

## **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 19 to 23 November 2012**

The Georgian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2013) 19.

Strasbourg, 31 July 2013

**CONTENTS**

<b>Copy of the letter transmitting the CPT’s report.....</b>	<b>3</b>
<b>I. INTRODUCTION.....</b>	<b>4</b>
<b>A. Dates and context of the visit and composition of the delegation .....</b>	<b>4</b>
<b>B. Consultations held by the delegation and co-operation received .....</b>	<b>6</b>
<b>II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED .....</b>	<b>7</b>
<b>A. Investigations into cases of alleged ill-treatment of prisoners .....</b>	<b>7</b>
<b>B. Measures affecting Georgia’s prison system .....</b>	<b>11</b>
<b>C. Situation observed by the CPT’s delegation in the prisons visited.....</b>	<b>15</b>
1. Preliminary remarks .....	15
2. Ill-treatment .....	15
3. Conditions of detention .....	17
4. Health care .....	19
a. introduction .....	20
b. role of prison health-care services in the prevention of ill-treatment .....	21
c. other aspects of prison health-care services .....	22
5. Other issues of relevance to the CPT’s mandate .....	24
<b>APPENDIX I:</b>	
<b>List of the CPT’s recommendations, comments and requests for information .....</b>	<b>28</b>
<b>APPENDIX II:</b>	
<b>List of the national authorities with whom the CPT’s delegation held consultations .....</b>	<b>34</b>

**Copy of the letter transmitting the CPT's report**

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GEORGIA

Strasbourg, 21 March 2013

Dear Mr Khojevanishvili,

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 Georgian Government 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 19 to 23 November 2012. The report was adopted by the CPT at its 80th meeting, held from 4 to 8 March 2013.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Georgian authorities to provide **within three 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 that response reactions to the comments formulated in this report as well as replies to the requests for information made.

The CPT would ask, in the event of the response being forwarded in the Georgian language, that it be accompanied by an English or French translation.

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

Yours sincerely,

Latif Hüseyinov  
President of the European Committee for  
the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

## I. INTRODUCTION

### A. Dates and context 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 19 to 23 November 2012<sup>1</sup>. The visit was one which appeared to the Committee “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention).

2. On 18 September 2012, video material containing scenes of apparent ill-treatment (including sexual abuse) of inmates at Prison No. 8 in Tbilisi (Gldani) was placed in the public domain<sup>2</sup>.

In a statement of 19 September 2012, the President of Georgia stressed that “those who organised, committed and allowed these crimes to happen will be severely punished” and that such behaviour will not be tolerated. The CPT welcomes such a statement, made at the highest political level.

On the same date, the Georgian Prosecution Service announced that it had initiated an investigation into the ill-treatment of prisoners by staff at Gldani under Articles 144<sup>1</sup> (torture) and 144<sup>3</sup> (inhuman and degrading treatment) of the Criminal Code, and that more than ten staff members of Prison No. 8 in Tbilisi had already been charged under these provisions. According to the Prosecution Service’s statement, the investigation was in progress in order to identify other suspects.

3. On 20 September 2012, the CPT sent a letter to the Georgian authorities, pursuant to Rule 28 (1) of the Committee’s Rules of Procedure<sup>3</sup>. The Committee expressed its great concern about the above-mentioned video material, recalling in this context that, in the report on its 2010 visit to Georgia, the Committee had drawn the attention of the Georgian authorities to allegations it had received of the ill-treatment of inmates at Prison No. 8 in Tbilisi and had recommended that appropriate steps be taken to ensure that prison staff at Gldani do not abuse their authority and resort to such acts<sup>4</sup>.

The CPT requested to receive, by 27 September 2012, further information on the preliminary results of the investigations into the above-mentioned cases of ill-treatment of prisoners by staff at Gldani, including copies of any forensic medical reports. The Committee also requested to be provided with a full account of other action already taken or envisaged with a view to preventing any repetition of such abuses at Prison No. 8 in Tbilisi or other penal institutions.

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<sup>1</sup> The CPT has previously carried out four periodic visits (May 2001; November 2003/May 2004; March/April 2007 and February 2010) to Georgia, as well as a visit to Abkhazia, Georgia in April/May 2009. The reports on these visits and the responses of the Georgian authorities are available on the Committee’s website (<http://www.cpt.coe.int>).

<sup>2</sup> See, for example, [www.civil.ge/eng/article.php?id=25220](http://www.civil.ge/eng/article.php?id=25220).

<sup>3</sup> Use of this provision makes it clear to the State concerned that the CPT is considering carrying out a visit.

<sup>4</sup> See paragraphs 49 and 50 of CPT/Inf (2010) 27.

4. A substantial response to the CPT's letter was received from the Georgian authorities on 27 September 2012, and the Georgian Government also took this opportunity to invite the Committee to high-level talks on the situation in the Georgian penitentiary system. By letter of 5 October 2012, the CPT accepted the invitation; however, it added that, in the light of the political situation at that time<sup>5</sup>, it would be preferable to wait before agreeing upon the precise dates for the high-level talks.

5. In a letter sent to the Georgian authorities on 5 November 2012, the Committee informed the Georgian authorities of its intention to carry out a visit to Georgia as from 19 November 2012. The visit started with high-level talks with the Georgian authorities. The purpose of the talks was to discuss the progress of investigations referred to in paragraph 2 above and additional measures aimed at preventing ill-treatment in penal institutions. In addition, the CPT's representatives sought information on the new Government's plans concerning reform of the prison system and of the criminal justice system in general.

Following the high-level talks, the Committee's delegation examined the treatment of persons held at Prison No. 8 in Gldani and Prison No. 2 in Kutaisi<sup>6</sup>.

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

- Lətif HÜSEYNOV, President of the CPT (Head of delegation)
- Haritini DIPLA, Acting 1<sup>st</sup> Vice-President of the CPT
- Djordje ALEMPIJEVIĆ
- Celso DAS NEVES MANATA
- Marzena KSEL
- Ana RACU

who were supported by Borys WÓDZ (Head of Division) of the CPT's Secretariat.

They were assisted by:

- Lali DOUGLAS-HAMILTON (interpreter)
- Tamriko MIKADZE (interpreter)
- Mara TSAKADZE (interpreter).

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<sup>5</sup> Following the outcome of Parliamentary elections, which had taken place in Georgia on 1 October 2012, a new Government had yet to be formed.

<sup>6</sup> See paragraph 17.

**B. Consultations held by the delegation and co-operation received**

7. In the course of the high-level talks, the CPT's delegation held consultations with Tea TSULUKIANI, Minister of Justice, Sozar SUBARI, Minister of Corrections and Legal Assistance, and Archil KBILASHVILI, Chief Prosecutor.

Further, the delegation held discussions with Tata KHUNTSARIA, Acting Public Defender, and members of the Special Preventive Group of the Public Defender's Office<sup>7</sup>. In addition, the delegation had separate meetings with Eka BESELIA and Chiora TAKTAKISHVILI, respectively Chairperson and Deputy Chairperson of the Human Rights and Civil Integration Committee of the Georgian Parliament.

The CPT is grateful for the time devoted to its delegation by the above-mentioned persons and the constructive exchange of views.

A full list of the persons consulted during the visit is set out in Appendix II to this report.

8. The co-operation received during the visit – both from the national authorities and from management and staff at Prison No. 8 in Gldani and Prison No. 2 in Kutaisi – was of a high standard. The delegation enjoyed immediate access to the places visited and was able to speak in private with persons deprived of their liberty, in compliance with the provisions of the Convention. Further, the delegation had access to all the necessary documentation.

Particular words of thanks go to Mr Gigi KHOJEVANISHVILI, Head of the International Relations Department of the Ministry of Corrections and Legal Assistance, the CPT's Liaison Officer.

9. As had been made clear by the Committee in the past, the principle of co-operation is not limited to steps taken to facilitate the task of visiting delegations. It also requires that decisive action be taken in response to the CPT's recommendations. In this respect, the Committee is concerned to note that several important recommendations made after the 2010 visit with respect to the Georgian prison system (in particular, those regarding prison overcrowding, programmes of activities for inmates and prison health-care services) remain unimplemented.

In the course of the high-level talks held during the visit, the Georgian authorities provided information on an ambitious set of measures aimed at tackling the problem of prison overcrowding<sup>8</sup>. However, action is also required to address the other two issues identified above, in the light of the recommendations set out in this report.

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<sup>7</sup> Which fulfils the functions of a National Preventive Mechanism under the OPCAT.

<sup>8</sup> At the time of the visit, Georgia had Europe's second highest prison population rate (473 inmates per 100,000 of national population). Data as of the end of October 2012, source: International Centre for Prison Studies, [www.prisonstudies.org/info/worldbrief/wpbcountry.php?country=122](http://www.prisonstudies.org/info/worldbrief/wpbcountry.php?country=122).

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Investigations into cases of alleged ill-treatment of prisoners

10. As already mentioned, one of the main reasons for this ad hoc visit – and especially for the high-level talks – was for the CPT to obtain updated information on the investigations into cases involving allegations of ill-treatment of prisoners, which had been initiated following the publication of the videos referred to in paragraph 2 above. This was in particular the subject of the Committee’s representatives’ meeting with the Chief Prosecutor, Mr Archil Kbilashvili.

11. Mr Kbilashvili began the meeting by stating that, following his appointment on 31 October 2012, he had called upon any person considering him/herself a victim of a crime committed prior to the Parliamentary elections of 1 October 2012 to submit a complaint to the Chief Prosecutor’s Office. By the time of the meeting with the CPT’s representatives (on 19 November 2012), approximately 3.000 such complaints had been received, over 50% of them apparently relating to alleged ill-treatment of prisoners (especially at Gldani and Kutaisi prisons). Mr Kbilashvili added that, given the serious staff-related constraints at his Office<sup>9</sup>, the examination of these complaints would likely take some time. **The CPT would like to be kept informed of the progress of consideration of these complaints, insofar as they relate to the alleged ill-treatment of persons deprived of their liberty. The Committee would also like to be informed, in due course, of the outcome of any formal investigations initiated, including criminal and/or disciplinary sanctions applied.**

12. Turning more specifically to the investigation into the alleged ill-treatment of prisoners at Gldani Prison, Mr Kbilashvili confirmed that it was ongoing and that all twelve persons detained in connection with the investigation (including the former director of Gldani Prison and some other senior officials of the Penitentiary Department) were still remanded in custody<sup>10</sup>. He went on to say that it was established that ill-treatment of prisoners by staff of Gldani Prison had been a “daily, systematic practice”. All the persons involved – both the staff and the inmates – had already been interviewed and all confirmed that assertion. Reportedly, the purpose of this ill-treatment was to obtain prisoners’ obedience to the prison’s administration and to secure their co-operation, as well as to destroy any possible influence of informal prisoner power structures. Mr Kbilashvili stated that the bulk of the ill-treatment had taken place shortly after arrival to prison (usually on the day when the prisoners were moved from the “quarantine” cells to normal accommodation) and that prisoners aged below 40 had been particularly targeted.

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<sup>9</sup> At the time of the high-level talks, the Chief Prosecutor’s Office employed 14 investigators at the Tbilisi Headquarters and another 43 in the regions. The plan was to recruit within a short period of time 11 more investigators to work in Tbilisi, and an additional ten in the medium term (so as to reach the number of 35 investigators working at the Headquarters).

<sup>10</sup> Concerning a 13th person, who had fled the country and had been charged *in absentia*, see paragraph 14 below.

13. Regarding the evidence gathered, Mr Kbilashvili informed the CPT's representatives that it was not the intention of his services to rely exclusively on witness testimonies and statements of the accused. Until the day of his meeting with the Committee's representatives, nine forensic medical reports had been ordered. One of the alleged victims had refused to undergo a forensic medical examination, one forensic medical report was already drafted while the remaining seven were still under preparation. **The CPT would like to be provided with copies of all the eight forensic medical reports, at the earliest opportunity.**

14. The Committee's representatives were also offered the possibility to discuss the progress of the above-mentioned investigation with the senior investigators directly in charge. They informed the CPT's members that materials concerning the Gldani case had been sent to the Chief Prosecutor's Office from the Penitentiary Department of the Ministry of Corrections and Legal Assistance at the end of September 2012. These materials suggested that staff members of Gldani Prison, including Mr Vladimir Bedukadze<sup>11</sup>, had been torturing and severely ill-treating prisoners.

As regards the video footage itself, the investigators pointed out that, in their view, there were three categories of videos. One part of the footage referred to ill-treatment that had reportedly taken place in the course of 2011. A second part (dating back to August 2012) allegedly showed the ill-treatment of prisoners in the course of the so-called "dissolution of quarantine"<sup>12</sup>, during which senior prison officials were said to have been present. The third part was reportedly "made up" by the previous authorities after they had learned of the existence of the second footage. According to the investigators, the purpose of this third footage (which also reportedly contained scenes of authentic ill-treatment of prisoners) was to create the impression that the ill-treatment had been an isolated incident, swiftly identified and suitably dealt with by the previous authorities<sup>13</sup>.

It was this "manipulated" footage that was reportedly published on 18 September 2012 on the official website of the Georgian Ministry of Interior, a few hours before the second footage, reportedly originating from Mr Bedukadze<sup>14</sup>, was disseminated by two TV channels (Maestro and Channel 9). In an official statement of 18 September 2012, the Ministry of Interior declared that the ill-treatment had taken place upon instigation and payment by Mr Tamaz Tamazashvili<sup>15</sup> (who was then serving a sentence for illegal arms possession at Gldani Prison), with the aim of discrediting the Georgian prison system and the authorities in general in the run-up to the Parliamentary elections.

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<sup>11</sup> Author of the videos published on 18 September 2012.

<sup>12</sup> I.e. the weekly procedure for dispatching newly-arrived inmates from the « quarantine » area to the ordinary accommodation.

<sup>13</sup> On 21 December 2012, the Chief Prosecutor's Office issued a statement according to which the above-mentioned "manipulated" footage had been made public upon the order of the then-Minister of Justice Mr Zurab Adeishvili (who had left Georgia shortly after the Parliamentary elections of 1 October 2012). Mr Adeishvili was accused of having ordered the then-Head of Penitentiary Department to organise beatings of prisoners and to film them. On 29 December 2012, the Chief Prosecutor's Office brought criminal charges *in absentia* against Mr Adeishvili, in connection with "organising the inhuman treatment of inmates", *inter alia* for abuse of power, inhuman treatment of an official, provoking a crime and fabricating evidence. Mr Adeishvili is currently subject to an international arrest warrant.

<sup>14</sup> Mr Vladimir Bedukadze returned to Georgia in January 2013; he was first arrested but then released on bail.

<sup>15</sup> Mr Tamazashvili was the former Head of Police in the region of Kakheti, and father-in-law of Mr Irakli Garibashvili, current Minister of Interior and then a close associate of Mr Bidzina Ivanishvili (leader of the opposition Georgian Dream coalition and currently Prime Minister).



15. The investigators directly in charge informed the CPT's representatives that, prior to the appointment of the new Chief Prosecutor (on 31 October 2012), investigative activities into the Gldani case had focused on arresting and interviewing the prison officers who appeared on the "manipulated" video. In addition, following the publication of the second footage by Maestro TV and Channel 9, high-ranking officials featuring on that video were also arrested, interviewed and charged. Other investigative actions carried out prior to the appointment of Mr Kbilashvili as Chief Prosecutor included: interviewing the alleged victims of ill-treatment (prisoners), examination of all the video footage, ordering five forensic medical reports, as well as ordering a forensic voice analysis ("phonoscopic expertise").

16. After the appointment of Mr Kbilashvili (and transfer of the case to the senior investigators in charge, on 5 November 2012), the focus of the investigation shifted. In addition to activities aiming at clarifying the alleged facts of ill-treatment of prisoners at Gldani Prison, the investigative team concentrated its attention on demonstrating the "systemic" character of the ill-treatment problem in Georgian prisons and the "manipulation" of the video footage by the previous authorities.

Consequently, the actual investigative steps taken after 5 November 2012 had essentially consisted of interviewing four officials of the Penitentiary Department accused of manipulating the footage, and attempting to identify additional persons in the second footage (through the phonoscopic and facial expertise). Further efforts were being directed at finding out whether the officials charged had been involved in other illegal acts, with the purpose of substantiating the hypothesis of a large-scale, systematic practice.

One senior investigator in charge stated that the criminal investigation into the Gldani case was almost completed. It was expected that the indictment related with the particular episodes shown on the video footages would be submitted to the court in the first half of January 2013, whilst the investigation into the allegedly systemic nature of prison ill-treatment and related responsibilities of former senior officials would continue thereafter. **The CPT would like to receive updated information, both as concerns the investigation into the alleged ill-treatment of inmates at Gldani Prison (as shown on the video footage published on 18 September 2012) and the other aspects of the investigation.**

17. In the course of the meeting with Mr Kbilashvili and the senior investigators in charge, the CPT's representatives also enquired about the state of investigation into an incident that had apparently taken place at Prison No. 2 in Kutaisi<sup>16</sup>. The CPT's interlocutors confirmed the information (already contained in the letter of 27 September 2012) that four senior members of the above-mentioned establishment's staff (including its former director) had been arrested and charged under Articles 144<sup>1</sup> (torture) and 144<sup>3</sup> (inhuman and degrading treatment) of the Criminal Code. However, as the case was being investigated by the Office of the Prosecutor for Western Georgia, the senior investigators in charge were not in a position to provide the Committee's representatives with any detailed information (apart from confirming that no additional persons had been charged in relation with this case since 27 September 2012).

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<sup>16</sup> Referred to in the letter from the Georgian authorities to the CPT, dated 27 September 2012.

**The CPT would like to be provided with updated information on the above-mentioned case (including a summary of the facts and of all the investigative activities performed so far, as well as – in due course – information about the outcome of the investigation and about any criminal and/or disciplinary sanctions).**

18. On a more general note, the Committee cannot escape the impression that, since 5 November 2012, after the change in responsibility for the investigation into the Gldani events, the competent prosecutorial authorities have focussed more on proving the thesis of “systematic” ill-treatment of prisoners and of the “manipulation” of video footage (and, consequently, criminal responsibility of former senior officials), rather than first establishing whether and – if so, which – acts of physical ill-treatment had actually taken place at Gldani Prison. **The CPT would welcome the observations of the Georgian authorities on this matter.**

19. Mr Kbilashvili emphasized that it was the Georgian authorities’ intention to adopt a maximally transparent attitude and to communicate with the public and with the civil society in the course of the above-mentioned investigation.

In this context, it is noteworthy that, on 24 September 2012, a group of several Georgian NGOs<sup>17</sup> issued a joint statement in which it *inter alia* called upon the Georgian authorities to appoint one senior prosecutor from the Chief Prosecutor Office as the prosecutor responsible for investigating all the alleged facts of ill-treatment of prisoners. Such a prosecutor, who would have to “enjoy high level of public trust”, would have at his/her disposal all the necessary legal, human and technical resources to carry out an effective investigation. It was also suggested in the NGO statement that civil society representatives should be given an opportunity to nominate a candidate for the above-mentioned position.

Further, “in order to ensure high level of public involvement in the process of investigation as well as monitoring”, the NGOs proposed to set up a board within the Office of the Chief Prosecutor, staffed by relevant professionals – lawyers, doctors and psychologists. The board members would interview prisoners throughout Georgia, collect and provide evidence to the prosecutor and oversee the whole process of investigation. In addition, it was recommended that the public be kept permanently and actively informed about the course of the investigation<sup>18</sup>.

**The CPT would like to receive the observations of the Georgian authorities on the above-mentioned NGO proposals.**

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<sup>17</sup> Including the Georgian Young Lawyers’ Association, Transparency International – Georgia, Global Initiative on Psychiatry – Tbilisi, Article 42 of the Constitution, International Society for Fair Elections and Democracy, Penal Reform International, Open Society – Georgia Foundation, Centre for Psychological and Medical Rehabilitation of Victims of Torture, Empathy, Human Rights Priority and Human Rights Centre.

<sup>18</sup> These proposals were reiterated in another statement, issued on 4 February 2013, in which the same NGOs also stated that “despite an extraordinarily high public interest in the investigation, no efficient steps have been made. Investigators have not started actively interviewing inmates to collect information and public has not yet been duly informed about the course of investigation.”

**B. Measures affecting Georgia's prison system**

20. As mentioned in paragraph 5 above, the 2012 ad hoc visit to Georgia provided an opportunity for the CPT to become acquainted with the plans of the new competent authorities as regards the prison system. Such information was, in particular, provided by the Minister of Justice, Ms Tea Tsulukiani, the Minister of Corrections and Legal Assistance, Mr Sozar Subari, as well as the Chairperson of the Parliamentary Human Rights Committee, Ms Eka Beselia.

21. One of the declared priorities of the new Georgian authorities was a wide-scale prison amnesty. This was mainly justified by the huge number of prisoners in the country<sup>19</sup> as well as by the conditions in which these prisoners were serving their sentences which, in the view of the new Government, could amount to inhuman and degrading treatment.

Following a legislative initiative by the Human Rights Committee of the Georgian Parliament and subsequent inter-agency consultations, the Amnesty Act was adopted by the Parliament on 21 December 2012; it entered into force on 12 January 2013. The Act envisaged several forms of amnesty such as release, halving of prison sentence or reducing it either by one-third or by one-fourth (according to the category of offence and characteristics of the prisoners). The amnesty applied to inmates who had committed crimes before 2 October 2012. According to the estimates by the Ministry of Corrections and Legal Assistance, the amnesty would concern, in one way or another, some 17,000 inmates<sup>20</sup>.

22. Doubtless, the Amnesty Act (combined with other steps, such as Presidential pardons and conditional release), has already had a very positive impact on the situation in the Georgian prison system, by achieving a significant decrease in prison population. The CPT cannot but welcome these bold measures, which were indeed justified by the extremely serious level of prison overcrowding in Georgia. Having said that, it is clear that **the problems of prison overcrowding and prison population inflation cannot be addressed in a comprehensive and lasting way through the use of such exceptional measures.**

The relative haste with which the amnesty has been carried out and the connected absence of preparation for release, together with the lack of suitable outside support structures, in particular for inmates with drug-related problems, carries with it the risk of seeing a large proportion of the released inmates back in prison within a short period of time<sup>21</sup>.

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<sup>19</sup> As mentioned by Mr Subari, the Georgian prison population had reached the peak of 25,000 inmates by the end of 2011. The number had decreased since but remained at a still very high level of some 21,000 prisoners at the time of the CPT's visit.

<sup>20</sup> As of 21 February 2013, 7,688 inmates had been released pursuant to the Amnesty Act, including 304 women.

<sup>21</sup> Reference should be made in this connection to the Georgian authorities' declared will not to allow any deterioration of criminal situation in the country.

The Committee wishes to reiterate its view that a strategy for the sustainable reduction of the prison population should include a variety of steps to ensure that imprisonment really is the measure of last resort. This implies, in the first place, an emphasis on non-custodial measures in the period before the imposition of a sentence and the availability to the judiciary, especially in less serious cases, of alternatives to custodial sentences together with an encouragement to use those options. Further, the adoption of measures to facilitate the reintegration into society of persons who have been deprived of their liberty should reduce the rate of re-offending.

23. The Georgian authorities have informed the CPT's delegation of a number of planned measures that could, if implemented, help attain the above-mentioned objective of a sustainable reduction of prison population.

One of these measures, announced by Ms Tsulukiani, would be to remove from the Criminal Code the principle of consecutive (cumulative) sentencing which was introduced in 2004 and was one of the reasons for overcrowding in Georgian prisons<sup>22</sup>. According to the Minister of Justice, the rule would be the absorption of sentences. Further, the relevant amendments would be given a retroactive effect, in order to make them applicable vis-à-vis all prisoners who are currently serving their sentences. As a result many prisoners, especially young ones, would be released.

Another initiative, mentioned by Mr Subari, was to change the mechanism of early conditional release. Previously, the Council on Conditional Release had met only once a month, considering 30 – 40 applications at a time. Following the appointment of Mr Subari as Minister of Corrections and Legal Assistance, the format of the above-mentioned Council had changed. At present, the Council held meetings twice a month and each time examined hundreds of applications<sup>23</sup>.

Further, Ms Tsulukiani announced her intention to issue guidelines for prosecutors to better motivate their requests to courts for applying the preventive measure of remand in custody and to make more frequent requests for non-custodial preventive measures (such as bail and personal guarantee); she also planned to ask the competent judicial authorities to issue similar guidelines for judges.

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<sup>22</sup> This rule was also criticised by the CPT in paragraph 46 of the report on its 2010 visit to Georgia (CPT/Inf (2010) 27).

<sup>23</sup> To illustrate this change, Mr Subari said that some 400 prisoners had been granted early conditional release in the period between 25 October and 19 November 2012 alone. Further, those inmates whose application has been rejected may now appeal to a Conditional Release Commission which, in addition to representatives of the Ministry, civil society, High Council of Justice and local self-government (as in the lower-level Councils) comprises two MPs (one from the majority, one from the opposition).

The CPT welcomes these plans and **requests to be kept informed by the Georgian authorities on their implementation**. In this respect, **reference should also be made to the recommendation set out in paragraph 47 of the report on the 2010 periodic visit to Georgia (CPT/Inf (2010) 27)<sup>24</sup>. Recommendation Rec(2010)1 on the Council of Europe Probation Rules should also be taken into account.**

24. Regarding the prison estate, Mr Subari informed the delegation that the Laituri Prison (currently under construction) would be redesigned into a general-regime establishment for short and medium-term accommodation, and its intended capacity lowered from 4,300 to 1,200 places. It was not yet possible to tell exactly when the construction would be completed. The Minister of Corrections and Legal Assistance also spoke of plans to build open-type prisons<sup>25</sup> and to setup a half-way house with 100 places in Gldani. **The CPT requests the Georgian authorities to provide it, in due course, with more detailed information on these plans and, in particular, on the future Laituri Prison (capacity, plans, activities, staff, expected date of entry into service, etc).** Further, in the light of the critical comments made about Batumi and Zugdidi prisons in the reports on the 2004 and 2007 visits<sup>26</sup>, **the Committee would like to be informed of the plans of the present Georgian authorities regarding the future of these establishments<sup>27</sup>.**

25. More generally, the CPT is of the opinion that the Georgian authorities should use the opportunity provided by the amnesty and the Presidential pardons<sup>28</sup>, and the ensuing significant drop in the prison population, to finally implement the Committee's long-standing recommendation concerning the legal standard of living space per prisoner in multi-occupancy cells. **The CPT calls upon the Georgian authorities to introduce, without further delay, the necessary legal amendments so as to raise the minimum standard of living space per prisoner to 4 m<sup>2</sup> (not counting the area taken up by any in-cell toilet facility).**

26. In contrast with the planned or already implemented measures concerning the prison population and estate, there has been little, if any, progress in drawing up programmes of purposeful, out-of-cell, activities for prisoners. In the two prisons visited during the 2012 ad hoc visit, prisoners (both those on remand and sentenced) were locked up in their cells for most of the day, in a state of enforced idleness. Taken together with the restrictions on contact with the outside world and association, this produced a regime which was oppressive and stultifying.

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<sup>24</sup> The recommendation reads as follows: "The CPT calls upon the Georgian authorities to redouble their efforts to combat prison overcrowding by adopting policies designed to limit or modulate the number of persons sent to prison. In so doing, the Georgian authorities should be guided by Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec(2003)22 on conditional release (parole) and Recommendation Rec(2006)13 on the use of remand in custody. In addition, efforts should be made to step up the training provided to judges and prosecutors, with a view to promoting the use of alternatives to imprisonment. Further, greater use should be made of conditional release."

<sup>25</sup> This would first require an amendment to the Penitentiary Code.

<sup>26</sup> See paragraphs 76 to 82 of CPT/Inf (2005) 12, and paragraphs 66 to 75 of CPT/Inf (2007) 42.

<sup>27</sup> In the past, the Georgian authorities announced plans to close down Batumi and Zugdidi prisons once the new prison in Laituri enters into service.

<sup>28</sup> According to the statement by the Ministry of Corrections and Legal Assistance dated 12 December 2012, approximately 880 inmates had been pardoned by the President in the period between the beginning of October and beginning of December 2012.

The inadequate provision of activities for inmates has already been highlighted in the reports on previous CPT's periodic visits to Georgia<sup>29</sup>. **The Committee once again calls upon the Georgian authorities to take decisive steps to develop the programmes of activities for both sentenced and remand prisoners. The aim should be to ensure that prisoners are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, education, sport, etc.) tailored to the needs of each category of prisoner (adult remand or sentenced prisoners, inmates serving life sentences, female prisoners, juveniles, etc.)<sup>30</sup>. As regards in particular work, a fundamental change in approach is required, based on the concept of prisoners' work being geared towards rehabilitation and resocialisation rather than financial profit.**

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<sup>29</sup> See paragraph 58 of CPT/Inf (2005) 12), paragraph 33 of CPT/Inf (2007) 42 and paragraph 82 of CPT/Inf (2010) 27.

<sup>30</sup> Particular reference should be made in this respect to the Committee of Ministers of the Council of Europe Recommendation Rec(2006)2 to member states on the European Prison Rules, adopted on 11 January 2006 (hereafter "European Prison Rules").

**C. Situation observed by the CPT's delegation in the prisons visited**

**1. Preliminary remarks**

27. The delegation's visits to Prison No. 8 in Gldani (Tbilisi) and Prison No. 2 in Kutaisi were of a targeted nature, focussing primarily on the issues of ill-treatment and the related subject of the role of prison health-care services in preventing ill-treatment. Other aspects were looked upon in a less detailed manner.

Prison No. 8 in Gldani was first visited by the Committee in 2010; reference is thus made to the description of the establishment in paragraphs 58 to 64 of the report on that visit<sup>31</sup>. On the first day of the 2012 ad hoc visit, the establishment (with an official capacity of 3,600, calculated on the basis of the legal norm of 2.5 m<sup>2</sup> of living space per prisoner) was accommodating 2,846 inmates. According to the prison's Director (and to the relevant documentation), there had been a considerable drop in the prisoner population in the few weeks preceding the delegation's visit<sup>32</sup>.

The majority of the inmates were adult men on remand. There was also a large number of sentenced male adult prisoners (most of them not accommodated separately from the remand prisoners) including former law enforcement officials and prisoners with TB (both those categories being segregated from the main prison population). In addition, the establishment was accommodating, temporarily and in a separate block, 41 male juveniles (aged 14 to 18)<sup>33</sup>.

Prison No. 2 in Kutaisi is a relatively recent (opened in 2005) closed-regime establishment. Located in Georgia's second largest city and accommodating primarily inmates from central and western Georgia, it had at the time of the delegation's visit a population of 1,330 prisoners as compared to the official capacity of 1,900. Most of the prisoners were adult men (both on remand and sentenced, including some serving long sentences) but there were also six women<sup>34</sup> and nine juveniles (accommodated in separate units). Most (but not all) of the approximately 200 remand prisoners were held separately from the sentenced inmates.

**The CPT trusts that the ongoing reduction in prison population will allow the Georgian authorities to achieve a full separation between remand and sentenced prisoners (in the two establishments visited by the Committee and, as appropriate, in other penitentiary establishments), in accordance with Rule 18.8.a of the European Prison Rules and with Georgian legislation<sup>35</sup>.**

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<sup>31</sup> CPT/Inf (2010) 27.

<sup>32</sup> In the beginning of October 2012, there had been 3,316 inmates at Gldani Prison.

<sup>33</sup> The juveniles had been transferred to Gldani (and to other prisons, including in Kutaisi) after a fire that had partially destroyed the juvenile establishment in Avchala (near Tbilisi). Reconstruction work in Avchala was completed in February 2013 and transfers of juveniles back to this establishment started shortly after.

<sup>34</sup> A new women's unit with 37 beds was under construction.

<sup>35</sup> Section 9 (2) of the Imprisonment Code.

## 2. Ill-treatment

28. Inmates interviewed at the two prisons visited made hardly any recent<sup>36</sup> allegations of physical ill-treatment by custodial staff<sup>37</sup>. In fact, the vast majority of the prisoners stressed that there had been a dramatic change for the better in the attitude by the management and the staff (and in the general atmosphere) in the two establishments after 18 September 2012. Several inmates attributed this to the fact that the management of both prisons had been replaced following the publication of the videos, and that many custodial officers had been either removed<sup>38</sup> or transferred to other duties (where they were no longer in direct contact with the inmates).

By contrast, the delegation was inundated with allegations of ill-treatment said to have occurred prior to 18 September 2012; the pattern of the ill-treatment alleged generally corresponded with that already described in paragraph 12 above<sup>39</sup>. Clearly, these allegations merit close attention and thorough consideration by the competent investigative and prison authorities. The delegation was informed in the course of the visit that such activities are indeed being carried out conscientiously by the Ministry of Corrections and Legal Assistance and by the Chief Prosecutors Office.

29. In order for it to be able to form a complete and updated view of the situation, **the Committee would like to receive the following information, in respect of 2012 and the first quarter of 2013:**

- **the number of complaints of torture or other forms of ill-treatment lodged against prison staff;**
- **the number of criminal or disciplinary proceedings opened following such complaints and an account of sanctions imposed.**

Further, **the CPT recommends that a clear message be delivered at regular intervals to management and staff of all penitentiary establishments that all forms of ill-treatment of prisoners are unacceptable and will be punished accordingly. This should also be stressed in the context of initial and ongoing training of prison staff.**

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<sup>36</sup> That is, relating to the period since the publication of the videos referred to in paragraph 2.

<sup>37</sup> The only exception was an allegation heard at Prison No. 2 in Kutaisi, where a prisoner told the delegation that he had been beaten by staff on several occasions in the “quarantine” section of the establishment until 1 October 2012.

<sup>38</sup> The Minister of Corrections and Legal Assistance informed the delegation that at least eleven staff members of Gldani Prison had been dismissed in the ten days preceding the CPT’s visit alone. Further, the (recently appointed) Director of Prison No. 2 in Kutaisi told the delegation that he had received approximately 20 complaints from the inmates about ill-treatment by members of his staff prior to 18 September 2012. He had taken appropriate action, including the transmission of these complaints to the competent prosecutor. It is also noteworthy that Mr Subari’s predecessor had dismissed numerous prison officials (including senior staff) following his appointment on 20 September 2012.

<sup>39</sup> The types of ill-treatment alleged included kicks, punches and blows with plastic bottles filled with water.



30. At Prison No. 2 in Kutaisi, some of the inmates interviewed by the delegation said that they were afraid of certain custodial officers, who – they alleged – had been involved in ill-treatment of prisoners prior to 18 September 2012 and who had remained on their posts. The delegation communicated these concerns to the establishment’s Director at the end of its visit to the prison. **The CPT would like to be informed whether any action was taken by the management of Prison No. 2 in Kutaisi in this respect.**

31. No allegations of inter-prisoner violence were heard in either of the two establishments visited. That said, the delegation noted numerous entries in the “incident registers” of both prisons<sup>40</sup> (as well as in the medical documentation), referring to recent injuries that had reportedly been sustained accidentally<sup>41</sup>. In some cases, the delegation’s doctors were of the view that the types and location of injuries described did not correspond with the explanations provided by prisoners and recorded in the relevant documentation<sup>42</sup>.

It was openly acknowledged by the management and staff, and confirmed by some of the prisoners in the establishments visited, that following the publication of the videos on 18 September 2012 (and, in particular, after 1 October 2012), the level of control and discipline in prisons had been greatly reduced<sup>43</sup>. This was perhaps an inevitable reaction, given how excessive the regime had been previously. However, the CPT must stress that the prison authorities must never allow staff control within penitentiary establishments to be eased to such a degree that the security of inmates (as well as staff) could be endangered.

**The Committee recommends that the management and staff of all the penitentiary establishments in Georgia be instructed to exercise constant vigilance and use all appropriate means at their disposal to prevent and combat inter-prisoner violence and intimidation. This should include ongoing monitoring of prisoner behaviour (including the identification of likely perpetrators and victims), proper reporting of confirmed and suspected cases of inter-prisoner intimidation/violence and thorough investigation of all incidents.** Reference is also made in this context to the comments and recommendations in paragraphs 45 and 50.

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<sup>40</sup> Referred to as “registers of telephonogrammes” to the Penitentiary Department.

<sup>41</sup> E.g. by “falling from the bed”, “hitting the table” (or other piece of furniture), “slipping in the toilet”, etc.

<sup>42</sup> The delegation attempted to compare the entries in incident registers and medical documentation with information from the inmates concerned. However, the vast majority of the prisoners in question were very reluctant to speak about the circumstances in which they had sustained their injuries.

<sup>43</sup> See also paragraph 53.

### 3. Conditions of detention

32. The material conditions of detention at Prison No. 8 in Tbilisi (Gldani) were described in detail in the report on the CPT's 2010 visit to Georgia<sup>44</sup>; they had not changed significantly since that visit, and could still be considered as generally adequate. The only issues worth mentioning here are: the general wear-and-tear that was becoming visible throughout the establishment (in particular inside the cells, which could benefit from some redecoration), and the state – and insufficient supply – of the mattresses<sup>45</sup>. **The Committee trusts that steps will be taken to remedy these shortcomings.**

Material conditions were also generally good at Prison No. 2 in Kutaisi: the cells<sup>46</sup> had a good access to natural light, were well lit and ventilated, and were in a reasonably decent state of repair and cleanliness. The equipment consisted of single or bunk beds (with bedding), a table, benches and lockers, and a fully partitioned in-cell sanitary annexe.

33. In both prisons visited, the recent significant reduction in population (and the fact that they were now operating well below their official capacities) had resulted in an increase of living space for the remaining inmates. That said, the delegation did see several cells where prisoners had to live in cramped conditions (e.g. six inmates in 20 m<sup>2</sup> cells at Gldani; four prisoners in cells measuring 12 m<sup>2</sup> at Kutaisi); further, cells were generally furnished with the number of beds corresponding to the legal norm of 2.5 m<sup>2</sup> of living space per prisoner. **The CPT recommends that the prisoner population of Gldani and Kutaisi No. 2 prisons be allocated in a more even manner throughout the establishments, so as to ensure that every inmate has at least 4 m<sup>2</sup> of living space in the multi-occupancy cells; excess beds should be removed from the cells accordingly.** Reference is also made to the recommendation in paragraph 25.

34. Both prisons visited had well-appointed shower rooms in a sufficient number. The delegation was pleased to note the recent decision to allow prisoners (as far as technically feasible) to take two showers per week. Inmates were also supplied (when necessary) with personal hygiene items and products to clean their cells. However, the delegation heard complaints from some prisoners that the amounts provided were not sufficient; it is also noteworthy that female prisoners at Prison No. 2 in Kutaisi complained of the lack of sanitary materials for their monthly needs. **The CPT recommends that steps be taken to remedy these shortcomings.**

35. Concerning food, most prisoners in both establishments stated that it was sufficient in quantity and of a satisfactory quality. The delegation also noted the recent positive decision by the prison administration to allow prisoners to make tea and coffee inside their cells.

36. In both prisons, the delegation saw numerous small cubicles (many of them measuring less than 2 m<sup>2</sup>) which were used for temporary holding purposes (up to a few hours). As stressed in the past, the Committee considers that such small cubicles should never be used for holding inmates, regardless of the period of time involved. **The CPT calls upon the Georgian authorities to take them out of service immediately.**

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<sup>44</sup> See paragraphs 58 to 61 of CPT/Inf (2010) 27.

<sup>45</sup> The delegation was informed that new mattresses were in the process of being delivered to the prison.

<sup>46</sup> The majority of the cells were for two, four and six prisoners; there were also some cells for single occupation and a small number of multi-occupancy cells for ten prisoners.

37. The delegation noted that the bulk of the prisoner population now had access to outdoor exercise every day (seven days a week) for approximately one hour<sup>47</sup>. That said, some inmates (especially at Gldani) stated that the exercise period could in practice be shorter than one hour, and that exercise was sometimes not available on the shower days. Furthermore, the delegation was informed that outdoor exercise was not offered to newly-arrived prisoners accommodated in the “quarantine” units<sup>48</sup> and to prisoners held in disciplinary isolation (“kartzet”) cells.

**The CPT recommends that measures be taken at Gldani and Kutaisi No. 2 prisons (as well as in all the other penitentiary establishments in Georgia, as applicable) to ensure that all prisoners are offered the possibility to take outdoor exercise for at least one hour every day.**

All the exercise yards at Prison No. 8 in Gldani (and most of those at Prison No. 2 in Kutaisi<sup>49</sup>) were located on the roofs of accommodation blocks. Almost without exception, those yards were small, bare and of an oppressive design (high walls with sky-view only, topped by a metal grid). Further, some of the yards had no shelter against inclement weather. **The Committee calls upon the Georgian authorities to reconsider the design of exercise yards in all newly built (or renovated) prisons. As far as possible, outdoor exercise facilities should be located at ground level and be sufficiently large to allow prisoners to exert themselves physically (as opposed to pacing around an enclosed space). Immediate steps should be taken to equip all exercise yards with some form of protection against inclement weather.**

Further, **all newly built (or renovated) prisons should be equipped with sports facilities.**

38. As had been the case in the prisons visited by the CPT in 2010, outdoor exercise was virtually the only out-of-cell activity available to inmates in both establishments. In other words, and as already stressed in paragraph 26, the situation as regards the programmes of activities offered in Georgian prisons remains highly unsatisfactory. In both establishments visited in November 2012, the few available work places were reserved for sentenced prisoners assigned to perform housekeeping tasks, while the vast majority of sentenced inmates and all remand prisoners had no opportunities for work. Similarly, access to education and vocational training was extremely limited<sup>50</sup>.

On the positive side, nearly all of the prisoners interviewed by the delegation in both establishments praised the recent decision by the prison administration to allow them to watch television and listen to the radio in their cells. That said, much more needs to be done. As a first step, **the extensive unused grounds within secure perimeters of Prison No. 8 in Gldani and Prison No. 2 in Kutaisi should be transformed into spacious exercise yards and sports facilities.** As for further steps, reference is made to the recommendation in paragraph 26 above.

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<sup>47</sup> 1.5 h in the case of women and juveniles.

<sup>48</sup> For up to 14 days, although shorter in practice.

<sup>49</sup> The yards adjacent to Block D in Kutaisi were located on the ground level.

<sup>50</sup> The only (relatively) favourable exception concerned juvenile inmates, who could attend school three times a week and had access to a gym.

#### 4. Health care

##### a. introduction

39. During the high-level talks, the Minister of Corrections and Legal Assistance stressed that the provision of health-care services to prisoners remained one of the major problems facing his Ministry. He pointed to the significant increase of financing of these services since the end of September 2012, following the appointment of his predecessor<sup>51</sup>, and announced that the budget for prison health care requested for 2013 was three times higher than that in respect of 2012.

Many challenges lay ahead according to Mr Subari, e.g. the reform of compassionate release procedures (so as to reduce the high number of deaths in prison<sup>52</sup>), completion of (re)construction of the specialised establishment for prisoners with TB in Ksani<sup>53</sup>, setting up primary health-care units in all the penitentiary establishments in Georgia, and – last but not least – an increase of health-care staff's salaries. The Ministry also intended to strengthen the professional independence of prison health-care staff.

Further, Mr Subari mentioned that a needs assessment of the prison health-care services would be carried out in the near future, in order to serve as a basis for further reform. One of the options considered in this context was the transformation of the Ministry's Medical Department into an independent legal entity; this way, prison health-care staff would become legally and administratively independent from prison directors. Another objective of the reform would be to ensure that all prison health-care services obtain the relevant operating license from the Ministry of Health, Labour and Social Affairs (which was not yet the case)<sup>54</sup>.

**The CPT would like to be kept informed of the progress in the implementation of the above-mentioned plans.**

40. Doctors and nurses with whom the delegation spoke in the two prisons visited stressed that their working conditions and relations with patients (inmates) had changed for the worse after 18 September 2012. Prisoners had started raising numerous demands vis-à-vis health-care staff (for examinations, medication, certificates confirming their ill health and the need for transfer to an outside hospital or even compassionate release, etc). Some of these requests may well have been justified. However, a number of inmates had apparently resorted to simulating and even threats and pressure towards health-care staff. The additional strain on the doctors and nurses was all the more important as some of the health-care professionals had left the prison health-care service in the period after 18 September 2012, on various grounds (see also paragraph 50).

**The CPT recommends that the Georgian authorities and prison managers take all necessary measures to protect doctors and nurses working in prisons from undue pressure and threats.**

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<sup>51</sup> For example, the amount of money spent on medication in the two months prior to the CPT's visit had been higher than the sum spent in the first nine months of 2012.

<sup>52</sup> Some 140 in the course of 2011.

<sup>53</sup> Mr Subari told the CPT's representatives that the Ksani establishment, with the capacity of 700 places, would be opened in the near future.

<sup>54</sup> The CPT's representatives were informed that the long-standing plan for the transfer of prison health care to the Ministry of Health, Labour and Social Affairs was no longer under consideration.

b. role of prison health-care services in the prevention of ill-treatment

41. The CPT has repeatedly emphasized in the past the role that should be played by prison health-care services in the prevention of ill-treatment<sup>55</sup>. Given the overall context (see paragraph 2), the delegation which carried out the 2012 ad hoc visit to Georgia paid particular attention to this issue.

42. It is noteworthy that, during the high-level talks with the CPT's representatives, Mr Subari stressed that the improvement of the recording and reporting of injuries observed on prisoners, not only upon arrival but also during their stay in prison, was one of the main priorities of his Ministry. This would *inter alia* be achieved through increasing the professional independence of prison doctors and nurses, improving the level of their training and stepping up the prison monitoring (in order to, as Mr Subari put it, "motivate" the health-care staff to better identify cases of ill-treatment of prisoners).

43. Most of the prisoners interviewed by the CPT's delegation at Prison No. 8 in Gldani and Prison No. 2 in Kutaisi stated that they had been seen by a doctor or a nurse shortly after their arrival at the prison (usually on the same day or the day after)<sup>56</sup>. During this initial examination the doctor also checked if the prisoner bore injuries on his/her body and, when it was the case, this was registered and systematically communicated to the competent prosecutorial authorities.

44. The medical documentation at Gldani Prison and Prison No. 2 in Kutaisi included registers of traumatic lesions, one for injuries observed on newly-arrived prisoners and the second for lesions observed on prisoners already admitted to the establishment<sup>57</sup>. The delegation noted that these registers contained more or less detailed descriptions of lesions. That said, statements of prisoners as to the origins of their injuries were, as a rule, not noted down. Further, conclusions of the health-care staff as to the consistency of the allegations with the medical findings were missing. The delegation also noted that all medical examinations of prisoners at the establishments visited took place in the presence of non-medical custodial staff; this clearly constitutes a violation of medical confidentiality, and can only undermine the effectiveness of such examinations as a means of preventing ill-treatment, especially inside prisons.

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<sup>55</sup> See, for example, paragraphs 23 and 91 of CPT/Inf (2010) 27, and paragraph 16 of CPT/Inf (2007) 42.

<sup>56</sup> As was observed by the delegation's doctors, the initial procedure included a clinical examination and screening for TB (sputum analysis and chest X-ray upon suspicion), HIV (blood test was performed after the newly-arrived inmate had signed a written consent form) and hepatitis C (blood test was offered if the anamnesis was positive). Screening for TB was subsequently repeated every three months (and when TB was diagnosed, the prisoner was sent to the specialised TB establishment).

<sup>57</sup> The delegation was informed that, pursuant to a decision issued in May 2012 by the Head of the Penitentiary Department, the already existing register of injuries observed on newly-arrived prisoners had been supplemented by a second register, for lesions observed inside the prison.

45. If the procedure for medical examination of prisoners – whether upon arrival or at a later stage – is to genuinely contribute to the prevention of ill-treatment, steps must be taken to ensure that the examination of such persons is performed in a systematic and thorough manner. Further, the confidentiality of such examinations (and related medical documentation) must be strictly respected.

Consequently, **the CPT calls upon the Georgian authorities to take immediate steps to ensure that:**

- **all medical examinations are conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a particular case - out of the sight of non-medical staff;**
- **the confidentiality of medical documentation is strictly observed.**

Further, **prison health-care staff should receive appropriate training and clear instructions on the drawing-up of medical records. In particular, such records should contain: (i) an account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the health-care professional's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings.**

In addition, **whenever injuries are recorded which are consistent with allegations of ill-treatment (or which, even in the absence of allegations, are indicative of ill-treatment), the record should be immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the prisoner concerned.**

c. other aspects of prison health-care services

46. The delegation observed an improvement as regards the health-care staff resources at *Gldani Prison* since the CPT's 2010 visit. At the time of the 2012 ad hoc visit, the prison employed 19 full-time doctors and 17 full-time nurses<sup>58</sup>. There were seven so-called "primary health teams" (composed each of a doctor and a nurse)<sup>59</sup> and a number of specialists (a dentist, a paediatrician, a lung specialist, a psychiatrist<sup>60</sup>, a surgeon, a cardiologist, etc.), as well as a pharmacist.

In addition, the establishment was frequently visited by a team of specialists from the Ministry's Medical Department (a neurologist, an ophthalmologist, a dermatologist, an urologist and an x-ray specialist who also performed USG). There was also, in principle, the possibility to transfer seriously ill prisoners to the nearby Prison Hospital (Medical Establishment for Prisoners); however, arranging such transfers could prove problematic in practice<sup>61</sup>.

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<sup>58</sup> As compared with 15 doctors and 15 nurses in 2010, see paragraph 84 of CPT/Inf (2010) 27.

<sup>59</sup> Members of these teams had been trained, with help of the ICRC, in family medicine and had passed the national exam in this specialisation.

<sup>60</sup> Who saw nine prisoners per day, on average.

<sup>61</sup> See paragraph 49 below.

The delegation gained the overall impression that inmates at Gldani Prison had relatively easy access to general medical care. However, access to specialists (e.g. dentist, ophthalmologist, urologist) could be the subject of significant delays<sup>62</sup>, and the same was the case of transfers to the Prison Hospital for prisoners in need of hospitalisation. **The CPT recommends that measures be taken accordingly to overcome these difficulties.**

**The Committee also recommends that nursing staff resources at Gldani Prison be reinforced.** A team of 17 nurses is not sufficient for more than 2,800 inmates.

47. The health-care team at *Prison No. 2 in Kutaisi* included the (acting) Head Doctor (mostly involved in administrative tasks) and seven other doctors<sup>63</sup>, as well as nine general nurses (eight of whom worked on 24-hour shifts) and one psychiatric nurse. In addition, the establishment employed a number of specialists: a psychiatrist<sup>64</sup>, a dentist<sup>65</sup> and a pharmacist. Among the health-care staff, there were four “primary health teams” that had already been trained; further, four nurses were to start the training soon and a doctor was just completing it. The prison was also visited by consultant specialists (a surgeon, an oncologist, a neurologist, an urologist, an ophthalmologist, an ultrasound specialist, a dermatologist, an X-ray specialist and a specialist in neuropathology) and by two TB nurses from the National TB Centre (who performed TB screening). In case of need, a gynaecologist consultation could be arranged in one of the city’s civilian hospitals.

There appeared to be ready access to medical care, both general and specialist, at Prison No. 2 in Kutaisi; that said, in the same way as at Gldani Prison, **the CPT recommends that steps be taken to recruit more nurses.** Such a reinforcement will *inter alia* make it possible for medication always to be distributed to prisoners by medically trained personnel (which is not the case at present).

The CPT also has concerns about nurses working on 24-hour shifts. A 24-hour work schedule will inevitably have negative effect on professional standards and can put at risk the health of inmates. **The Committee recommends that steps be taken to ensure that such shifts are discontinued at Prison No. 2 in Kutaisi and, as appropriate, in other Georgian prisons.**

48. The supply of medication was generally adequate in both prisons visited<sup>66</sup>. Further, inmates or their relatives could buy additional (more expensive and/or newer-generation) medicines in pharmacies run by a private company (Aversi) that had won the relevant tender in November 2011. The purchase procedure required a prescription from a prison doctor and a non-cash payment from the prisoner’s account.

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<sup>62</sup> The delegation was told that the waiting time for a consultation with an ophthalmologist and an urologist was approximately one month.

<sup>63</sup> Four of them working from 10 a.m. to 6 p.m. from Monday to Friday, two coming to the prison on Saturday and Sunday, and one working during the night.

<sup>64</sup> Working three days a week and seeing 15 to 25 patients on each of her working days. She was also in charge of the methadone programme (financed by the Global Fund), which was followed by seven inmates at the time of the visit.

<sup>65</sup> Also working three days a week. He saw on average 20 patients per surgery, the waiting time being of approximately a week.

<sup>66</sup> The delegation was informed that 8.000 GEL had been allocated for medication at Gldani Prison for 2012, but that this budget had been increased to almost 12.000 GEL since September 2012.

As regards the premises and equipment of the health-care services, these were now generally appropriate at Gldani<sup>67</sup>, which was an improvement compared to the situation observed during the 2010 visit. By contrast, the health-care service in Kutaisi did not have appropriate premises: all the consultation and examination rooms were small, poorly lit and ventilated, and offered no privacy. **The CPT recommends that steps be taken to remedy this state of affairs.**

Medical records and other documentation were generally correctly kept; that said, medical confidentiality was not respected as the documentation was accessible to non-medical custodial staff. **The Committee recommends that this shortcoming be eliminated.**

49. The CPT's delegation also paid a brief visit to Gldani Prison Hospital, located in a building adjacent to Gldani Prison, within the same perimeter but with a different administration<sup>68</sup>. The delegation could observe that the hospital was overcrowded: with the official capacity of 180 (calculated on the basis of 3,5 m<sup>2</sup> of living space per person)<sup>69</sup>, it was accommodating some 200 patients at the time of the visit. In these circumstances, it was hardly surprising that there were serious difficulties in arranging transfers of inmates from prisons to this facility. **The Committee recommends that efforts be made to address this problem, by enlarging the Gldani Prison Hospital and/or facilitating transfers of ill prisoners to outside (civilian) hospitals.**

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

50. In the two prisons visited, the directors informed the delegation that there were numerous vacancies, especially amongst the custodial staff<sup>70</sup>. They made no secret of the fact that this situation was related with the atmosphere reigning in their establishments after the publication of the videos on 18 September 2012, and with the staff arrests, dismissals and resignations that followed<sup>71</sup>. Both directors told the delegation that it was planned to recruit new staff and that, in order to facilitate this recruitment, the salaries of the custodial staff had recently been increased.

In the reports on previous visits, the CPT stressed that ensuring positive staff-inmate relations and the provision of activities to prisoners will depend greatly on having an adequate number of staff present at any given time in detention areas. An overall low staff complement impedes the development of positive relations and generates an insecure environment for both staff and prisoners. In addition, a low staff complement has a negative influence on the quality and level of the activities programme developed<sup>72</sup>.

**The Committee reiterates its recommendation that the Georgian authorities take steps to increase staffing levels in prisons, in the light of the above remarks.**

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<sup>67</sup> Where the medical equipment consisted *inter alia* of three ECG's, two USG machines, three resuscitators and a defibrillator.

<sup>68</sup> Gldani Prison Hospital was already visited by the CPT in 2010, see paragraphs 99 to 104 of CPT/Inf (2010) 27.

<sup>69</sup> These 180 beds were divided between five wards: 40 beds on the internal diseases ward, 66 on the surgery ward, 40 on the infectious diseases ward, 26 on the psychiatric ward, and eight on the intensive care ward.

<sup>70</sup> For example, there were 57 vacant posts for junior custodial staff (controllers) and 28 for senior custodial personnel (officers) at Gldani Prison.

<sup>71</sup> At Prison No. 2 in Kutaisi, the delegation was told that approximately 30 staff had resigned after 18 September 2012.

<sup>72</sup> See also paragraph 26.



51. The delegation noted that the newly-recruited directors of both prisons visited were former police officers, with no previous prison experience. The CPT must stress that the task of managing a prison is a complex one, requiring adequate skills, profile and experience. The importance of leadership provided by prison management is also stressed in the European Prison Rules<sup>73</sup>. **The CPT would like to receive the observations of the Georgian authorities on this issue.**

52. In both prisons visited, the CPT's delegation noticed that custodial staff did not wear uniforms, which made it difficult to distinguish them from prisoners. It was not clear whether it was a new policy<sup>74</sup> or a temporary situation (due to the need to order new uniforms for recently-recruited staff). **The Committee would like to receive clarification of this matter from the Georgian authorities.**

Further, the delegation noted the absence of female custodial officers in the prisons visited (except in the units for women). In view of the potential benefits of mixed-gender staffing for the general atmosphere prevailing within prisons, **the CPT invites the Georgian authorities to consider adopting measures to favour the deployment of female staff throughout the Georgian prison system; in particular, mixed-sex staffing should be ensured in units for juveniles. Further, it is crucial that any unit holding female prisoners has female custodial staff in sufficient numbers at all times.**

53. Upon examination of the relevant register at *Gldani Prison*, the delegation noted that not a single prisoner had been punished with disciplinary isolation ("kartzet") after 18 September 2012, which was in striking contrast to the situation prior to that date<sup>75</sup>. The prison's director acknowledged that this sudden and radical change of practice had been caused by an extraordinary atmosphere in the prison following the publication of the videos referred to in paragraph 2; he added that the establishment's management wished at present to avoid possible over-reaction by prisoners to any attempt to enforce discipline in the prison.

It is clear that the policy applied at Gldani Prison prior to 18 September 2012 as regards disciplinary punishment was excessively severe, disproportionate and unjustified<sup>76</sup>. The CPT welcomes the fact that this policy is no longer applied. Nevertheless, **the management and staff of Gldani Prison should be determined and ready to intervene whenever necessary to ensure discipline and good order in the establishment, and to protect the rights of both the prisoners and the staff** (see also paragraph 31).

Unlike at Gldani Prison, a similar abrupt change was not observed by the delegation at *Prison No. 2 in Kutaisi*, although the number and severity of disciplinary sanctions had somewhat diminished after 18 September 2012. The general impression was that disciplinary sanctions (including the placement in "kartzet") were not applied excessively and in a disproportionate manner in that establishment.

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<sup>73</sup> Rule 84.1.

<sup>74</sup> Prior to 18 September 2012, all custodial staff did wear uniforms.

<sup>75</sup> There had been 356 placements in a "kartzet" during the period from 22 May to 17 September 2012 (usually for 4 – 5 days).

<sup>76</sup> As could be seen from the entries in the register of placements in the "kartzet", inmates used to be systematically punished with disciplinary isolation for minor violations of prison rules (e.g. "speaking loud", "making noise", "failing to maintain personal hygiene", etc).

54. Judging from a number of disciplinary files seen by the delegation in both prisons visited, it would appear that the *procedure* described (and positively assessed) in paragraph 113 of the report on the 2010 visit<sup>77</sup> was followed, at least *pro forma* (in practice, almost all the inmates had made a written statement that they did not wish an oral hearing and legal assistance)<sup>78</sup>.

However, **the recommendations in paragraphs 115 and 116 of the report on the 2010 visit, concerning contact with the outside world for prisoners placed in disciplinary cells and the role of prison doctors in the context of disciplinary procedures, remain fully applicable**<sup>79</sup>.

55. *Material conditions* in the “kartzetzer” cells seen by the delegation in both prisons were generally acceptable and do not call for any particular comment. Regarding the *regime*, the main failing observed was the lack of access to outdoor exercise, already referred to in paragraph 37 above.

56. As for the prisoners’ entitlement to visits, phone calls and correspondence, the rules already described in the report on the 2010 visit remain in force<sup>80</sup>.

In this context, the CPT must once again stress that a system under which the extent of a prisoner’s contact with the outside world is determined as part of the sentence imposed is fundamentally flawed. In principle, all sentenced prisoners should have the same possibility for contact with the outside world and must be given the opportunity to maintain their relationships with their family and friends, and especially with their spouses and children.

The continuation of such relations can be of critical importance for all concerned, particularly in the context of prisoners’ social rehabilitation. The guiding principle should be to promote contact with the outside world as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature or considerations linked to available resources.

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<sup>77</sup> The prisoners concerned have the right to be informed of the charges in a language they understand, to have sufficient time and possibility to prepare their defence, to have an oral hearing, to be represented by a lawyer (including the possibility to have free-of-charge legal aid), to request the questioning of witnesses, and to use an interpreter. Further, inmates should be given a copy of the disciplinary decision and can appeal the sanction to the court within 10 working days (the appeal having no suspensive effect).

<sup>78</sup> Prisoners interviewed by the delegation, who had previously been placed in a “kartzetzer”, generally confirmed having been informed of their rights in the context of the disciplinary procedure, but expressed the view that participating in an oral hearing and insisting upon having access to a lawyer would have only been a “waste of time”, without any impact on the final decision.

<sup>79</sup> Recommendation in paragraph 115 of CPT/Inf (2010) 27 reads as follows: “The CPT recommends that the Georgian authorities take steps to ensure that the placement of prisoners in disciplinary cells does not include a total prohibition on family contacts. Any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts. “ In paragraph 116 of that document, the CPT calls upon the Georgian authorities to implement its long-standing recommendation to review the role of prison doctors in relation to disciplinary matters, in order to ensure that they are no longer tasked with approving prisoners’ placement in a disciplinary cell. In so doing, regard should be had to the European Prison Rules (in particular, Rule 43.2) and the comments made by the CPT in its 15th General Report (see paragraph 53 of CPT/Inf (2005) 17).

<sup>80</sup> See paragraphs 108 and 109 of CPT/Inf (2010) 27.

Consequently, the CPT reiterates the following recommendations:

- **that the relevant legislation be amended so as to ensure that any prohibition of remand prisoners' visits, phone calls or correspondence is specifically substantiated by the needs of the investigation, requires the approval of a body unconnected with the case at hand, and is applied for a specified period of time, with reasons stated; further, the decision concerning prohibition should be made available to the person concerned and his lawyer;**
- **that the legislation concerning sentenced prisoners' entitlement to visits be amended, in the light of the above remarks and taking into consideration Rule 24.1 of the European Prison Rules<sup>81</sup>. The entitlement of one visit per month is not sufficient to enable a prisoner to maintain good relations with his family and should be substantially increased (e.g. at least one visit per week).**

57. The Committee will not describe here in detail the situation as regards the possibilities for prisoners to send confidential complaints to outside authorities. Suffice it to say that it was in all respects identical with that already described in paragraph 119 of the report on the 2010 visit (i.e. generally satisfactory)<sup>82</sup>. However, given the overall context after the publication of the videos on 18 September 2012, **the CPT recommends that steps be taken to ensure that prisoners who make use of the complaints procedures are not punished for having done so; further, the confidential character of such complaints must be respected by the prison administration.**

58. As regards prison inspections and monitoring, the Minister informed the CPT's delegation of the plans of his Ministry, including a reinforcement of the mandate and staff of the Ministry's General Inspectorate (which was to be placed directly under his orders). In addition, the Penitentiary Department's own Monitoring Service was to intensify the activities of its teams<sup>83</sup> and start carrying out unannounced visits to penitentiary establishments.

As regards external monitoring, the Georgian authorities were reflecting upon ways to reinforce the existing framework (including the Prevention and Monitoring Department of the Public Defender's Office). It was not yet clear which concrete steps would be taken in this respect<sup>84</sup>.

It is also noteworthy that, pursuant to an order issued by Mr Subari's predecessor on 16 October 2012, 51 persons (including representatives of international and non-governmental organisations, lawyers and journalists) were given the right to enter any prison any time, without a special authorisation, to visit all the premises and speak with inmates in private. Mr Subari told the delegation that, most likely, the above-mentioned order would be amended so as to exclude representatives of the media.

### **The CPT would like to receive updated information on all the above-mentioned plans.**

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<sup>81</sup> Rule 24.1: "Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons."

<sup>82</sup> Albeit with one important reservation: as became apparent after 18 September 2012, prisoners had been reluctant to make use of the available complaints procedures, out of fear of possible reprisals (including physical ill-treatment).

<sup>83</sup> The training of which was to begin on 26 November 2012.

<sup>84</sup> Although Mr Subari's personal preference was towards the "Ombudsman plus" model (i.e. a body composed of the Public Defender and representatives of the NGOs).

## **APPENDIX I**

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

#### **Investigations into cases of alleged ill-treatment of prisoners**

##### requests for information

- information on the progress of consideration of complaints submitted to the Chief Prosecutor's Office by persons considering themselves victims of crimes committed prior to the Parliamentary elections of 1 October 2012, insofar as these complaints relate to the alleged ill-treatment of persons deprived of their liberty (paragraph 11);
- in due course, the outcome of any formal investigations initiated in respect of the complaints referred to in paragraph 11, including criminal and/or disciplinary sanctions applied (paragraph 11);
- at the earliest opportunity, copies of the reports on the eight forensic medical examinations carried out in the context of the investigation into the alleged ill-treatment of prisoners at Gldani Prison (paragraph 13);
- updated information, both as concerns the investigation into the alleged ill-treatment of inmates at Gldani Prison (as shown on the video footage published on 18 September 2012) and the other aspects of the investigation referred to in paragraphs 15 and 16 (paragraph 16);
- updated information on the investigation into the incident that apparently took place at Prison No. 2 in Kutaisi (including a summary of the facts and of all the investigative activities performed so far, as well as – in due course – information about the outcome of the investigation and about any criminal and/or disciplinary sanctions) (paragraph 17);
- observations of the Georgian authorities on the remarks made by the CPT in paragraph 18 about the focus of the investigation into the Gldani events (paragraph 18);
- observations of the Georgian authorities on the NGO proposals referred to in paragraph 19 regarding the investigation into alleged facts of ill-treatment of prisoners (paragraph 19).

#### **Measures affecting Georgia's prison system**

##### recommendations

- the Georgian authorities to introduce, without further delay, the necessary legal amendments so as to raise the minimum standard of living space per prisoner to 4 m<sup>2</sup> (not counting the area taken up by any in-cell toilet facility) (paragraph 25);

- decisive steps to be taken to develop the programmes of activities for both sentenced and remand prisoners. The aim should be to ensure that prisoners are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, education, sport, etc.) tailored to the needs of each category of prisoner (adult remand or sentenced prisoners, inmates serving life sentences, female prisoners, juveniles, etc.) . As regards in particular work, a fundamental change in approach is required, based on the concept of prisoners' work being geared towards rehabilitation and resocialisation rather than financial profit (paragraph 26).

#### comments

- the problems of prison overcrowding and prison population inflation cannot be addressed in a comprehensive and lasting way through the use of exceptional measures such as amnesties and Presidential pardons (paragraph 22);
- in the context of the various planned measures referred to in paragraph 23, reference should be made to the recommendation set out in paragraph 47 of the report on the 2010 periodic visit to Georgia (CPT/Inf (2010) 27) as well as to Recommendation Rec(2010)1 on the Council of Europe Probation Rules (paragraph 23).

#### requests for information

- updated information on the implementation of the various planned measures referred to in paragraph 23 (paragraph 23);
- in due course, more detailed information on the Georgian authorities' plans concerning the prison estate and, in particular, on the future Laituri Prison (capacity, plans, activities, staff, expected date of entry into service, etc) (paragraph 24);
- the plans of the present Georgian authorities regarding the future of Batumi and Zugdidi prisons (paragraph 24).

### **Situation observed by the CPT's delegation in the prisons visited**

#### **Preliminary remarks**

#### comments

- the CPT trusts that the ongoing reduction in prison population will allow the Georgian authorities to achieve a full separation between remand and sentenced prisoners (in the two establishments visited by the Committee and, as appropriate, in other penitentiary establishments), in accordance with Rule 18.8.a of the European Prison Rules and with Georgian legislation (paragraph 27).

### **Ill-treatment**

#### recommendations

- a clear message to be delivered at regular intervals to management and staff of all penitentiary establishments that all forms of ill-treatment of prisoners are unacceptable and will be punished accordingly. This should also be stressed in the context of initial and ongoing training of prison staff (paragraph 29);
- the management and staff of all the penitentiary establishments in Georgia to be instructed to exercise constant vigilance and use all appropriate means at their disposal to prevent and combat inter-prisoner violence and intimidation. This should include ongoing monitoring of prisoner behaviour (including the identification of likely perpetrators and victims), proper reporting of confirmed and suspected cases of inter-prisoner intimidation/violence and thorough investigation of all incidents (paragraph 31).

#### requests for information

- in respect of 2012 and the first quarter of 2013:
  - the number of complaints of torture or other forms of ill-treatment lodged against prison staff;
  - the number of criminal or disciplinary proceedings opened following such complaints and an account of sanctions imposed (paragraph 29);
- whether any action has been taken by the management of Prison No. 2 in Kutaisi after the CPT's delegation communicated to it prisoners' concerns regarding certain custodial officers (paragraph 30).

### **Conditions of detention**

#### recommendations

- the prisoner population of Gldani and Kutaisi No. 2 prisons to be allocated in a more even manner throughout the establishments, so as to ensure that every inmate has at least 4 m<sup>2</sup> of living space in the multi-occupancy cells; excess beds should be removed from the cells accordingly (paragraph 33);
- steps to be taken to improve the supply of hygiene items in both prisons visited, including as regards sanitary materials for women's monthly needs (paragraph 34);
- the small cubicles (many of them measuring less than 2 m<sup>2</sup>) used in both prisons for temporary holding purposes to be taken out of service immediately (paragraph 36);
- measures to be taken at Gldani and Kutaisi No. 2 prisons (as well as in all the other penitentiary establishments in Georgia, as applicable) to ensure that all prisoners are offered the possibility to take outdoor exercise for at least one hour every day (paragraph 37);

- the Georgian authorities to reconsider the design of exercise yards in all newly built (or renovated) prisons. As far as possible, outdoor exercise facilities should be located at ground level and be sufficiently large to allow prisoners to exert themselves physically (as opposed to pacing around an enclosed space). Immediate steps should be taken to equip all exercise yards with some form of protection against inclement weather (paragraph 37);
- all newly built (or renovated) prisons to be equipped with sports facilities (paragraph 37).

#### comments

- the CPT trusts that steps will be taken to remedy the shortcomings observed at Prison No. 8 in Tbilisi (Gldani) as regards material conditions of detention (paragraph 32);
- the extensive unused grounds within secure perimeters of Prison No. 8 in Gldani and Prison No. 2 in Kutaisi should be transformed into spacious exercise yards and sports facilities (paragraph 38).

#### **Health care**

##### recommendations

- the Georgian authorities and prison managers to take all necessary measures to protect doctors and nurses working in prisons from undue pressure and threats (paragraph 40);
- immediate steps to be taken to ensure that:
  - all medical examinations are conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a particular case - out of the sight of non-medical staff;
  - the confidentiality of medical documentation is strictly observed (paragraph 45);
- prison health-care staff to receive appropriate training and clear instructions on the drawing-up of medical records. In particular, such records should contain: (i) an account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the health-care professional's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings (paragraph 45);
- whenever injuries are recorded which are consistent with allegations of ill-treatment (or which, even in the absence of allegations, are indicative of ill-treatment), the record to be immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the prisoner concerned (paragraph 45);

- measures to be taken at Gldani Prison to overcome the difficulties as regards access to specialists and transfers to the Prison Hospital (paragraph 46);
- nursing staff resources at Gldani Prison to be reinforced (paragraph 46);
- steps to be taken to recruit more nurses at Prison No. 2 in Kutaisi (paragraph 47);
- steps to be taken to ensure that 24-hour shifts for nurses are discontinued at Prison No. 2 in Kutaisi and, as appropriate, in other Georgian prisons (paragraph 47);
- steps to be taken to provide the health-care service at Prison No. 2 in Kutaisi with appropriate premises (paragraph 48);
- confidentiality of medical records and other medical documentation to be respected (paragraph 48);
- efforts to be made to solve the difficulties in arranging transfers of inmates who need to be hospitalised, by enlarging the Gldani Prison Hospital and/or facilitating transfers of such prisoners to outside (civilian) hospitals (paragraph 49).

#### requests for information

- progress in the implementation of the various plans concerning health-care referred to in paragraph 39 (paragraph 39).

### **Other issues of relevance to the CPT's mandate**

#### recommendations

- the Georgian authorities to take steps to increase staffing levels in prisons (paragraph 50);
- the relevant legislation to be amended so as to ensure that any prohibition of remand prisoners' visits, phone calls or correspondence is specifically substantiated by the needs of the investigation, requires the approval of a body unconnected with the case at hand, and is applied for a specified period of time, with reasons stated; further, the decision concerning prohibition should be made available to the person concerned and his lawyer (paragraph 56);
- the legislation concerning sentenced prisoners' entitlement to visits to be amended, in the light of the remarks set out in paragraph 56 and taking into consideration Rule 24.1 of the European Prison Rules. The entitlement of one visit per month is not sufficient to enable a prisoner to maintain good relations with his family and should be substantially increased (e.g. at least one visit per week) (paragraph 56);
- steps to be taken to ensure that prisoners who make use of the complaints procedures are not punished for having done so; further, the confidential character of such complaints must be respected by the prison administration (paragraph 57).



comments

- the Georgian authorities are invited to consider adopting measures to favour the deployment of female staff throughout the Georgian prison system; in particular, mixed-sex staffing should be ensured in units for juveniles. Further, it is crucial that any unit holding female prisoners has female custodial staff in sufficient numbers at all times (paragraph 52);
- the management and staff of Gldani Prison should be determined and ready to intervene whenever necessary to ensure discipline and good order in the establishment, and to protect the rights of both the prisoners and the staff (paragraph 53);
- the recommendations in paragraphs 115 and 116 of the report on the 2010 visit, concerning contact with the outside world for prisoners placed in disciplinary cells and the role of prison doctors in the context of disciplinary procedures, remain fully applicable (paragraph 54).

requests for information

- observations of the Georgian authorities on the skills, profile and experience required of prison directors (paragraph 51);
- clarification of the issue of the wearing of uniforms by custodial staff (paragraph 52);
- updated information on the plans of the Ministry of Corrections and Legal Assistance as regards the prison inspection and monitoring mechanisms (paragraph 58).

