Rustavi. In the meantime, steps had been taken to improve conditions at the establishment in question by decreasing the number of prisoners held there (from 800 to 650) and destroying the “apartment houses”.

The CPT considers that the steps so far taken by the authorities do not match the magnitude of the humanitarian disaster constituted by Penitentiary establishment No. 2 in Rustavi. **The Committee calls upon the Georgian authorities to take all necessary steps to relocate the rest of the inmate population of Strict-regime penitentiary establishment No. 2 in Rustavi to other facilities offering humane conditions of detention.**

4. Health-care services

- a. health-care services in the prisons visited
 - i. *staff and facilities*

106. At Prison No. 5 in Tbilisi, some positive changes to the health-care staff situation had taken place since the visit in 2001. All six available doctor's posts had been filled, and a dentist was also employed by the establishment. However, there were fewer feldshers (3, as compared to 4 in 2001) and nurses (3, as compared to 4 in 2001).

The delegation was informed that the situation as regards the supply of medication (other than for tuberculosis) had even worsened since 2001. As for tuberculostatic drugs, they were reportedly supplied by the ICRC in sufficient quantities (cf. also paragraph 118).

Given the increase in the inmate population at Prison No. 5, the above-mentioned resources in terms of feldshers and nurses were clearly insufficient to provide appropriate care to over 2,200 prisoners. The lack of medication and equipment added to the highly unsatisfactory situation. **The CPT calls upon the Georgian authorities to take urgent steps at Prison No. 5 in Tbilisi to:**

- **reinforce the health-care staff team with additional feldshers and/or nurses;**
- **ensure the supply of appropriate medication and equipment.**

107. The health care provided to inmates at Prison No. 3 in Batumi was in all respects sub-standard. The establishment employed only one feldsher. There was a doctor's post which had been vacant since 2002, apparently due to a requirement by the Ministry of Justice that it should be filled by a holder of a certificate in health care and organisation. The fact that no doctor was employed at the prison meant that there were no possibilities for proper screening, diagnosis, treatment or follow-up of prisoners. As for dental care, the delegation was told that there were sporadic visits by an outside dentist who performed only extractions.

Moreover, there were clearly considerable problems in transferring inmates in need of treatment to outside hospitals. In practice, no prisoners were transferred to the Central Prison Hospital in Tbilisi, ostensibly because of the lack of transportation. Arrangements for prisoners under investigation to be treated by external doctors were sometimes made by the investigators responsible. As for other categories of prisoners, they had to depend on the financial aid of their families for any treatment (save for occasional interventions by the public emergency medical service), the prison having no budget for purchasing medication and paying for consultations by outside doctors.

At the time of the visit, the prison's infirmary was under reconstruction. As a result, only one scantily equipped examination room was functioning. The stock of medication – received from the Ministry of Justice or donated by NGOs – was also very limited.

The CPT recommends that steps be taken immediately at Prison No. 3 in Batumi to:

- **ensure the regular attendance of a doctor; the requirement that the doctor's post should be filled by a holder of a certificate in health care and organisation must not be allowed to impede the finding of a solution to this pressing problem;**
- **improve the provision of dental care to prisoners;**
- **ensure that all prisoners in need of medical examination and/or treatment are transferred to outside hospital facilities;**
- **ensure the supply of appropriate medication in sufficient quantities.**

108. The health-care staff provision at Penitentiary establishment No. 2 in Rustavi was grossly inadequate. The only full-time doctor in post catered for both prisoners and staff. Positions for three more doctors were vacant. As for nursing staff resources, they were practically non-existent. One nurse attended the establishment 5 days a month; during the rest of the time, a prisoner serving a long-term sentence fulfilled the functions of a nurse. The doctor was on duty 4 nights a week; on the remaining 3 nights, an outside doctor attended the establishment. As for dental care, it was provided by two prisoners performing extractions.

This totally unacceptable situation was compounded by an almost complete lack of medication and diagnostic means; consequently, basic health care was not delivered. Prisoners in need of treatment were transferred to the Central Prison Hospital (there were some 15-18 transfers per month) or to the Ksani Institution for the treatment of prisoners with tuberculosis. Further, inmates with financial means could pay for external examinations and treatment themselves.

The establishment's infirmary consisted of 14 rooms holding some 65 prisoners at the time of the visit. Conditions in these rooms were as deplorable as in the rest of the prison: leaking roofs, missing window panes, lack of access to natural light, deficient ventilation, no heating and abysmal hygiene. Prisoners slept under improvised shelters or inside cupboards (in particular, inmates said to be mentally ill). Further, the delegation saw a number of elderly prisoners who were blind or otherwise disabled and dependent on other prisoners for their daily needs. The continued detention of such persons in a prison environment can create an intolerable situation. **In this connection, the CPT would like to be informed of the possibilities under Georgian legislation for compassionate release of prisoners unsuited to continued detention.**

109. The CPT has already recommended that the Georgian authorities relocate the rest of the inmate population of Penitentiary establishment No. 2 in Rustavi to other facilities offering humane conditions of detention. In this context, it would be superfluous to make recommendations designed to improve the provision of health care at the current establishment. However, the Committee wishes to stress once again that a prison health-care service should be able to provide access to medical treatment and nursing care, in conditions comparable to those enjoyed by patients in the outside community. Provision in terms of medical, nursing and technical staff, as well as premises, installations and equipment, should be geared accordingly. **The CPT recommends that these precepts be borne in mind in the provision of health care to prisoners throughout Georgia.**

110. In contrast to the previously mentioned establishments, the health-care service at Penitentiary establishment No. 5 for women was adequately resourced. It consisted of three doctors - a Head doctor (psychiatrist), a gynaecologist and a specialist in internal diseases - as well as a feldsher, two nurses and a pharmacist. There was also a post for a dermato-venerologist which was about to be filled. Dental care was provided by a dentist who attended the establishment twice a week. 24-hour medical cover was provided by doctors on rotation.

In addition to the care dispensed by the above-mentioned team, prisoners were examined twice a year by a team from the Ministry of Health (blood and urine tests, ECG, etc.).

The supply of medication was adequate, thanks to the assistance of NGOs (which also paid for prisoners' external consultations). Further, the premises of the health-care service (including a small infirmary with 6 beds) were of a very good standard.

111. The Juvenile institution in Avchala had two full-time doctors: a Head doctor (surgeon) and a specialist in internal diseases. Further, there was one nurse, also working full-time. Two more doctors' posts (for a psychiatrist and a neurologist) and a nurse's post were vacant. The institution did not employ a dentist but juveniles could reportedly be taken to an outside dentist. No health-care staff were present at night or at weekends as the number of inmates at the time of the visit (19) did not justify such a presence; however, a doctor was always in attendance when a transfer of new prisoners was expected and the public emergency service could be called in in case of need.

Twice a year all juveniles were examined by a team of medical specialists from the Ministry of Health (blood tests, ECG, screening for TB).

Medication was supplied centrally from the Ministry of Justice and was basically sufficient for the institution's needs. As to the health-care facilities (including an infirmary with 2 beds), they were modestly equipped but clean.

ii. medical screening on admission

112. In the report on the visit in 2001, the CPT stressed the importance of medical screening of newly arrived prisoners, especially at pre-trial establishments, which represent points of entry into the prison system. Such screening is indispensable, in particular in the interests of preventing the spread of transmissible diseases, suicide prevention, and ensuring the timely recording of injuries.

113. The situation with respect to medical screening upon admission varied from one establishment to another. At Prison No. 5, Penitentiary establishment No. 5 for women and the Juvenile institution such screening was performed by the doctor on duty soon after the admission of a new prisoner. The initial screening involved an examination of the prisoner's body for possible injuries or skin diseases, weighing the prisoner, asking questions concerning his/her medical history (including questions designed to identify TB cases) and, depending on the anamnesis, a clinical examination.

In contrast, at Prison No. 3 in Batumi, there was no proper medical examination of newly arrived prisoners. In particular, the feldsher did not physically examine such prisoners and there was no systematic screening for transmissible diseases (including tuberculosis).

As regards Penitentiary establishment No. 2 in Rustavi, the delegation was informed that the medical screening upon admission was performed by the ICRC and was mainly oriented towards identifying TB cases.

114. The situation as regards the recording of initial medical examinations and any injuries observed on arrival had improved at Prison No. 5 in Tbilisi. The register of new arrivals was well kept, the descriptions of injuries were made in sufficient detail and the prisoners' allegations as to how the injuries had been sustained were noted. Further, the names of all prisoners arriving with injuries were communicated to the Ministry of Justice, and a forensic doctor periodically visited the prison and examined some of the prisoners concerned. However, the criteria according to which prisoners were selected for this examination remained unclear, even after an interview with the forensic doctor in question.

At Prison No. 3 in Batumi, the feldsher did not keep a register of new arrivals and it was impossible to establish whether any prisoners had borne injuries upon arrival.

115. In the light of the above, **the CPT recommends that the initial examination of newly-arrived prisoners at Prison No. 3 in Batumi be considerably developed. It should include an external examination of the prisoner's body and the recording of any injuries observed in a specific register, proper screening for transmissible diseases and a clinical examination. It is clear that this objective can only be achieved when a doctor is put in charge of the health-care service at the prison.**

Further, the CPT would like to receive information on the precise criteria according to which prisoners bearing injuries upon arrival are selected for examination by the forensic doctor visiting Prison No. 5 in Tbilisi. The Committee would also like to know if this system will be extended to other pre-trial establishments in Georgia.

iii. medical records and confidentiality

116. The delegation was pleased to note that individual medical files (designed and supplied by the ICRC) were opened for all prisoners at the Penitentiary establishment No. 5 for women and the Juvenile institution. Such files – albeit practically blank – were also in evidence at the Penitentiary establishment No. 2 in Rustavi.

No individual medical files were kept at Prison No. 5 in Tbilisi and Prison No. 3 in Batumi. At the former establishment, the situation remained the same as in 2001 (i.e. only general chronological registers of medical examinations were kept). At Prison No. 3, the feldsher kept a chronological register of prisoners seen by him (with only 13 entries in the first three months of 2004), a register of medication dispensed and another register of examinations by external doctors or the public emergency service. However, it was practically impossible to follow an individual prisoner's medical history from these registers.

The CPT recommends that a personal and confidential medical file be opened for each prisoner at Prison No. 5 in Tbilisi and Prison No. 3 in Batumi, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of his treatment, including any special examinations he has undergone. The prisoner should be able to consult his medical file, unless this is inadvisable from a therapeutic standpoint, and to request that the information it contains be made available to his family or lawyer. In the event of transfer, the file should be forwarded to the doctors of the receiving establishment.

117. As in 2001, the initial medical examination of newly arrived prisoners at Prison No. 5 in Tbilisi took place in the presence of non-medical prison staff and occasionally police staff, especially if the prisoner concerned bore injuries. The initial examination of prisoners at Prison No. 3 in Batumi also took place in the presence of prison officers.

The Committee reiterates the recommendation made in the report on the visit in 2001 that all medical examinations be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of the sight of non-medical prison staff and law enforcement officials.

iv. tuberculosis

118. In the report on the visit in 2001, the CPT made a number of recommendations aimed at developing a strategy for combating the spread of tuberculosis in the Georgian prison system. The delegation which carried out the second periodic visit was pleased to note that considerable progress had been made.

Since May 2002, the ICRC had taken charge of all aspects of tackling tuberculosis at Prison No. 5 in Tbilisi: screening of new arrivals (including microscopy of sputum samples), supply of anti-tuberculosis drugs and monitoring of treatment.

At Penitentiary establishment No. 5 for women, the initial screening of newly arrived prisoners included a detailed questionnaire designed by the ICRC and aimed at identifying TB cases; the ICRC also performed the microscopy of sputum samples. Prisoners found to be BK-positive were isolated for 8 months in a separate room at the establishment's health-care service where they received treatment by the ICRC.

The screening of inmates for tuberculosis at the Juvenile institution in Avchala was performed twice a year by the Ministry of Health. The delegation was informed that juveniles in need of treatment would be transferred to the Central Prison Hospital in Tbilisi.

The screening of new arrivals at Penitentiary establishment No. 2 in Rustavi was also ensured by the ICRC; however, it should be noted that prisoners who had given sputum samples were not put in quarantine while awaiting the results of the microscopy (there being no quarantine unit at the establishment). **This risks undermining the efficiency of the screening method.**

119. In contrast, no systematic screening for tuberculosis was performed at Prison No. 3 in Batumi. The establishment's feldsher indicated that, in the event of suspicion of TB infection, the prisoner concerned would be isolated and any medication necessary would be provided by his family. As already noted, the prison's infirmary was undergoing renovation at the time of the visit, as a result of which no prisoners were isolated. However, the delegation came across a prisoner - sharing a cell with other prisoners - who alleged that he was BK positive (infectious) but had had to interrupt his treatment after being imprisoned.

120. In the light of the above remarks, **the CPT recommends that the Georgian authorities take immediate measures at Prison No. 3 in Batumi to:**

- **introduce systematic screening of prisoners for tuberculosis in accordance with the DOTS method for tuberculosis control;**
- **ensure that prisoners diagnosed as BK positive are promptly transferred to a hospital facility for treatment.**

b. Central Prison Hospital, Tbilisi

121. The Central Prison Hospital in Tbilisi was first visited by the CPT in 2001 (cf. paragraphs 114 to 123 of CPT/Inf (2002) 14). Since then, the official capacity has decreased from 320 to 250 beds, due to the transfer of persons undergoing psychiatric forensic assessment to an establishment under the responsibility of the Ministry of Health. At the time of the visit, the hospital was accommodating 208 sick prisoners, including 14 women.³ However, the delegation was told that the establishment frequently held up to 300 patients. The usual length of hospitalisation was said to vary between 3 weeks and 2 months, but the delegation came across cases of stays of over a year. From interviews with staff and prisoners, the delegation entertained doubts as to whether some of these lengthy stays were justified.

122. The delegation noted improvements in respect of the sanitary and shower facilities which had been refurbished with the help of the ICRC (though they had already lapsed into a poor state of repair and were dirty). However, the hospital's material environment remained deficient in many other respects (e.g. a leaking roof; decrepit ceilings, walls and floors; exposed electric cables, dilapidated furniture, etc.). The modest improvements visible in some rooms were mostly attributed to the initiative of inmates who were allowed to refurbish their rooms at their own cost. Further, most of the accommodation areas were poorly heated and many prisoners continuously wore warm outdoor clothes. The delegation was informed that the hospital had not received supplies of bedding and hardly any cleaning products or personal hygiene items in recent years. Patients continued to wash their bedding and clothes themselves.

³ In addition, some 30 healthy sentenced prisoners, accommodated in a separate block, were employed on various maintenance duties on the hospital's premises.

As in 2001, the delegation observed that a few of the prisoners (mostly on the internal diseases ward) enjoyed living conditions which were strikingly better than those of the rest of the inmates and occasionally even bordering on luxurious (e.g. high-quality bathrooms and kitchenettes, expensive furniture, new windows without bars, air-conditioning, satellite TV, etc.). It is perfectly acceptable that prisoners with the means to do so should be allowed to make modest improvements to their environment. However, a sense of proportion must be maintained in this area. **Giving a prisoner free reign to exploit his wealth can quickly become a source of both corruption and resentment.**

123. The situation with respect to food was the same as in 2001, due to the very low budget which managed to ensure only a monotonous diet devoid of milk, fresh fruit and vegetables. Prisoners continued to rely to a great extent on food parcels brought by their families. Further, the kitchen facility was dilapidated and dirty.

124. The hospital's medical equipment remained grossly deficient. The X-ray machine, as well as the equipment of the clinical laboratory and of the gynaecological and dental cabinets, was in a very poor state of repair. Both the operation theatre and the post-operative care room on the surgical ward were in a similar condition, with several items of equipment missing or in poor working order.

The shortage of medication (other than for TB) and materials was even more drastic than in 2001. In practice, the hospital relied almost exclusively on medication provided by the patients' families or received as humanitarian aid.

125. The health-care staff situation also remained unsatisfactory. As in 2001, there were numerous vacancies among doctors (only 25 full-time doctors⁴ out of 40 available posts); further, not all of the 30 full-time nurse's posts were filled. That said, at night and at weekends, there were always two doctors on duty at the hospital.

126. The delegation noted a marked improvement with regard to prisoners suffering from tuberculosis, thanks to the introduction, with the assistance of the ICRC, of the DOTS method for tuberculosis control. The ICRC also ensured adequate supplies of anti-tuberculosis medicines.

127. The situation on the psychiatric ward had somewhat improved after the transfer of persons undergoing forensic psychiatric assessment. However, the stock of psycho-pharmacological drugs and the offer of therapeutic and rehabilitative activities remained very limited.

The delegation was informed that "soft fixation" (tying the patient's wrists, waist and ankles to the bed frame with strips of cloth) was no longer used. According to staff, chemical restraint was occasionally used on the doctor's instruction. However, the lack of a special register for the recording of instances of restraint made it impossible to verify its use. As in 2001, recourse to restraint was noted only in the respective patient's file.

⁴ Including 4 infectious disease specialists, 5 internal disease specialists, 5 surgeons, 4 psychiatrists, 3 anaesthesiologists, one gynaecologist, a dentist and 2 pharmacists.

128. The regime at the hospital was for the most part unchanged. Male prisoners could circulate freely within their wards and the outdoor exercise areas during the day; as regards female inmates, they were now allowed two hours of outdoor exercise per day (as compared to one hour in 2001). The hospital had been provided with a small library; however, there were still no organised activities.

The establishment applied a liberal policy with regard to prisoners' contact with the outside world: they could receive visitors at least four times a month and were allowed to make and receive telephone calls.

129. To sum up, the conclusion reached by the CPT after the visit in 2001 – namely that the hospital lacked the means to provide proper screening, diagnosis and treatment – remains valid, with the exception of TB treatment. **The CPT calls upon the Georgian authorities to take urgent steps at the Central Prison Hospital in Tbilisi in order to:**

- **review the admission and release procedures, so as to ensure that prisoners are admitted to the hospital according to strict diagnostic criteria and that the period of hospitalisation is not prolonged unjustifiably; in this connection, the situation in the internal diseases ward merits particular attention;**
- **improve material conditions for inmates in the hospital, in the light of the remarks in paragraph 122;**
- **improve the quality of the food and refurbish the kitchen;**
- **upgrade the hospital's medical equipment, especially as regards the surgical ward;**
- **ensure that the hospital is regularly supplied with appropriate medication and materials;**
- **fill the vacant doctors' and nurses' posts;**
- **introduce a specific register for recording every instance of restraint of a patient.**

Further, **the CPT wishes to stress that psychiatric patients should be offered a range of therapeutic and rehabilitative activities, including access to occupational therapy and group and individual psychotherapy. As far as possible, appropriate activities and means of recreation should also be made available to other patients, especially those likely to stay at the hospital for a prolonged period.**

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

a. prison staff

130. In the report on the first visit to Georgia in 2001, the CPT emphasised the great importance of adequate recruitment and training of prison staff (cf. paragraph 124 of CPT/Inf (2002) 14). The cornerstone of a humane prison system will always be properly recruited and trained prison staff who know how to adopt the appropriate attitude in their relations with prisoners and see their work more as a vocation than as a mere job.

As already noted (cf. paragraph 61), relations between staff and prisoners at the establishments visited appeared to be generally relaxed. However, the severe shortage of staff at Prison No. 5 in Tbilisi and Strict-regime penitentiary establishment No. 2 in Rustavi made it difficult for staff to control the situation and provide anything resembling a regime of activities. In May 2004, the staff/inmate ratio at Prison No. 5 had reached such a critically low level that prisoners were not even offered outdoor exercise. Prison officers were working overtime, which resulted in high levels of stress. At Penitentiary establishment No. 2 in Rustavi, there were 70 staff members working on the first day of the delegation's visit (including 20 persons sent as a reinforcement from the Ministry of Justice). The delegation was informed that many of the available posts were vacant, staff turnover was high and absenteeism rife.

Ensuring positive staff-inmate relations depends to a large extent on having an adequate number of staff present at any given time in detention areas and in facilities used by prisoners for activities. An overall low staff complement and/or specific staff attendance systems which diminish the possibilities of direct contact with prisoners will certainly impede the development of positive relations; more generally, they will generate an insecure environment for both staff and prisoners. **The CPT recommends that the Georgian authorities make strenuous efforts to improve staffing levels in prisoner accommodation areas of the establishments visited, in the light of the above remarks.**

131. To cope with the unfavourable staffing situation, the Penitentiary Department of the Ministry of Justice had set up a mobile intervention group which was sent to establishments where the security situation had seriously deteriorated due to lack of staff. Further, in November 2003 the delegation was informed of plans to transfer responsibility for perimeter security to servicemen or reservists. **The CPT would like to be informed of the progress of these plans.**

The Committee must stress that, whatever solution is finally chosen, it must be ensured that all staff called upon to perform duties in a prison context receive appropriate training for their task.

132. In the report on the visit in 2001, the CPT paid particular attention to the problem of corruption in the Georgian penitentiary system. In their responses to the 2001 visit report and during the second periodic visit, the Georgian authorities informed the CPT of a range of steps that had been taken to address this burning problem. In particular, a Monitoring Department had been set up at the Ministry of Justice, which performed routine and surprise checks of prison establishments (paying particular attention to food supplies, the use of visiting facilities, placement in disciplinary cells, etc.). As a result of such checks, some 200 prison staff members had been dismissed. Further, a number of criminal cases had been initiated against prison directors on corruption charges (in particular in respect of conditional release).

Despite all these efforts, the battle against corruption remains to be won. At the time of the second periodic visit, the delegation met a number of prisoners who believed that corruption in the prison system was rife. The most common situations in which this was alleged to happen was in order to obtain conditional release, to receive medical treatment, to be hospitalised or to be granted additional visits. **The CPT calls upon the Georgian authorities to persevere in their efforts to stamp out corruption among prison staff.**

133. The problem of corruption is obviously related to the low salaries of prison staff but also to insufficient training. The delegation was informed that junior custodial staff did not benefit from any initial training and in-service training was limited to weekly sessions of one hour. As to middle-rank and senior prison officers, some ongoing training was periodically provided by the Ministry of Justice. However, the continuing lack of a proper training facility made it difficult to organise training courses.

In this context, the CPT noted with interest the recent adoption of new regulations concerning staff selection and training, foreseeing the establishment of a special prison staff “academy”. In May 2004, the Minister of Justice informed the delegation of plans to set up a training centre for prison staff by the end of the year. **The CPT would like to receive more information on these plans and the progress made.** More generally, **the Committee reiterates its recommendation that the Georgian authorities give high priority to the advancement of prison staff training, both initial and ongoing.**

b. visits

134. The CPT stressed in its 2001 visit report the importance of prisoners being able to maintain reasonably good contact with the outside world, and made a number of recommendations in this respect.

The information gathered during the second periodic visit indicated that the situation of remand prisoners remained unchanged. As in 2001, visits were subject to prior authorisation by the competent investigating authority or court with jurisdiction in the case. In practice, only a small proportion of remand prisoners at Prison No. 5 in Tbilisi received visits. At Prison No. 3 in Batumi, contact with the outside world was additionally complicated by the remote location of the establishment.

Conditions at the visiting facility at Prison No. 5 in Tbilisi - seven booths in which prisoners and visitors were separated by a Plexiglas screen - continued to be unnecessarily restrictive. At Prison No. 3 in Batumi, visits took place in a small room, with bars in the middle which separated prisoners from their visitors.

The CPT calls upon the Georgian authorities to amend the relevant legislation in order to ensure that remand prisoners are entitled to receive visits as a matter of principle. Any refusal by the competent authority to permit such visits should be specifically substantiated by the needs of the investigation, require the approval of a body unconnected with the case at hand and be applied for a specified period of time.

Further, the Committee recommends that:

- **steps be taken to increase the capacity of the visiting facilities at Prison No. 5 in Tbilisi and Prison No. 3 in Batumi;**
- **the possibility be explored of introducing more open visiting arrangements for remand prisoners.**

135. The rules concerning visits to sentenced prisoners varied in relation to the type of regime and category of prisoner. Male prisoners serving their sentences under strict regime at Penitentiary establishment No. 2 in Rustavi were in principle entitled to three short-term visits (of 3 hours' duration) and three long-term visits (up to 3 days) per year. However, the establishment's management used its discretion to grant additional visits. This clearly had the potential of generating resentment and provoking suspicions of corruption.

A more generous visiting entitlement was allowed to women (5 short-term visits per month and 5 long-term visits per year) and juveniles (an unlimited amount of short-term visits and one long-term visit per month). However, it should be noted that in practice few inmates received visits.

The CPT recommends that the Georgian authorities increase the official visiting entitlement of sentenced male prisoners so as to ensure that all prisoners can receive at least one short-term or one long-term visit per month.

136. As to the visiting facilities for sentenced prisoners, they were of a very good standard at the Penitentiary establishment for women (four pleasantly decorated rooms). The visiting rooms at the Juvenile institution were also quite acceptable. As regards Prison No. 3 in Batumi, the short-term visiting facility has already been described (cf. paragraph 134); there was also one room for long-term visits, which was of a good standard. Due to the lack of appropriate facilities for long-term visits, sentenced working prisoners at Prison No. 5 in Tbilisi received only short-term visits. At Penitentiary establishment No. 2 in Rustavi, the state of the visiting facilities corresponded to the overall decrepitude of the buildings: the room for short-term visits contained two broken benches and piles of rubbish, and the 13 rooms for long-term visits were dilapidated.

The CPT recommends that conditions in the visiting facilities in the penitentiary establishments visited be reviewed, in the light of the above remarks.

c. discipline

137. The legal provisions governing disciplinary sanctions remained generally unchanged since the visit in 2001 (cf. paragraphs 135 and 136 of CPT/Inf (2002) 14).

As regards the procedure, with the notable exception of the Juvenile institution, inmates were not given an oral hearing before the imposition of disciplinary sanctions. Further, although disciplinary sanctions could in principle be appealed against, the information gathered during the visit suggests that this right was rarely used. This was hardly surprising as inmates were generally unaware of that right.

The CPT reiterates its recommendation that steps be taken to guarantee that all prisoners facing disciplinary charges are heard in person by the deciding authority on the subject of the offence they are alleged to have committed. The Committee also recommends that inmates be systematically informed, in writing, of their right to appeal against any disciplinary sanctions imposed.

138. Material conditions in the disciplinary punishment cells at the establishments visited left a great deal to be desired.

At Prison No. 5 in Tbilisi, the disciplinary cells criticised in the report on the visit in 2001 had been taken out of service and replaced with nine other cells, located in a different part of the basement of the main detention block. Admittedly, the cells in question were larger and equipped with sleeping platforms. However, the cells were substandard in all other respects; in particular, they had no access to natural light and were unventilated, humid and dilapidated.

The four disciplinary punishment cells at Prison No. 3 in Batumi were dark and rundown; however, they had not been used since September 2002. The CPT welcomes the management's decision to refrain from placing prisoners in disciplinary isolation; in their present state, the disciplinary cells are certainly not fit for use.

The Penitentiary establishment No. 5 for women had three disciplinary cells and one larger cell for prisoners segregated for longer periods of time. The cells had small windows without panes; there was no heating and the temperature in the cells was rather low.

The disciplinary cell at the Juvenile institution was spacious (12 m²) and equipped with two beds; however, it was unheated and dirty.

The disciplinary isolation unit at Penitentiary establishment No. 2 in Rustavi was located in a separate building. It consisted of a series of cells, most of which were completely abandoned. About a dozen cells were still in use; they were dark, unheated and in an extraordinary state of filth and decrepitude.

The CPT recommends that steps be taken to improve material conditions in the disciplinary cells of the establishments visited, in the light of the above remarks. As regards the disciplinary cells at Prison No. 5 in Tbilisi, reference is made to the recommendation in paragraph 75 concerning the taking out of service of all basement cells.

139. During the second periodic visit, the delegation was concerned to note that prisoners undergoing disciplinary confinement in the establishments visited were still not offered outdoor exercise. As already mentioned (cf. paragraph 11), at the end of the visit in November 2003, the delegation made an immediate observation, requesting the Georgian authorities to ensure that inmates placed in disciplinary cells in all penitentiary establishments in the country are guaranteed at least one hour of outdoor exercise per day.

In their response of 30 March 2004, the Georgian authorities informed the CPT that a recent amendment to the Law on Imprisonment had introduced a provision according to which prisoners who are not allowed to participate in out-of-cell activities “due to the regime or other circumstances” must nevertheless be allowed to spend at least one hour per day in the open air. The CPT welcomes this amendment; however, it transpired during the prolongation of the visit in May 2004 that this provision was not being complied with at Prison No. 5 in Tbilisi.

The CPT reiterates its recommendation that the Georgian authorities take steps to ensure throughout the country that prisoners placed in disciplinary cells are guaranteed at least one hour of outdoor exercise per day.

d. complaints and inspection procedures

140. As during the 2001 visit, many prisoners alleged that they were not in a position to send confidential complaints (i.e. in a sealed envelope) to an outside authority. Senior officials from the Penitentiary Department affirmed that letters to the Public Defender, judges, prosecutors and lawyers were not read by prison staff; however, the procedure observed on the spot at the establishments visited indicated the opposite. Moreover, the low number of complaints lodged by prisoners (including no complaints at all at Prison No. 3 in Batumi) suggested that inmates lacked confidence in the complaints system.

The CPT reiterates its recommendation that the Georgian authorities ensure forthwith that all prisoners (both remand and sentenced), throughout the penitentiary system, have confidential access to the bodies authorised to receive complaints. Where required, practical measures should be taken to make sure complaints are transmitted confidentially (for example: providing envelopes; installing locked complaint boxes accessible to prisoners, to be opened only by specially designated persons).

141. As regards inspection procedures, penitentiary establishments continue to be visited by a variety of bodies (prosecutors, the Ministry of Justice Inspection and Monitoring Departments, the Office of the Public Defender, etc.). However, the delegation was informed that visits by the monitoring board composed of representatives of NGOs had ceased at the beginning of 2004. **The CPT would like to receive more information on this matter.**

III. RECAPITULATION AND CONCLUSIONS

142. The visit in November 2003 formed part of the CPT's programme of periodic visits for 2003 and was the Committee's second visit to Georgia. However, given the political situation in the country in November 2003, the CPT's delegation was not in a position to complete its intended programme, and in particular could not travel to the Autonomous Republic of Ajara. A prolongation of the visit therefore took place in May 2004; its main purpose was to examine the treatment of persons detained in Ajara as well as conditions of detention in this part of Georgia.

A. Establishments under the authority of the Ministry of Internal Affairs

143. In the course of the visit in November 2003, the CPT's delegation received a number of allegations of physical ill-treatment by the police. Some of the allegations concerned the disproportionate use of force at the time of apprehension. However, the majority of the allegations related to ill-treatment at the time of questioning by police officers in charge of gathering evidence, with a view to obtaining confessions or other information. The forms of ill-treatment alleged concerned, for the most part, slaps, punches, kicks and blows struck with truncheons; some allegations were also heard of suspension and the infliction of electric shocks. In a number of cases, the severity of the ill-treatment alleged was such that it could be considered as amounting to torture.

In contrast, during the prolongation of the visit in May 2004, in Ajara, the delegation heard only few allegations of physical ill-treatment by the police of persons suspected of criminal offences. The allegations which were received related for the most part to the time of questioning and mainly concerned slaps, punches or kicks.

No allegations were received of ill-treatment by custodial staff working at the temporary detention isolators visited in November 2003 and May 2004.

144. In the report on its first periodic visit to Georgia in 2001, the CPT concluded that criminal suspects ran a significant risk of being ill-treated by the police, and that on occasion resort may be had to severe ill-treatment/torture. In the light of the facts found during the second periodic visit, the Committee maintains this assessment.

In the report on the 2001 visit, the CPT made a number of recommendations designed to combat torture and other forms of ill-treatment. The delegation which carried out the second periodic visit to Georgia was pleased to note that a number of positive steps had been taken since 2001. These steps include improved detection and reporting of injuries observed on persons arriving at remand prisons from the police, a significant drop in the number of violations of the legal provisions on the duration of police custody, the setting up of a Human Rights Department at the Prosecutor General's Office, as well as the adoption in September 2003 of a national Plan of action against torture.

Nevertheless, concern about the persistence of ill-treatment by the police was expressed by many of the delegation's high-level interlocutors. The delegation's observations suggest that more can be done to improve co-ordination between the different Ministries and agencies involved. It also became clear during the visit that much remains to be done to improve accountability at the local level.

145. To prevent ill-treatment by the police, the CPT has proposed measures concerning in particular the integration of human rights concepts into practical professional training and the stepping up of the training of investigators and police operational staff in modern interrogation and investigation techniques. The Committee has also stressed once again the action to be taken by judges whenever criminal suspects brought before them at the end of police custody allege ill-treatment.

Further, the CPT has welcomed the proactive approach adopted by the Ministry of Justice as regards improving the detection and reporting of injuries observed on persons admitted to pre-trial establishments from the police.

146. In the report on the 2001 visit, the CPT made a number of recommendations and comments designed to strengthen the formal safeguards against ill-treatment offered to persons deprived of their liberty by the police. The delegation which carried out the second periodic visit noted that some improvements had taken place, in particular related to amendments to the Code of Criminal Procedure. Despite these positive changes, certain problems remain in practice. The CPT has therefore recommended that the Georgian authorities take all the necessary steps to render fully effective in practice the rights to notification of deprivation of liberty, access to a lawyer and access to a doctor for all persons in police custody, as from the very outset of their deprivation of liberty.

The Committee has also recommended that the form setting out the rights of persons suspected of having committed criminal offences be given systematically to all persons apprehended by the police at the very outset of their custody, and that the persons concerned be asked to sign a statement attesting that they have been informed of their rights.

Further, in the light of the facts found in the course of the second periodic visit, the CPT has called upon the Georgian authorities to draw up a code of conduct of police interviews without further delay. Another recommendation reiterated by the Committee concerns the keeping of custody records, which should record all aspects of a person's custody and all the action taken in connection with it.

147. Conditions of detention in the temporary detention isolators visited remained on the whole inadequate, with the notable exception of the isolator of the Ministry of Internal Affairs in Batumi. The CPT has identified a number of specific measures designed to remedy the shortcomings observed. In particular, cells should have adequate in-cell lighting (which preferably should include access to natural light) and ventilation; all detained persons should be provided with clean mattresses and blankets, offered food at normal meal times and guaranteed access to outdoor exercise for at least one hour per day.

As regards cells in District Divisions of Internal Affairs, at the establishments where they continued to be used, conditions were deficient in many respects: the cells were small, dark, unventilated, dilapidated and dirty. Further, no food was supplied to detainees and there was no possibility for outdoor exercise. The CPT has recommended that conditions of detention in District Divisions of Internal Affairs be reviewed in the light of the general criteria set out in the report.

B. Establishments under the authority of the Ministry of Security

148. The delegation heard no allegations of ill-treatment of inmates by staff at the temporary detention isolator of the Ministry of Security in Batumi.

The establishment was intended for detention periods of up to 72 hours. However, out of the eleven persons held there at the time of the visit, seven were sentenced prisoners who had spent periods ranging from one to nine years at the establishment. This anomaly was about to be corrected, following the introduction of direct presidential rule in Ajara. The CPT has requested information on the plans for the future use of the temporary detention isolator of the Ministry of Security in Batumi.

C. Establishments under the authority of the Ministry of Justice

149. The CPT's delegation heard no allegations of torture or other forms of physical ill-treatment of inmates by staff in the penitentiary establishments visited. Overall, relations between staff and prisoners were relaxed. As regards in particular the Penitentiary establishment for women No. 5 in Tbilisi, the delegation noted that there was good contact between staff and prisoners.

However, the severe shortage of prison staff and the low proportion of staff working in prisoner accommodation areas at the Strict-regime penitentiary establishment No. 2 in Rustavi and Prison No. 5 in Tbilisi made it difficult to control the situation and increased the risk of inter-prisoner violence. Further, the existence of informal power structures among prisoners, controlling life inside the establishments, gave rise to cases of extortion and intimidation. The Committee has therefore proposed steps to prevent inter-prisoner exploitation, intimidation and violence.

150. More generally, the CPT has expressed concern at the lack of progress in numerous areas of the Georgian penitentiary system. The Committee's report on the visit in 2001 contained a number of recommendations, some of an urgent nature. The CPT recognised that the implementation of certain of its recommendations might require considerable budgetary expenditure going beyond the current financial capacity of the Georgian authorities; however, other recommendations did not have important financial implications and could be implemented without delay. Unfortunately, the facts found during the second periodic visit indicate that many of the recommendations made after the visit in 2001 have not been implemented, and that in some respects the situation has even deteriorated.

151. At the time of the visit in May 2004, the delegation was informed that the Georgian prison population had increased by some 700 inmates since January 2004. As a result, the overcrowding in the main pre-trial establishment in the country, Prison No. 5 in Tbilisi, had reached alarming levels. At the same time, with a few exceptions, the existing prison estate was in a very bad state of repair and some of the buildings were unusable. Consequently, conditions in many establishments were in flagrant violation of the provisions of both Georgian legislation and international standards.

The Georgian authorities have conceived a series of measures to address these problems. In the first place, efforts are being made to expand and refurbish the prison estate. Further, it is proposed to amend the Code of Criminal Procedure with a view to decreasing the length of pre-trial detention. However, the delegation's interlocutors admitted that the alternatives to imprisonment provided for in the existing legislation were used rather infrequently. The CPT has recommended that the Georgian authorities pursue the application of a range of measures designed to combat prison overcrowding, including policies to limit or modulate the number of persons sent to prison.

152. The unsatisfactory situation as regards programmes of activities for inmates was another problem evoked by the Georgian authorities and witnessed by the CPT's delegation. According to information provided by the Penitentiary Department, only 10% of prisoners in Georgia have work. The Committee has recommended that special measures be introduced with a view to ensuring that both sentenced and remand prisoners are provided with work, and that efforts be made to develop programmes of education and vocational training in all penitentiary establishments.

153. Prison No. 5 in Tbilisi was first visited by the CPT in 2001 and was the subject of a number of urgent recommendations in the subsequent visit report. During the second periodic visit, the delegation observed that the vast majority of inmates were subject to a combination of negative factors – gross overcrowding, appalling material conditions and levels of hygiene, absence of any regime activities – the cumulative effect of which could easily be described as inhuman and degrading treatment. As regards female prisoners and sick inmates, they were accommodated in life-threatening conditions.

Apart from the sentenced prisoners assigned to work at the establishment, no inmates were offered any form of organised activities. In May 2004, due to the overcrowding, the staff/prisoner ratio had reached a critically low level and, as a consequence, prisoners were not even offered outdoor exercise.

The above shortcomings were the subject of immediate observations from the delegation at the end of both parts of the visit. The Georgian authorities subsequently provided information on measures envisaged or already taken in the light of those observations. It is clear that a significant change in the situation can only take place after the completion of the new Prison No. 6 in Rustavi. In the meantime, measures are being taken to transfer female and juvenile prisoners from Prison No. 5 respectively to the Penitentiary establishment for women in Tbilisi and the Juvenile institution in Avchala. The CPT has called upon the Georgian authorities to take immediate steps in order to ensure at Prison No. 5 in Tbilisi that every prisoner has his own bed, that the metal shutters blocking cell windows are removed, and that the basement of the main detention block is taken out of service once and for all.

154. Material conditions of detention at Prison No. 3 in Batumi were in many aspects superior to those observed at Prison No. 5 in Tbilisi. The establishment was operating well below its official capacity and, with the exception of the situation in a few large cells, there was practically no overcrowding. One major deficiency was the presence of slatted metal shutters on cell windows which blocked access to natural light and ventilation. As regards the regime of activities, the delegation was pleased to note that at least one hour of outdoor exercise was offered on a daily basis. However, the vast majority of inmates had no work or other organised out-of-cell activities. The CPT has made a series of recommendations designed to remedy the shortcomings observed.

155. At Penitentiary establishment No. 5 for women in Tbilisi, the delegation observed that material conditions were in general of a very good standard and was impressed by the staff's professional attitude and positive interaction with inmates. However, only a small proportion of prisoners were engaged in work. Further, it is regrettable that, as part of the recent refurbishment, the large-capacity dormitories had not been divided into smaller units; such a development would offer increased privacy and allow a better allocation of prisoners according to their individual needs. The CPT has therefore invited the Georgian authorities to explore the possibility of introducing smaller capacity inmate accommodation at the establishment. The Committee has also stressed the need for a proactive approach on the part of staff in order to engage more prisoners in work and other purposeful activities (in particular education and vocational training).

156. Material conditions at the Juvenile institution in Avchala could generally be considered acceptable. However, the CPT has expressed concerns about the provision of food, clothing and personal hygiene items to juvenile inmates. As regards the regime of activities, in addition to the existing provision of schooling, there was substantial scope for developing other purposeful activities (e.g. sport, vocational training). The Committee has proposed several measures designed to improve the situation at the establishment.

157. At Strict-regime penitentiary establishment No. 2 in Rustavi, the appalling material conditions, the absence of regime activities, the inadequate health-care provision and the general sense of hopelessness combined to produce an environment which can only be described as an affront to human dignity. Given its present situation, the establishment should not be kept in service.

At the end of the visit in November 2003, the delegation made an immediate observation, requesting the Georgian authorities to draw up a plan of action for the replacement of Penitentiary establishment No. 2 in Rustavi. The Georgian authorities subsequently informed the CPT that their ultimate goal was to relocate prisoners to a new facility and demolish the existing buildings. However, this move had to await the completion of the new Prison No. 6 in Rustavi. In the meantime, steps had been taken to decrease the number of prisoners held at the establishment. The Committee has called upon the Georgian authorities to take all necessary steps to relocate the rest of the inmate population of Strict-regime penitentiary establishment No. 2 in Rustavi to other facilities offering humane conditions of detention.

158. The CPT has addressed a number of issues concerning health-care services at the penitentiary establishments visited (staff and facilities; medical screening on admission; medical records and confidentiality; tuberculosis). The health-care provision at Penitentiary establishment No. 5 for women and the Juvenile institution in Avchala was generally satisfactory. Further, some positive changes were observed at Prison No. 5 in Tbilisi; however, the Committee has recommended that the health-care staff team at that establishment be reinforced with additional feldshers and/or nurses and that the supply of appropriate medication and equipment be ensured.

The health care provided to inmates at Prison No. 3 in Batumi was in all respects sub-standard. The establishment employed only one feldsher. The fact that no doctor was employed meant that there were no possibilities for proper screening, diagnosis, treatment and follow-up of prisoners. The CPT has recommended that steps be taken immediately at Prison No. 3 in Batumi to ensure the regular attendance of a doctor and address other shortcomings observed.

As for Penitentiary establishment No. 2 in Rustavi, the only full-time doctor in post catered for both prisoners and staff. This totally unacceptable situation was compounded by an almost complete lack of medication and diagnostic means; consequently, basic health-care was not delivered. As already indicated, the inmates of this establishment should be relocated to other facilities.

159. In the report on the 2001 visit, the CPT made a number of recommendations aimed at developing a strategy for combating the spread of tuberculosis in the Georgian prison system. The delegation which carried out the second periodic visit was pleased to note that considerable progress had been made in this area. Prison No. 3 in Batumi remained an exception; the Committee has recommended that the Georgian authorities take immediate measures at that establishment to introduce systematic screening of prisoners for tuberculosis in accordance with the DOTS method for tuberculosis control and ensure that prisoners diagnosed as infectious are promptly transferred to a hospital facility for treatment.

160. The material environment at the Central Prison Hospital in Tbilisi, a facility first visited by the CPT in 2001, remained deficient and the establishment continued to lack the means to provide proper screening, diagnosis and treatment (with the exception of TB treatment). Recommendations have been made concerning material conditions, medical equipment and medication, staffing levels and the recording of instances of restraint of patients. Further, the Committee has called upon the Georgian authorities to review the admission and release procedures, so as to ensure that prisoners are admitted to the hospital according to strict diagnostic criteria and that the period of hospitalisation is not prolonged unjustifiably.

161. The CPT has made a number of recommendations and comments about other issues of relevance to its mandate. Particular attention has been paid to the situation of prison staff. The cornerstone of a humane prison system will always be properly trained and recruited prison staff who know how to adopt the appropriate attitude in their relations with prisoners and see their work more as a vocation than as a mere job.

Most of the establishments visited were seriously understaffed. Moreover, the working conditions of staff hardly differed from the living conditions of prisoners, which were often grossly inadequate. As a result, the prestige of the profession was low, and it was difficult to keep up morale and prevent staff turnover. The CPT has recommended that the Georgian authorities make strenuous efforts to improve staffing levels in prisoner accommodation areas, provide better conditions of service for prison staff and improve their training (both initial and ongoing). Further, the Committee has called upon the Georgian authorities to persevere in their efforts to stamp out corruption among prison staff.

D. Action on the CPT's recommendations, comments and requests for information

162. The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I.

163. As regards the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Georgian authorities to provide **within six months** a response giving a full account of action taken to implement them.

The CPT trusts that it will also be possible for the Georgian authorities to provide in the above-mentioned response reactions to the comments formulated in this report which are listed in Appendix I as well as replies to the requests for information made.

APPENDIX I

**LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS
AND REQUESTS FOR INFORMATION**

A. Establishments under the authority of the Ministry of Internal Affairs

1. Preliminary remarks

recommendations

- the Georgian authorities to take effective steps to inform and educate police staff of all ranks and functions of the implications of the new rules concerning detention by the police (paragraph 14).

comments

- the CPT trusts that steps will be taken to ensure that the legal restrictions on the duration of police custody are respected throughout the territory of Georgia (paragraph 15).

requests for information

- the comments of the Georgian authorities on the practice of taking detained persons back to police custody after the judge's decision to remand them in custody (paragraph 15);
- confirmation that the practice found in Ajara of transferring prisoners under investigation back to police custody has ended (paragraph 16).

2. Torture and other forms of ill-treatment

recommendations

- the Georgian authorities to develop the training of police officers, in the light of the remarks made in paragraph 22 (paragraph 22);
- whenever criminal suspects brought before a judge at the end of police custody allege ill-treatment by the police, the judge to record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of ill-treatment, the judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment (paragraph 23).

comments

- the Georgian authorities are invited to introduce a uniform nationwide system for the compilation of statistical information on complaints, disciplinary sanctions, and criminal proceedings/sanctions against police officers (paragraph 21);
- the training of police officers can be usefully supplemented by the drawing up of a Code of Police Ethics. In this connection, the Georgian authorities should take into account the principles and standards set out by the Council of Europe's Committee of Ministers in the European Code of Police Ethics (paragraph 22).

requests for information

- in respect of 2003 and 2004:
 - the number of complaints of torture and other forms of ill-treatment made against police officers;
 - the number of criminal and disciplinary proceedings which were instituted as a result of these complaints;
 - an account of criminal and disciplinary sanctions imposed (paragraph 21);
- the Georgian authorities' assessment of the results obtained from the initiative of periodic visits by a forensic doctor to Prison No. 5 in Tbilisi (paragraph 25).

3. Safeguards against ill-treatment of persons deprived of their liberty

recommendations

- the Georgian authorities to take all the necessary steps to render fully effective in practice the right of all persons deprived of their liberty by the police to inform a close relative or a third party of their choice of their situation, as from the very outset of their deprivation of liberty (i.e. from the moment when they are obliged to remain with the police). Further, the exercise of this right should be recorded in writing (paragraph 29);
- the Georgian authorities to take all the necessary steps to render fully effective in practice the right of access to a lawyer for all persons in police custody as from the very outset of their deprivation of liberty. Further, the exercise of this right should be recorded in writing (paragraph 31);

- the Georgian authorities to take all the necessary steps to render fully effective in practice the right of all persons in police custody to have access to a doctor as from the very outset of their deprivation of liberty. The following points on the subject of access to a doctor should be taken into account in the process of elaborating legislative amendments:
 - all medical examinations should be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a particular case - out of the sight of police staff;
 - the result of every examination, as well as any relevant statements by the detained person and the doctor's conclusions, should be formally recorded by the doctor and made available to the detainee and his lawyer;
 - the confidentiality of medical data should be strictly observed (paragraph 34);
- the form setting out the rights of persons in police custody to be given systematically to all persons apprehended by the police at the very outset of their custody. The contents of this form should reflect, inter alia, the recommendations made in paragraphs 29, 31 and 34. The form should be available in an appropriate range of languages. Further, the persons concerned should be systematically asked to sign a statement attesting that they have been informed of their rights (paragraph 36);
- a code of conduct of police interviews to be drawn up without further delay (paragraph 37);
- steps to be taken to ensure that custody registers kept at police establishments are brought in line with the considerations referred to in paragraph 39 (paragraph 39).

comments

- the Georgian authorities are invited to take further steps to ensure that the system of legal assistance for detained persons is fully effective in practice (paragraph 32);
- the form setting out the rights of detained persons made no reference to the right of notification of deprivation of liberty (paragraph 35);
- the prevention of ill-treatment by the police will require a fundamental change of attitude through improved recruitment and training, the availability of modern technological aids for evidence-gathering and enhanced surveillance techniques (paragraph 37);
- it is important that custody registers be kept by custodial staff and not by operative police officers or inquiry staff (paragraph 39).

4. Conditions of detention

recommendations

- steps to be taken at temporary detention isolators in order to ensure that:
 - in-cell lighting (which preferably should include access to natural light) and ventilation are adequate;
 - the state of repair and hygiene of the cells and common sanitary facilities are satisfactory, and in-cell toilet facilities are equipped with a partition;
 - detained persons are supplied with essential personal hygiene products (soap, toilet paper, etc.) and ensured access to washing facilities;
 - all detained persons are provided with a clean mattress and blankets;
 - detained persons are offered food – sufficient in quantity and quality – at normal meal times;
 - detained persons have access to outdoor exercise for at least one hour per day (paragraph 43);
- the Georgian authorities to review conditions of detention in District Divisions of internal Affairs. In particular, steps should be taken to ensure that:
 - cell lighting and ventilation are adequate;
 - persons detained overnight are provided with clean mattresses and blankets;
 - all detained persons are provided with food every day at appropriate times (paragraph 45);
- steps to be taken at the administrative detention and sobering-up centre in Batumi to ensure that:
 - in-cell lighting (including access to natural light) and ventilation are adequate;
 - the state of repair and hygiene of the cells and toilet are satisfactory;
 - persons detained overnight are provided with clean mattresses and blankets;
 - detained persons are ensured access to washing facilities;
 - administrative detainees are offered food at normal meal times;
 - administrative detainees are offered some form of activity (e.g. books, TV, etc.) (paragraph 47).

comments

- cells measuring less than 4 m² are only suitable for very short periods of detention, and should under no circumstances be used as overnight accommodation (paragraph 44);
- the Georgian authorities are invited to examine the possibility of offering to persons held in custody for 24 hours or more in District Divisions of Internal Affairs at least one hour of outdoor exercise per day (paragraph 45).

requests for information

- clarification of the permitted length of detention in cells at district police stations (paragraph 44);
- detailed information on the regulations and practice concerning the restraint of persons placed in sobering-up centres (paragraph 48).

B. Establishments under the authority of the Ministry of Security

requests for information

- the plans for the future use of the temporary detention isolator of the Ministry of Security in Batumi (paragraph 52).

C. Establishments under the authority of the Ministry of Justice

1. Preliminary remarks

recommendations

- the Georgian authorities to pursue the application of a range of measures designed to combat prison overcrowding, including policies to limit or modulate the number of persons sent to prison. In this connection, the Georgian authorities should take into account the principles and measures set out in Recommendation No. R (99) 22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, as well as Recommendation Rec (2003) 22 on conditional release (parole) (paragraph 57);
- special measures to be introduced with a view to ensuring that both sentenced and remand prisoners are provided with work. Further, efforts to be made to develop programmes of education and vocational training in all penitentiary establishments (paragraph 58);
- the Georgian authorities to take steps as a matter of priority to provide better conditions of service for prison staff and to improve their training (paragraph 59).

comments

- the CPT trusts that the recommendations and comments made in the present report will be taken into consideration in the preparation of the new Code for the implementation of sentences (paragraph 60).

requests for information

- detailed information on the new Prison No. 6 in Rustavi, in particular: its future official capacity; the intended living space per prisoner; the categories of prisoners to be held; the programmes of activities envisaged; and the staff resources foreseen (paragraph 56);
- information on progress made towards implementing the various measures contained in the action plan for reforming the penitentiary system (paragraph 60).

2. Ill-treatment

recommendations

- the Georgian authorities to take steps, in the light of the remarks made in paragraph 62, to prevent inter-prisoner exploitation, intimidation and violence (paragraph 62).

3. Conditions of detention

recommendations

- the Georgian authorities to take immediate steps in order to ensure at Prison No. 5 in Tbilisi that:
 - every prisoner has his own bed;
 - the metal shutters blocking cell windows are removed in order to allow access to natural light and adequate ventilation in all prisoner accommodation;
 - female and juvenile prisoners are transferred respectively to the Penitentiary establishment for women in Tbilisi and the Juvenile institution in Avchala;
 - the basement of the main detention block is taken out of service once and for all;
 - all prisoners are guaranteed at least one hour of outdoor exercise per day (paragraph 75);

- steps to be taken at Prison No. 3 in Batumi to:
 - remove as a matter of priority the shutters covering cell windows;
 - progressively reduce cell occupancy levels, aiming at a standard of 4 m² of living space per prisoner;
 - increase the quantity and improve the quality of food;
 - continue the refurbishment of the cells, following the standard set in the cell which has already benefited from refurbishment;
 - enable all prisoners to have access to the bathroom at least once a week;
 - develop the programme of activities for inmates; the objective should be that all prisoners (including those on remand) spend a reasonable part of the day outside their cells engaged in purposeful activities. In this connection, once the indoor gym under construction has been completed, access to it should be offered to all inmates (and not only sentenced prisoners working at the establishment);
 - ensure that juvenile prisoners are offered educational and recreational activities which take into account the specific needs of their age group. Physical education should form a major part of that programme;
 - improve the outdoor exercise facilities, in order to allow prisoners to physically exert themselves
(paragraph 82);
- the Georgian authorities to pursue efforts to develop the programme of activities at Penitentiary establishment No. 5 for women in Tbilisi. A pro-active approach is required on the part of staff in order to engage more prisoners in work and other purposeful activities (in particular, education and vocational training) (paragraph 90);
- the Georgian authorities to take steps at the Juvenile institution in Avchala in order to:
 - ensure without delay that all juveniles are offered food in adequate quantity and of appropriate variety;
 - improve artificial lighting and ensure that all accommodation areas are adequately heated and maintained in a clean condition;
 - ensure that all juveniles are provided with full bedding in a decent condition and suitable clothing;
 - refurbish the sanitary facilities and ensure that they are maintained in an adequate state of cleanliness;
 - provide juveniles with sufficient amounts of essential hygiene products and cleaning materials
(paragraph 95);
- steps to be taken to enlarge the offer of activities at the Juvenile institution in Avchala, in the

light of the remarks made in paragraph 98 (paragraph 98);

- the Georgian authorities to take all necessary steps to relocate the rest of the inmate population of Strict-regime penitentiary establishment No. 2 in Rustavi to other facilities offering humane conditions of detention (paragraph 105).

comments

- the Georgian authorities are invited to explore the possibility of introducing smaller capacity inmate accommodation at Penitentiary establishment for women No. 5 in Tbilisi (paragraph 86);
- the Georgian authorities are invited to explore the possibility of introducing smaller capacity accommodation for inmates at the Juvenile institution in Avchala (paragraph 96).

4. Health-care services

recommendations

- the Georgian authorities to take urgent steps at Prison No. 5 in Tbilisi to
 - reinforce the health-care staff team with additional feldshers and/or nurses;
 - ensure the supply of appropriate medication and equipment (paragraph 106);
- immediate steps to be taken at Prison No. 3 in Batumi to:
 - ensure the regular attendance of a doctor; the requirement that the doctor's post should be filled by a holder of a certificate in health care and organisation must not be allowed to impede the finding of a solution to this pressing problem;
 - improve the provision of dental care to prisoners;
 - ensure that all prisoners in need of medical examination and/or treatment are transferred to outside hospital facilities;
 - ensure the supply of appropriate medication in sufficient quantities (paragraph 107);
- the precepts referred to in paragraph 109 to be borne in mind in the provision of health care to prisoners throughout Georgia (paragraph 109);

- the initial examination of newly-arrived prisoners at Prison No. 3 in Batumi to be considerably developed. It should include an external examination of the prisoner's body and the recording of any injuries observed in a specific register, proper screening for transmissible diseases and a clinical examination. It is clear that this objective can only be achieved when a doctor is put in charge of the health-care service at the prison (paragraph 115);
- a personal and confidential medical file to be opened for each prisoner at Prison No. 5 in Tbilisi and Prison No. 3 in Batumi, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of his treatment, including any special examinations he has undergone. The prisoner should be able to consult his medical file, unless this is inadvisable from a therapeutic standpoint, and to request that the information it contains be made available to his family or lawyer. In the event of transfer, the file should be forwarded to the doctors of the receiving establishment (paragraph 116);
- all medical examinations to be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of the sight of non-medical prison staff and law enforcement officials (paragraph 117);
- the Georgian authorities to take immediate measures at Prison No. 3 in Batumi to:
 - introduce systematic screening of prisoners for tuberculosis in accordance with the DOTS method for tuberculosis control;
 - ensure that prisoners diagnosed as BK positive are promptly transferred to a hospital facility for treatment (paragraph 120);
- the Georgian authorities to take urgent steps at the Central Prison Hospital in Tbilisi in order to:
 - review the admission and release procedures, so as to ensure that prisoners are admitted to the hospital according to strict diagnostic criteria and that the period of hospitalisation is not prolonged unjustifiably; in this connection, the situation in the internal diseases ward merits particular attention;
 - improve material conditions for inmates in the hospital, in the light of the remarks in paragraph 122;
 - improve the quality of the food and refurbish the kitchen;
 - upgrade the hospital's medical equipment, especially as regards the surgical ward;
 - ensure that the hospital is regularly supplied with appropriate medication and materials;
 - fill the vacant doctors' and nurses' posts;
 - introduce a specific register for recording every instance of restraint of a patient (paragraph 129).

comments

- the fact that prisoners at Penitentiary establishment No. 2 in Rustavi who had given sputum samples were not put in quarantine while awaiting the results of the microscopy risks undermining the efficiency of the screening method (paragraph 118);
- giving a prisoner free reign to exploit his wealth can quickly become a source of both corruption and resentment (paragraph 122);
- psychiatric patients at the Central Prison Hospital should be offered a range of therapeutic and rehabilitative activities, including access to occupational therapy and group and individual psychotherapy. As far as possible, appropriate activities and means of recreation should also be made available to other patients, especially those likely to stay at the hospital for a prolonged period (paragraph 129).

requests for information

- the possibilities under Georgian legislation for compassionate release of prisoners unsuited to continued detention (paragraph 108);
- the precise criteria according to which prisoners bearing injuries upon arrival are selected for examination by the forensic doctor visiting Prison No. 5 in Tbilisi, and whether this system will be extended to other pre-trial establishments in Georgia (paragraph 115).

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

recommendations

- the Georgian authorities to make strenuous efforts to improve staffing levels in prisoner accommodation areas of the establishments visited, in the light of the remarks made in paragraph 130 (paragraph 130).
- the Georgian authorities to persevere in their efforts to stamp out corruption among prison staff (paragraph 132);
- the Georgian authorities to give high priority to the advancement of prison staff training, both initial and ongoing (paragraph 133);
- the Georgian authorities to amend the relevant legislation in order to ensure that remand prisoners are entitled to receive visits as a matter of principle. Any refusal by the competent authority to permit such visits should be specifically substantiated by the needs of the investigation, require the approval of a body unconnected with the case at hand and be applied for a specified period of time (paragraph 134);
- steps to be taken to increase the capacity of the visiting facilities at Prison No. 5 in Tbilisi and Prison No. 3 in Batumi (paragraph 134);

- the possibility of introducing more open visiting arrangements for remand prisoners to be explored (paragraph 134);
- the Georgian authorities to increase the official visiting entitlement of sentenced male prisoners so as to ensure that all prisoners can receive at least one short-term or one long-term visit per month (paragraph 135);
- conditions in the visiting facilities in the penitentiary establishments visited to be reviewed, in the light of the remarks made in paragraph 136 (paragraph 136);
- steps to be taken to guarantee that all prisoners facing disciplinary charges are heard in person by the deciding authority on the subject of the offence they are alleged to have committed. Inmates should be systematically informed, in writing, of their right to appeal against any disciplinary sanctions imposed (paragraph 137);
- steps to be taken to improve material conditions in the disciplinary cells of the establishments visited, in the light of the remarks made in paragraph 138. As regards the disciplinary cells at Prison No. 5 in Tbilisi, reference is made to the recommendation in paragraph 75 concerning the taking out of service of all basement cells (paragraph 138);
- the Georgian authorities to take steps to ensure throughout the country that prisoners placed in disciplinary cells are guaranteed at least one hour of outdoor exercise per day (paragraph 139);
- the Georgian authorities to ensure forthwith that all prisoners (both remand and sentenced), throughout the penitentiary system, have confidential access to the bodies authorised to receive complaints. Where required, practical measures should be taken to make sure complaints are transmitted confidentially (for example: providing envelopes; installing locked complaint boxes accessible to prisoners, to be opened only by specially designated persons) (paragraph 140).

comments

- it must be ensured that all staff called upon to perform duties in a prison context receive appropriate training for their task (paragraph 131).

requests for information

- the progress of the plans of the Penitentiary Department of the Ministry of Justice to confer perimeter security to servicemen or reservists (paragraph 131);
- the plans to set up a training centre for prison staff and the progress made (paragraph 133);
- why visits by the monitoring board composed of representatives of NGOs have ceased since the beginning of 2004 (paragraph 141).

APPENDIX II

**LIST OF THE NATIONAL AUTHORITIES AND NON-GOVERNMENTAL
AND INTERNATIONAL ORGANISATIONS WITH WHICH
THE CPT'S DELEGATION HELD CONSULTATIONS**

First part of the visit (18 - 28 November 2003)

A. National authorities

Ministry of Justice

Mr Giorgi TSKRIALASHVILI	Acting Minister
Mr Kakha KOBERIDZE	Deputy Minister
Mr Giorgi DJANASHIA	Head of Monitoring Department of reform of the penitentiary system
Mr Archil BORDJADZE	Head of Medical Department
Mr Badri BALAVADZE	Deputy Head of Medical Department
Ms Natia SULAVA	Deputy Head, International Legal Relations Department

Ministry of Internal Affairs

Mr David JINJOLAVA	Head of the General Inspection
Mr Gela TSIKLAURI	Deputy Head of the General Inspection
Mr Alexander KIKABIDZE	Deputy Head of the General Inspection
Mr David MTCHEDLISHVILI	Head of Human Rights Department

Ministry of Labour, Health-care and Social Protection

Mr Amiran GAMKRELIDZE	Minister
Mr Merab KORCHILAVA	Deputy Minister
Mr Temur SILAGADZE	Head of Psychiatric Department

Ministry of Foreign Affairs

Mr Kaha SIHARULIDZE	Deputy Minister
---------------------	-----------------

Prosecutor General's Office

Mr Venedi BENIDZE	Deputy Prosecutor General
Mr Giorgi TVALAVADZE	Deputy Prosecutor General
Ms Tamar IASASHVILI	Head of Human Rights Department

National Security Council

Ms Rusudan BERIDZE

Deputy Secretary on Human Rights Issues

Mr Malkhaz KAKABADZE

Minister for Special Affairs

B. Non-governmental organisations

Civil Coordination Council

“Empathy”

“Former Political Prisoners for Human Rights”

Georgian Young Lawyers Association

Human Rights Information and Documentation Centre

Human Rights Directorate of Caucasus

C. International organisations

Delegation of the European Commission to Georgia and Armenia

Delegation of the ICRC in Tbilisi

OSCE

UNHCR

Prolongation of the visit (7 - 14 May 2004)

A. National authorities

Ministry of Justice

Mr George PAPUASHVILI

Minister

Mr Zurab ABASHIDZE

Deputy Minister

Mr Tinatin BURJALIANI

Special Representative of Georgia at ECHR

Ministry of Internal Affairs

Mr David JINJOLAVA

Head of the General Inspection

Prosecutor General's Office

Mr Kalha KOBERIDZE
Ms Tamar IASASHVILI

Deputy Prosecutor General
Head of Human Rights Department

Public Defender's Office

Mr Temur LOMSADZE

Acting Public Defender

B. International organisations

Delegation of the European Commission to Georgia and Armenia
Delegation of the ICRC in Tbilisi