

# **Rights of Prisoners and Mechanisms for Their Protection**



Human Rights Center

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## **Introduction**

The below report has been prepared following the undertakings of the lawyers of Human Rights Center and the concrete cases processed by Human Rights Center. The report analyzes the reforms implemented in the penitentiary system throughout 2013 and first half of 2014 and describes pros and cons of the reform.

The report covers the following issues: amendments into legal acts regulating prisoners' rights; accessibility to medical service for prisoners and others; discharge of prisoners from punishment due to poor health conditions; postponement of punishment; early release; amendments related to pardoning prisoners; physical abuse of prisoners; dragged-out investigation in cases of tortured prisoners and other significant issues.

The report presents recommendations to the Parliament of Georgia and Ministry of Corrections. The recommendations aim at ensuring the effectiveness and transparency of the penitentiary system by taking into consideration the interests of prisoners. The report considers the conclusions of the Public Defender of Georgia and of international organizations concerning prisoners' rights.

The conclusion of the problem summarizes problems and solutions to those problems as well as recommendations to corresponding institutions.

### **Reforms implemented in the penitentiary system and relevant problems**

Some reforms were implemented in the penitentiary system in 2013. Torture, inhuman and degrading treatment of prisoners are no longer a systemic problem. Large-scale amnesty of January 2013, active application of pardon and early release mechanisms with regard to prisoners, resolved the problem of prison overcrowding.

In 2013, in relation to the program for the prevention of Hepatitis C, a diagnosis and medical treatment system was elaborated; amendments were also introduced to the mechanism of releasing prisoners from punishment due to health problems and in the postponement of punishment mechanisms. Provisions in the Prison Code regulating the rights of prisoners were also amended.

Reforms in the penitentiary system were implemented with the involvement and participation of nongovernmental organizations.

Although many reforms have been implemented, there are still many problems in the system, which negatively influence the general conditions of convicts.

Throughout 2013 and in the first half of 2014 prisoners actively applied to Human Rights Center complaining about dragged-out investigations into cases of torture and inhuman treatment of the past years.. Accessible healthcare was still a problem in the report period. Prisoners complained about improper medical treatment, including surgical and post-surgery treatments.

At the end of 2013 and in the first half of 2014 facts of physical abuse and degrading treatments were observed in penitentiary establishments.

The establishment of a commission entitled to identify miscarriages of justice was postponed for uncertain time. This fact caused discontent among prisoners and they went on hunger-strikes in several facilities.

### **Large-scale amnesty of January 2013**

In January 2013 large-scale amnesty was declared in Georgia, applying to about 17 000 convicts.

The January 2013 amnesty presented several innovations. It was applied on a huge scale as never happened before (about 17 000 convicts); the amnesty reduced not only unserved part of the punishment but also basic punishment sentenced by court; the latter was applied to women, juveniles and people convicted for plotting or attempted crimes punishable under the Criminal Code of Georgia, committed before October 2, 2012; people convicted for minor criminal crimes were released from imprisonment except for some cases ; people convicted for drug-crimes were also released unless they were convicted for other premeditated crime in the past; every person, who had committed a crime before October 2, 2012 and for whom the law did not introduce any discharge from criminal liability or reduced their punishments at one/second and/or one/third, were amnestied under the Amnesty Law adopted on December 28, 2012 – so their punishment was reduced at one/fourth. The Amnesty Law was not applied to those convicts, who were sentenced to life imprisonment and to people who had committed crime after October 2, 2012. Also, the

Amnesty Law was not applied to those crimes that were directly regulated by the same law, referring to some groups of professional and gender crimes.<sup>1</sup>

18 487 prisoners were in penitentiary establishments of Georgia by December 31, 2012; by December 31, 2013 their number was reduced to 7 638; in April 30, 2014 there were 8 212 prisoners in Georgian penitentiary establishments.

On April 30, 2014 there were 82 prisoners sentenced to life imprisonment in the penitentiary establishments of Georgia.<sup>2</sup>

### **Legislative amendments to legal acts regulating prisoners' rights**

Since 2013 government started to intensively work on the amendments to the Prison Code of Georgia. Nongovernmental organizations actively participated in the working process.

Since 2013, Human Rights Center actively participated in the discussion of the draft containing the amendments to the Prison Code; meetings and public discussions on the amendments were organized by the Ministry of Corrections.

On November 8, 2013 Human Rights Center provided the Ministry of Corrections with its position concerning a draft of the amendments to the Prison Code of Georgia.<sup>3</sup>

The working process on the Prison Code continued in the first half of 2014 too. The amendments into the Code went into force in May 2014, significantly improving prisoners' rights. Almost two/third of the code was amended.

In accordance to the amendments to the Prison Code, two new prisons will be built. In relation to security risks, prisoners will be allocated into four different types of penitentiary establishments – low, semi-open, closed and special facilities. A specially established multi-disciplinary team will make regularly evaluations of the risks.

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<sup>1</sup> See Amnesty Law of Georgia (28.12.12)

[https://matsne.gov.ge/index.php?option=com\\_ldmssearch&view=docView&id=1819020](https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1819020)

<sup>2</sup> Public information was requested from the Ministry of Corrections of Georgia.

<sup>3</sup> Human Rights Center elaborated suggestions about the use of special instruments with regard to prisoners; about elaboration of fair and transparent procedures for disciplinary punishments of prisoners; the Center suggested the Ministry to introduce some encouraging instruments in the penitentiary system, like: additional long-term meetings; additional time for phone conversation, etc in order to give more motivation to prisoners to conduct well. Human Rights Center believed the Prison Code should become more liberal and compliant to international standards. Big part of the Center's recommendations was accepted by the Ministry of Corrections.

Prisoners with lowest risks will be placed in the low risk facility; they will be obliged to study and work. They will enjoy long and short-term meetings and longer phone conversations with relatives/family members. Prisoners categorized as exceptionally dangerous and highly dangerous will be interned into particularly secure facility. they will not be allowed to have long-term meetings and video-meetings, and will not be able to get money and work experience. Furthermore, they will not be able to have temporarily leaves from legal custody except for cases of death of close relatives. They will receive a minimal amount of phone calls and short-term meetings.

In accordance to the Prison Code, the denomination of the special prison for juvenile convicts will be changed into rehabilitation facility; juveniles will participate in rehabilitation and education programs in conformity with their individual sentences.

The number of allowed phone-calls , short and long-term meetings and video-meetings will be increased and more benefits will be provided. ; Namely, they will have the right to receive things (i.e. personal items and belongings) by parcels or post, which are not generally allowed into penitentiary establishments but are not prohibited either. Juveniles will also be permitted to play computer games.

As far as concerns the amendments to the Prison Code, new special tools were introduced; the law clearly indicates at what circumstances and to what extent special tools can be applied. The law also underlines that special tools shall be proportional to the originated threat.

Available space standards for one prisoner was increased from 2,5 up to 4 sq. meters.

The circle of potential visitors was widened in parallel to the increased number of short and long-term rendez-vous in open facilities.

Rules for visual and electronic surveillance and control were also clarified. In case of a well-grounded assumption, prison administration has the right, to conduct visual and electronic surveillance and control<sup>4</sup> in order to guarantee the security of accused/convicted people.

In May 2014 Human Rights Center, together with the representatives of other NGOs, Ministry of Corrections and Council of Europe, participated to the working meeting in

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<sup>4</sup> See amendments to the Prison Code of Georgia  
[https://matsne.gov.ge/index.php?option=com\\_idmssearch&view=docView&id=91612&lang=ge](https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=91612&lang=ge)

Gudauri. The meeting, held with the active participation and involvement of the civil society, aimed at discussing the draft decrees drawn up by the Minister of Corrections.

Human Rights Center positively evaluated the amendments to the Prison Code referring to the enhancement of living conditions in penitentiary establishments and to the improvement of prisoners' rights. However, one factor should be taken into consideration – how the law will be implemented in practice and at what extent representatives of the civil society will be able to monitor the implementation of the new amendments.

### **Right of Prisoners to healthcare**

Throughout 2013 and in the first half of 2014, prisoners sent applications to the Human Rights Center from penitentiary establishments and they mostly lamented the difficulty in accessing the healthcare system, demonstrating improper examinations, diagnosis and inadequate treatment of their illnesses. They also lamented late surgery operations.

Throughout 2013 and in the first half of 2014 about 800 prisoners from different prisons of Georgia sent their applications to Human Rights Center and requested legal aid.<sup>5</sup> Seven out of the ten submitted applications were about breached right to healthcare, improper medical treatment, including operational and post-operational treatment and insufficient medicines for the treatment of convicts.

Based on Human Rights Center's observation, prisoners' right to healthcare was breached mostly in the following circumstances:

#### Late surgical operations

Throughout 2013 prisoners had been waiting for surgery operations for months and applied to Human Rights Center for help. They expected Human Rights Center to advocate them before the medical unit of the Ministry of Corrections in order that the latter would provide them with surgical operation within reasonable time.<sup>6</sup>

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<sup>5</sup> Mostly prisoners and relatives of prisoners from the following prisons apply to Human Rights Center for help: Gldani Prison #8, Rustavi Prison # 6 and 17; Ksani prison # 17 and #5; Geguti Prison # 14 and Kutaisi Prison # 2.

<sup>6</sup> Human Rights Center worked on the case of prisoner R. A. of Ksani Prison # 15, who needed stenting of his utter. The prisoner was in poor health conditions; he suffered from unbearable pains. The prisoner had about 15 diseases, which he had got as a result of physical assault and torture in prison. Thanks to the efforts of a Human Rights Center's lawyer, the prisoner was operated later on. Human Rights Center defended the legal interests of the convict G. A of Prison # 15. He complained about breached right to healthcare by prison administration. He was unsuccessfully waiting for urgent surgical operation during months. After the Center sent several petitions to the Ministry of Corrections, the prisoner got the operation. . Convict S.S. of Prison # 7 was physically abused by



On October 10, 2013 Human Rights Center petitioned the deputy minister of corrections Archil Talakvadze for prompt reaction and sent a list of 17 prisoners, who needed immediate medical examinations and treatment. As a result of the cooperation between Human Rights Center and Ministry of Corrections, the convicted people received medical treatment.

#### Post-operational treatment

Throughout 2013 prisoners applied to Human Rights Center complaining about absence of post-operational medical treatment, despite being it prescribed by the doctor. The Penitentiary Department replied to the complaints arguing that the medical unit of the Ministry could not purchase medicines they needed for post-surgery treatment. They only received pain-killers. According to prisoners, they could not receive medicines necessary for their post-operational rehabilitation.<sup>7</sup>

#### Problem of timely examination and diagnosis

Throughout 2013 prisoners with health problems applied to Human Rights Center for legal aid. They required lawyers to advocate them before the medical unit of the Ministry of Corrections and asked the prison administration to provide them with adequate examination and diagnosing.<sup>8</sup> The majority of prisoners had received injuries during imprisonment term as a result of physical assault and torture.

#### Problem of adequate treatment of prisoners

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riot police officers; they injured his recently operated nose. The prisoner could not breathe and had heart problems. With the assistance of Human Rights Center, the prisoner was operated on the nose. Prisoner V.B of Rustavi Prison # 17 requested operation of thyroid glands because he could not breathe. With the assistance of the Center's lawyer, he was operated on. As a result of the Center's legal aid, prisoner L. K. from Ksani Prison # 5, prisoner V. N of Rustavi Prison # 6, prisoner V.B. of Rustavi prison # 17, prisoner A. P of Ksani prison # 15 and prisoner M.M of Gldani Prison # 8 were operated on.

<sup>7</sup> Prisoners R.A. G.A, L.K of Ksani prison # 15, prisoners S.S, I.N, of prison # 7, prisoners E. Kh, R. Kh of Rustavi prison # 17 and others applied to the Human Rights Center with the same problems.

<sup>8</sup> Prisoners, who got health problems during imprisonment terms as a result of ill-treatment, applied to the Human Rights Center with the problems: prisoners R. A, G.A, L. K, M. M, L. Z, O.B, L. L of Ksani prison # 15, prisoner G.M of prison # 6, prisoner D.G of Gldani Prison # 8, prisoner G.O of Gldani prison # 8, prisoners T.T, T.B of prison # 5, prisoner D.G of prison # 19, prisoners G.S, K.M of Gldani prison # 8, prisoner Ts. A of Rustavi prison # 17, prisoners V.B, G.A, O.B of Ksani prison # 15, prisoner V. J of Rustavi prison # 17, prisoner G. P of prison # 8, prisoner Z. Dz. Of prison # 19, prisoners G.S, D.B, M.M of Ksani prison # 15, prisoner A.M of Geguti prison # 14, prisoner B.Sh of Gldani prison # 8, prisoner G. J of Rustavi prison # 17, prisoner M.M of Gldani prison # 8, prisoners Sh. K, J. Sh of Ksani prison # 15, Prisoners Z. G, A.K, M.T, Z.A, Z.N of Gldani prison # 8, prisoners A. T, T.R, V.B, E. Kh, T.KH of Rustavi prison # 17, prisoners I.N, S.S, L. Sh of prison # 7, prisoner I.D of Geguti prison # 14, prisoner O.B of Gldani prison # 8, Prisoner V. N of Rustavi prison # 6

Throughout 2013 prisoners applied to Human Rights Center and complained about improper and poor medical treatment executed by medical personnel of the corresponding agencies of the Ministry of Corrections, by medical department and medical personnel of prisons. Majority of penitentiary establishments did not have supplies of necessary medicines; prisoners could only get painkillers. Qualification of the prison doctors was also a problem.<sup>9</sup>

Inadequate use of psychotropic medicines and sedatives; medical personnel of penitentiary establishments gave unlimited number of sedatives to prisoners

In 2013 lawyers of Human Rights Center observed that prison doctors released big amount of sedatives, psychotropic medicines to particularly aggressive prisoners in order to avoid problems for prison personnel. Doctors increased number of medicines individually, selfishly. Doctors increased the amount of medicines only according to the request of prisoners. Similar facts were observed in the Gldani prisons # 8, 7 and 6.

Ungrounded refusal of the Ministry of Corrections to conduct medical forensic expertise with state funds

Throughout 2013 the Ministry of Corrections gave ungrounded negative answers to prisoners to take state-funded forensic expertise. The Ministry did not consider the fact that big part of convicts had got sick during physical abuse and torture that imposed additional positive obligation on the state to provide prisoners with medical treatment and state funded forensic expertise. The majority of convicts could not financially afford forensic expertise.<sup>10</sup>

## **Innovative program of Hepatitis C in Penitentiary Establishment**

In 2012, there wasn't any program for the prevention, diagnosis and anti-virus treatment of Hepatitis C in the penitentiary system. In 2013 eight patients received Hepatitis C treatment. . In 2014 41 patients participated in the Hepatitis C medical treatment program.

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<sup>9</sup> Prisoners applied to the Human Rights Center with regard to this problem, who complained that their health conditions worsened as a result of ill-treatment during imprisonment. Prisoners R. A, G.A, L.K, M.M, L.Z, O.B of Ksani prison # 15, prisoner G.M of prison # 6, prisoner D.G, G.O of Gldani prison #8, prisoners T.T, T.B of prison # 5, prisoner D. G of prison # 19 and others.

<sup>10</sup> Prisoners R.A, G.A, M.M of Ksani prison # 15, prisoners E. Kh, R.Z of Rustavi prison # 17, prisoner G.T of Gldani prison # 8 were refused to take state-funded forensic expertise though they could not afford to fund the expertise.

The program was launched in the penitentiary system in 2014. A patient can receive the anti-virus treatment in accordance with the conclusion of doctors consultation and if the diagnostic of a special profile meets the criteria of the program.<sup>11</sup>

## **Measures taken by the Human Rights Center's Lawyers to address the facts of breached right of prisoners**

Throughout 2013 and in the first half of 2014 lawyers of Human Rights Center provided prisoners, whose rights to accessible healthcare were breached, with legal aid: the lawyers sent official statements to the Minister of Corrections of Georgia, the medical department of the ministry, the prison administration and the medical personnel and the chairman of the Parliamentary Committee for Human Rights and Civil Integration. They requested the Public Defender of Georgia to act within its competence and in coordination and cooperation with Human Rights Center and demand the corresponding bodies of the Ministry to provide prisoners with timely and adequate medical treatment. Results were achieved as a result of joint effort in several cases.<sup>12</sup>

Lawyers of Human Rights Center disseminated official statements about abused health rights of prisoners in the media and made publications on the human rights web portal [www.humanrights.ge](http://www.humanrights.ge)<sup>13</sup>

In 2013, video studio ([www.hridc.tv](http://www.hridc.tv)) of Human Rights Center prepared video-reportages on breached health rights of Prisoners.<sup>14</sup>

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<sup>11</sup> Human Rights Center requested public information from the Ministry of Corrections

<sup>12</sup> Prisoners R. A, M.M and G. A of Ksani prison # 15, prisoner T. Kh of Rustavi prison # 17, prisoners S.S. and I. N of prison # 7. They needed immediately operations that was achieved as a result of cooperation with the Public Defender of Georgia and Parliamentary Committee of Human Rights and Civil Integration. Those institutions actively cooperate with Human Rights Center with regard to prisoner's health issues.

<sup>13</sup> See statements: <http://www.humanrights.ge/index.php?a=main&pid=17042&lang=eng>

<http://www.humanrights.ge/index.php?a=main&pid=17491&lang=eng>;

<http://www.humanrights.ge/index.php?a=main&pid=17126&lang=eng>;

<http://www.humanrights.ge/index.php?a=main&pid=17087&lang=eng>;

<http://www.humanrights.ge/index.php?a=main&pid=17042&lang=eng>;

<http://www.humanrights.ge/index.php?a=main&pid=17023&lang=eng>;

<http://www.humanrights.ge/index.php?a=main&pid=16085&lang=eng>

<sup>14</sup> See reportages: <http://www.hridc.tv/index.php?a=view&id=893&lang=eng>;

<http://www.hridc.tv/index.php?a=view&id=840&lang=eng>;

<http://www.hridc.tv/index.php?a=view&id=842&lang=eng>

<http://www.hridc.tv/index.php?a=view&id=829&lang=eng>;

<http://www.hridc.tv/index.php?a=files&catid=30&lang=eng>

## **Cases of prisoners' death due to late and inadequate medical treatment**

On May 23, 2014 prisoner Avtandil Maisuradze, 24, died in Kutaisi Prison # 14. The prisoner died after his health conditions worsened as a result of torture and inhuman treatment. Despite many petitions and appeals were launched, he did not receive the necessary medical treatment. The convicted had been in urge of prompt medical treatment several times but he received only painkillers. Periodically his lower limbs stopped functioning; he had terrible pains. The medical department of the Ministry of Corrections had notified the prisoner and Human Rights Center that they would have provided a diagnostic examination in the short period, and that neuro-surgeon was about to meet him to plan future medical treatment. The Magnetic Resonance Imaging (MRI) showed that Avtandil Maisuradze had fourteen of his back bones damaged; he had problems in the chest and waste; he had eyesight problems and headaches.; Despite the fact the prisoner was in such serious health conditions, the Ministry of Corrections did not take the prisoner to the doctor for consultation, where they could have planned future treatment. In fact, no real measures were taken to provide the prisoner with medical treatment. Diagnosis is not sufficient to cure a patient.<sup>15</sup>

Lawyer of Human Rights Center defended prisoner's rights in terms of medical treatment.

In the aftermath of the prisoner's death, Human Rights Center spread a statement arguing that in order to eradicate similar facts, the medical service of the penitentiary system must work efficiently. It is one of the most important pre-conditions to ensure normal conditions for prisoners. Medical service in prisons shall meet international standards which are guaranteed by international acts. The case law of the European Court rules that every state has the obligation to safeguard the health of convicted people. Otherwise, inadequate medical treatment might be equal to the treatment prohibited by the Article 3 of the European Convention on Human Rights.<sup>16</sup>

On January 2, 2014 prisoner Data Gogokhia passed away in the tuberculosis jail hospital # 19. convicted Data Gogokhia, who suffered from acute pains in the belly, could not receive adequate medical treatment. Due to mistakes of the medical personnel, he was not taken to the hospital timely and in the end it led to his death.<sup>17</sup>

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<sup>15</sup> See information at: <http://www.humanrights.ge/index.php?a=main&pid=17729&lang=eng>

<sup>16</sup> See statement: <http://www.humanrights.ge/index.php?a=main&pid=17729&lang=eng>

<sup>17</sup> See information at: <http://netgazeti.ge/GE/105/law/26873/>

## Other death facts of prisoners

On May 23, 2013 prisoner Levan Kortava, 24, died in Geguti Prison # 14. Chief Prosecutor's Office interrogated Geguti prison personnel with regard to Kortava's death and arrested a person with past criminal record. The investigation showed that Levan Kortava had an argument with the security inspector I.Sh about psychotropic medicines. After the incident, according to the instructions of I.Sh, a prisoner with nickname "buldoga" took Levan Kortava to the cell located on the third floor of the sixth premise of the prison and ruthlessly beat him together with other prisoners. They stopped beating Kortava after he started bleeding from the nose. However, back in his cell other prisoners visited Kortava and forced him out to another cell. According to the investigation, Levan Kortava was being ruthlessly beaten during ten minutes and convicts stopped the harassment only when Levan Kortava lost his consciousness. The prisoner died as a result of injuries.

Chief Prosecutor's Office arrested several prison officers and one former prisoner for the fact.<sup>18</sup>

Juvenile Gogi Dzvelaia from Senaki died in Kutaisi Prison # 2. The 16-year-old boy was brought to the penitentiary establishment two days before.<sup>19</sup>

On March 4, 2014 prisoner Giga Partenadze died in Kutaisi prison # 14. The prisoner had physical controversy with other prisoners, after what convicted Giga Partenadze died of grave traumas.<sup>20</sup>

Notwithstanding the serious problems in the penitentiary system and the impartial criteria of encouragement, senior officials of the penitentiary department received high bonuses.<sup>21</sup>

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<sup>18</sup> See video-story: <http://www.hridc.tv/index.php?a=view&id=850&lang=eng>

<sup>19</sup> See information at: <http://www.tabula.ge/ge/story/75503-subari-shesadzloa-gardacvlil-patimars-vinmestan-utanxmoeba-hqonda>

<sup>20</sup> See information at: <http://cp.ge/ge/stiacci.php?ID=13049>  
<http://humanrights.ge/index.php?a=main&pid=17686&lang=eng>

<sup>21</sup> see information about bonuses paid to senior officials of the Ministry of Corrections  
<http://www.netgazeti.ge/GE/105/News/31475/>

## **Movement problems of prisoners with disabilities and inadequate environment**

For many years, the rights of prisoners with disabilities have been violated because of absence of adequate infrastructure in the penitentiary establishments; the premises lack of passages for wheelchair users.

In prisons # 19 and # 8 inmates of the economic unit of the prison are tasked to bring disabled prisoners using wheelchairs to the meetings with lawyers.<sup>22</sup>

Prisoners with disabilities cannot dress, take bath, eat and go to toilet autonomously. There is no relevant personnel who could be invested of the responsibility to take care of prisoners with disabilities.

Lawyers of Human Rights Center have often witnessed the difficulties prisoners with disabilities encounter in prisons # 19 and 8.

## **Discharge prisoner from punishment because of health problems and postponement of punishment**

For years, the lives of prisoners with serious health problems were seriously at risk. The permanent joint commission of the Ministry of Corrections and Ministry of Labor, Healthcare and Social Welfare functioned with serious shortcomings and could not implement its duties.

The situation has been a bit improved from the end of 2012. On December 18, 2012 according to the joint decree #181/N01-72N of the Ministers of Corrections and Labor, Healthcare and Social Welfare, a resolution on the permanent commission was enacted. Based on the decree # 01-6/N February 15, 2013 of the Minister of Healthcare, a list of grave and incurable diseases was elaborated and which will constitute the ground for discharging prisoners from punishment.

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<sup>22</sup> Lawyers of Human Rights Center provide prisoners with disabilities with legal aid; for example prisoners Ts. A and D.G, who use wheelchairs, were brought to the meeting with the Center's lawyers by the prisoners of the economic unit. Prisoners complain about inaccessible environment because infrastructure of the penitentiary establishments are not suitable for their needs. Consequently, lawyers also have to wait for their clients to be brought to the meeting room.

Although the list of grave and incurable diseases was specified, very often the practice of the joint commission resulted in taking an incorrect direction.

In 2013 a lawyer of Human Rights Center petitioned the joint commission of the Ministries of Correction and Healthcare to free prisoner Tamaz Rasoyan from punishment. The Commission refused to conform to the petition by giving baseless reasons. . Human Rights Center received ungrounded refusals to the petitions with regard to the following prisoners' cases: prisoner Davit Gordadze from prison # 19; prisoner Otar Beridze from prison # 8; prisoner Badri Svanishvili from prison # 19, prisoner Giorgi Sharashidze from Khoni psychiatric facility.

In April 2014 Human Rights Center's lawyer petitioned the joint commission with regard to prisoner Tamar Talikadze's case from prison # 5. The lawyer requested to postpone the punishment or discharge him . The Center has not yet received a reply from the commission.

The cases processed by Human Rights Center demonstrate that although concrete prisoners had diseases as for the list approved by the decree of February 15, 2013 of the Minister of Healthcare, and although recent medical documents proved that prisoners had serious health problems which enabled them to comply to normal imprisonment terms, the commission refused to pass any positive measure. . . In accordance to the real practice of the commission, only prisoners who are in terminal conditions and are expected to die soon are freed from imprisonment. . The commission does not have a case-to-case approach to prisoners. Due to the incorrect work of the commission, prisoners' rights are breached.<sup>23</sup>

If the permanent commission continues such a formal approach with prisoners, the opportunity of discharging them from punishment and chances of postponement lose sense. It might constitute a breach of fundamental right of prisoners – right to life.

In addition to that, the joint permanent commission often gives ungrounded and vague clarifications in regards to their refusal to free prisoners from punishment. Obscurity of the decision causes negative emotions in prisoners. Very often, prisoners address to Human Rights Center's lawyers and ask clarifications about the commission's refusal.

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<sup>23</sup> Prisoner R.A from Ksani prison # 15 suffered from about 15 diseases and had only one kidney. His diseases meet the criteria estimated by the commission but the latter refused the convicted person to free from imprisonment.

As for statistics, throughout 2013 60 prisoners were freed from punishment because of health problems.<sup>24</sup> By May 20, 2014 nine prisoners were released from punishment because of illness.

52 accused/convicted persons were taken to psychic hospitals for involuntary psychiatric treatment.

In 2013 the execution of judgment was postponed for 10 convicts.<sup>25</sup> By May 20, 2014 imprisonment terms were postponed for one accused/convicted person (illness/pregnancy).

On June 14, 2013 the Criminal Procedural Code of Georgia was amended according to which punishment can be postponed in accordance with the alternative forensic medical conclusion.<sup>26</sup>

### **Case of convicted Zaza Azariashvili**

With the legal aid of a Human Rights Center's lawyer, on July 26, 2013 punishment term was postponed for the convicted Zaza Azariashvili and he was freed from the penitentiary establishment.<sup>27</sup>

Convicted Zaza Azariashvili was victim of ruthless torture and inhuman treatment. He was tortured in Gldani prison # 8. Prisoner got sick during his detention as a result of physical assault and torture. Tbilisi Prosecutor's Office is investigating his torture fact; the Human Rights Center's lawyer defended Zaza Azariashvili's legal rights.

### **Assessments of Public Defender of Georgia and international organizations regarding the prisoners' right to health care and its practical implementation**

Public Defender of Georgia issued recommendations to the Minister of Corrections<sup>28</sup> to ensure timely provision of medical service in the relevant medical departments of

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<sup>24</sup> See report by Public Defender of Georgia about human rights and basic freedoms in Georgia, 2013

<sup>25</sup> See report by Public Defender of Georgia about human rights and basic freedoms in Georgia, 2013

<sup>26</sup> In accordance to the Article 283 of the Criminal Procedural Code of Georgia, execution of judgment can be postponed based on the forensic medical expertise conclusion if the convicted person's health conditions are irrelevant to the imprisonment term – the term can be postponed until his/her recovery or significant improvement of health conditions.

<sup>27</sup> See information at: <http://www.humanrights.ge/index.php?a=main&pid=16795&lang=eng>;  
<http://www.humanrights.ge/index.php?a=main&pid=16803&lang=eng>



penitentiary or private hospitals according to prisoner's special need, considering the progression of the illness. Besides, in case of incomplete health inspection or need of additional inspection in the private hospital, the prisoner must be specially transferred to the hospital.

According to the report of Thomas Hammarberg, EU special advisor on Constitutional and Legal Reform and Human Rights in Georgia<sup>29</sup>, "adequate and effective complaints and debriefing structures should also be put in place" in order to effectively protect rights of convicts and other people in the penitentiary.

In its 2013 report, European Committee for the Prevention of Torture (CPT) gave recommendation to the relevant bodies to improve healthcare access for prisoners and create effective and unbiased mechanism for making complaints and investigation in order to effectively protect rights of prisoners and prison employees<sup>30</sup>.

### **Early Release of Prisoners**

During 2013, the requests of making complaints against refusals of local councils for early release of prisoners increased in Human Rights Center. Lawyers of Human Rights Center provided help to the prisoners to submit complaints and address courts.

Practice of Human Rights Center shows that local councils made mistakes that violated rights of prisoners.

During 2013, local councils took different approaches on the same kind of cases. Their decisions were often vague and ungrounded. The flaws were observed in the work of local councils as well as the work of common courts of Georgia in the process of consideration of decisions of local councils. The decisions of local councils had formal nature only and hardly ever presented argument as to what became basis for negative decision. The flaws in the work of local councils had systematic nature.

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<sup>28</sup> page 47; report of Public Defender of Georgia regarding protection of human rights and freedoms in Georgia (2013); <http://www.ombudsman.ge/uploads/other/1/1563.pdf>

<sup>29</sup> Georgia in Transition; Report on the human rights dimension: background, steps taken and remaining challenges; [http://eeas.europa.eu/delegations/georgia/documents/virtual\\_library/cooperation\\_sectors/georgia\\_in\\_transition-hammarberg.pdf](http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf)

<sup>30</sup> 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; Strasbourg, 31, July 2013

On December 9<sup>th</sup> of 2013 Human Rights Center provided recommendations to the Ministry of Corrections regarding early release of convicts and lightening sentences.

Human Rights Center positively assessed amendment made to the #151 Order regarding Quantity, Territorial Jurisdiction and Typical Statute of Local Councils of Ministry of Corrections on October 28<sup>th</sup> of 2010 by the Minister. The aim of the amendment was to advance re-socialization of prisoners and ensure public safety.

Human Rights Center recommended to Ministry to make following amendments to the statute of local council:

- The candidacies of representatives of NGOs should be proposed by the NGO sector itself and not by the coordination council of Ministry of Corrections as envisaged by the statute. This would help involvement of NGOs in the process of formation of local councils and would increase their independence.
- At least one representative of Public Defender should be included in the panel of local council;
- The panel should be appointed for 3 years. This will enhance stability in their work and will decrease influence from interested individuals;
- One of the criteria for membership of local council should be undertaking training in teaching and psychology. The need of this training is determined by the aim of the local council itself – supporting effective re-socialization of convicts.<sup>31</sup>

Some of the recommendations of Human Rights Center regarding ensuring transparency of work of local councils were accepted by the Ministry of Corrections.

### **Changes regarding Pardoning of Convicts**

On March 27<sup>th</sup> of 2014, according to the decree #120 of President of Georgia, new rule on pardoning was adopted which considerably improved rights of convicts, especially those

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<sup>31</sup> See the full list of recommendations:  
<http://www.humanrights.ge/index.php?a=main&pid=17413&lang=eng>

sentenced to life imprisonment. According to the new rule, the mechanism of pardoning became available for them<sup>32</sup>.

According to the pardoning rule operating before March 27<sup>th</sup> of 2014, prisoners serving life sentences had to spend 25 years in prison and had right to address the pardoning commission only afterwards. According to the rule operating after March 27<sup>th</sup> of 2014, life-sentenced prisoners can address pardoning commission after 15 years.

Another important amendment is that according to the rule operating till March 27<sup>th</sup> of 2014, if a convict was sentenced to both prison as well as conditional sentences, he had to serve half of the term of aggregate sentence and he could address the pardoning commission only afterwards. According to the new rule of pardoning, when there are two sentences, the commission will take in account only prison sentence.

According to the pardoning rule operating till March 27<sup>th</sup> of 2014, crime confession was necessary pre-requisite for pardoning. If the convict did not confess the crime, the pardoning commission would not hear his case. According to the new rule, confession is not taken into account. However, the convict needs to make a request of pardoning.

According to the new rule, for the convicts who committed crime as a juvenile, but are now adults and serve sentences in penitentiary, commission will address their cases as those of juveniles.

Before amendments were made on March 27<sup>th</sup> of 2014, Human Rights Center published its opinions regarding the rule of pardoning of convicts. According to our opinions, the circumstances giving basis for pardoning should have been clearly formulated in order to avoid arbitrary use of law.

Besides, Human Rights Center considered that the President should not have right to individually pardon someone, without the relevant recommendation of pardoning commission.<sup>33</sup>

Since 2013, Human Rights Center addressed President of Georgia to pardon approximately 15 convicts. Some of the requests were satisfied. We have still not received responses regarding some requests.

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<sup>32</sup> Decree #120 of President of Georgia, March 27<sup>th</sup> of 2014;

[https://matsne.gov.ge/index.php?option=com\\_ldmssearch&view=docView&id=2299717&lang](https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=2299717&lang)

<sup>33</sup> See the recommendations: <http://www.humanrights.ge/index.php?a=main&pid=17310&lang=eng>

## **Protecting Rights of Convicts in #7 Penitentiary Department**

According to the 2013 report of Public Defender of Georgia regarding protection of human rights and freedoms in Georgia, prisoners of #7 penitentiary expressed discontent about prison yards, specifically, they complained that the yards were too small and were located in such a place where the air did not move.

In the #7 prison, the prisoners infected with tuberculosis serve their sentences in the cells of the first floor, where the walls, the grounds and ceiling are moist. Living in such conditions damages their health and increases risk of relapse of tuberculosis in future.<sup>34</sup>

According to the report of Public Defender, there is no laundry in the prison #7, prisoners do not have enough warm clothes, shelves or desks, their personal items and food lay on the floor that violates norms of hygiene.

Prisoners wash and dry their clothes in the cell. They say that they do not have warm clothes.<sup>35</sup> The special needs of the prisoners who are prescribed diet by the doctors are not considered in the food menu.<sup>36</sup>

Convicts of #7 prison do not have right to keep razor and nail clipper inside the cells. There is no infrastructure for long dates in the prison.

As lawyers of Human Rights Center note, rooms for meeting with lawyers are few and of small size which restricts right of prisoners to have unhindered access to their lawyers. According to the explanations of convicts from prison #7, they do not have right to keep their private correspondence in the cell.

According to the explanation of one of the life-sentenced prisoner from #7 prison department, for minor misconduct, the convicts get prohibition to use telephone and send/receive parcel for months.

Public Defender of Georgia recommended Minister of Corrections to ensure that short dates are allowed without glass barriers.

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<sup>34</sup> 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; Strasbourg, 31, July 2013

<sup>35</sup> Convicts from #7 prison – S.S, I.N and G.O provided information to lawyers of Human Rights Center

<sup>36</sup> Convicts from Ksani #15 prison talked about these problems to Human Rights Center

Besides, recommendation was given to the Minister of Corrections to ensure necessary infrastructure for long dates in prisons #5, #7, #8 and #12.

According to the recommendation of Public Defender, in every department of penitentiary system, the right to telephone calls should be ensured fully and without restrictions.

### **Transfer of Convicts**

During 2013 and in the first half of 2014, the convicts who wanted to transfer from one penitentiary department to another one addressed Human Rights Center for help. They requested transfer for various reasons. Lawyers of Human Rights Center addressed directors of penitentiary establishments, relevant penitentiary department and the chief doctor of the department. Mostly, the reason of the transfer was named to be the health state of a prisoner and inadequate conditions in the prison.

In 2013, lawyer of Human Rights Center requested transfer of convict I.N. from Tbilisi #7 penitentiary department to the medical department #18. On June 10<sup>th</sup> of 2013, the convict underwent surgery in Ghudushauri hospital. After signing out from the hospital on June 26<sup>th</sup> of 2013, he was unable to go through the rehabilitation course as there were no adequate conditions in the #7 prison where he was placed. As a result of these developments, the health state of the convict deteriorated.

#7 prison establishment of Tbilisi is a closed type of prison establishment and it lacks adequate health conditions. The convict I. N. needs to spend long time on fresh air and other proper conditions along with the relevant medical treatment.

It should be noted that the request of Human Rights Center regarding the transfer of I. N. was satisfied.

In another instance in 2013, Human Rights Center addressed Ministry of Corrections with the request to transfer the convict T.O. from Gldani #8 to Ksani #15 department. The ground of request was that the convict had family members and close relatives in the region of Kaspi, in the village of Aghaiani and it was more convenient for the family to pay visits to T.O. in the #15 prison department and give him necessary items. This request of Human Rights Center was also satisfied by the Ministry.

In 2014, Human Rights Center's lawyer requested transfer of L.L. from Ksani #15 prison department to prison #19. The ground of request was severe health state of the prisoner. He was infected with tuberculosis and hepatitis C, was mentally unstable and prone to suicide.

The convict was not given adequate medical treatment in Ksani #15 prison that deteriorated his health state.

Before being placed in #15 prison department, the convict was placed in the #19 penitentiary department to go through 9-month treatment program. However, due to unknown reasons, he was transferred to the #15 prison in five months where he was deprived of adequate medical treatment. Corresponding request of Human Rights Center was also satisfied.

## **Facts of Beating of Convicts**

### Case of Convict Giorgi Oganezov

In April of 2014, convict Giorgi Oganezov from #7 penitentiary department addressed Human Rights Center with the request of legal assistance.

On March 28<sup>th</sup> of 2014, the prisoner was transferred from #8 to #7 penitentiary department. Prior to transfer, on March 28<sup>th</sup> of 2014, he claims he was beaten by the supervisor and members of Special Forces on the ground floor of Gldani #8 department.

According to the prisoner, the reason of his beating was the fact that he protested against the facts that some of the employees of #8 prison who used to beat and torture prisoners for years still worked there. The convict had bodily injuries.

On April 22<sup>nd</sup> of 2014, lawyer of Human Rights Center addressed general inspection of Ministry of Correction and Office of Chief Prosecutor to open investigation into the alleged fact of beating of Giorgi Oganezov.

The investigation was opened into the alleged offence of exceeding official power.<sup>37</sup>

### Case of Convict Amiran Patoev

On December 19<sup>th</sup> of 2013, 19 convicts went on hunger strike in #17 prison department with the request to re-examine the cases filed against them. The prisoners were transferred to the confinement of strict regime. On December 21<sup>st</sup>, three of these prisoners were summoned and told that they would be transferred to another prison department. One of the prisoners, Amiran Patoev expressed protest against this decision and requested clarification as to what determined the necessity to transfer the prisoners who were on hunger strike to another establishment. According to the prisoners, about 30 prison officials approached them at this

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<sup>37</sup> See following information: <http://www.humanrights.ge/index.php?a=main&pid=17733&lang=eng>

moment, including the director Aleksandre Birtvelishvili of #17 prison department. He stated that he was not going to answer their questions. At this moment, one of the prison officials pulled Amiran Patoev and punched him in the face, restricted him to move and knocked his head against the wall.

In about 15 minutes after this incident, the prisoner was summoned and was transferred to the #6 prison department.

On January 15<sup>th</sup> and May 2<sup>nd</sup> of 2014, Human Rights Center disseminated statements regarding the alleged fact of beating of Fatoev and expressed alarm. Amiran Fatoev has been victim of torture and inhuman treatment in the past. His spine has been injured as a result and he can walk only with crutches.<sup>38</sup>

#### Case of Convict Genadi Jeladze

According to the information of prisoner Genadi Jeladze, during 2004-2005, when the convict Genadi Jeladze served sentence in Kutaisi, the head of penitentiary department Shota Toradze participated in the torture and inhuman treatment against him. When Shota Toradze was appointed to the position of deputy head of penitentiary department, Genadi Jeladze addressed Ministry of Corrections with a complaint to start investigation against Shota Toradze. According to Genadi Jeladze, Shota Toradze had asked him to stop submitting complaints against him.

On April 27<sup>th</sup> of 2014, prisoner Genadi Jeladze was transferred to #6 closed type of penitentiary department where inhuman acts took place against him, according to his statements. He states that on April 27<sup>th</sup> he was undressed and was transferred to #6 closed type department on April 27<sup>th</sup>. The prisoner went on dry hunger strike to protest the inhuman treatment.

On May 2<sup>nd</sup> of 2014, lawyers of Human Rights Center held press-conference regarding the alleged facts of beatings and inhuman treatment against following prisoners – Giorgi Oganezov, Amiran Patoev and Genadi Jeladze.

Human Rights Center requested to cease authority of those officials who were accused of participation in the inhuman treatment of prisoners and who could still influence prisoners who still served sentences. The request of Human Rights Center has not been satisfied yet.<sup>39</sup>

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<sup>38</sup> <http://www.humanrights.ge/index.php?a=main&pid=17500&lang=eng>

<sup>39</sup> <http://www.humanrights.ge/index.php?a=main&pid=17733&lang=eng>

## **Necessity of Public Monitoring in Prisons**

Facts of torture and inhuman treatment of convicts had been neglected by the state of Georgia for years. Absence of public monitoring of prisons contributed to the escalation of this problem.

According to international practice, without effective public monitoring, it will not be possible to prevent inhuman treatment of prisoners. Considering the closed nature of system of penitentiary, the risk of ill-treatment of convicts is high.

The state of Georgia still has not established effective public control mechanism for penitentiary system that would have given opportunity to NGOs to have control on prison departments.

## **Ineffective Investigation into Facts of Torture and Inhuman Treatment of Prisoners**

Majority of prisoners serving sentences in penitentiary departments are victims of torture, inhuman and degrading treatment. Unfortunately, often the investigations into facts of torture do not start at all or take unreasonably long time. Though the situation in the penitentiary department is better in terms of improvement of access to healthcare, the treatment of illnesses that the victims of torture were inflicted with as a result of inhuman treatment is still a problem. The state has not established a mechanism for restoration of their rights. There is no body which would grant the convicts a status of a victim. They have never been rehabilitated. The legal assistance is still not fully accessible for the prisoners.

In January and February of 2014, Human Rights Center participated in the project financed by Open Society – Georgia Foundation which aimed to interview the convicts still serving sentences in prisons.

In #8 penitentiary department of Gldani, lawyers of Human Rights Center interviewed 60 prisoners majority of who have been victims of severe torture. Several of them could not move independently because of severe health state.

The prisoners had two questions to the lawyers: when will their verdicts be re-examined and when the investigation into the facts of torture and inhuman and degrading treatment will be over. They told the lawyers about the facts of their torture and requested that the state accelerates the process of restoration of justice.



The prisoners brought their case materials and documents showing their poor health state at the interview and requested legal assistance from the lawyers.

Most of these prisoners do not even have the status of sufferers granted by the office of prosecutor. They are constantly interrogated as witnesses regarding the alleged facts of torture and ill-treatment, however, the investigation is unreasonably protracted.

According to the observation of lawyers of Human Rights Center, the convicts need legal and psychological rehabilitation as well as proper medical treatment.

In February of 2013, along with other NGOs, Human Rights Center disseminated statement regarding the necessity of timely response to the alleged facts of torture.<sup>40</sup> The statement reads that “ineffective investigation into the facts of torture and inhuman treatment has been encouraging climate of impunity throughout many years. However, as effective investigation is the key in combating torture and inhuman treatment, it should be primary goal of the state.”

Unfortunately, since 2013 up until today, Georgian state has failed to adequately and timely investigate the alleged facts of torture and restore the justice for the victims of torture.

### **Postponing of Creation of Commission to Study Miscarriages of Justice – One of the Reasons of Prisoners’ Protest**

The prisoners were most hopeful about the idea of creation of the commission to study miscarriages of justice as most of them considered themselves to be innocent of the crimes they were accused of and victims of the previous government. Therefore, they protested the most against the postponing of the creation of commission. The protest was followed by the mass hunger strike of prisoners.

As the Minister of Corrections stated on December 2<sup>nd</sup> of 2013, 52 prisoners were on hunger strike in the prison at this time<sup>41</sup>. The number of prisoners increased to 2032 by December 19<sup>th</sup> of 2013.<sup>42</sup> This wave of protest and hunger strike continued in January and February of 2014.

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<sup>40</sup> <http://www.humanrights.ge/index.php?a=main&pid=16487&lang=eng>

<sup>41</sup> <http://www.tabula.ge/ge/story/77681-subari-cixeebshi-52-patimari-shimshilobs>

<sup>42</sup> <http://ghn.ge/news-100600.html>

Back in May of 2013, Thomas Hammarberg, EU special advisor on Constitutional and Legal Reform and Human Rights in Georgia talked about necessity of creation of commission to study the miscarriages of justice.<sup>43</sup>

## **Attitude of Ministry of Corrections and Legal Assistance for Prisoners on Hunger Strike**

During 2013 and in the first part of 2014, there were many facts of hunger strike of the prisoners. Prisoners from the #19, #17, #6, #5, #8 penitentiary departments addressed Human Rights Center with the request of legal assistance. They expressed protest against inadequate treatment and investigation of the alleged facts of torture as well as protraction of mechanisms of re-examination of verdicts.

According to lawyers of Human Rights Center, the administration of penitentiary departments and the relevant authorities did not show interest about the health state of the prisoners.

Lawyer of Human Rights Center provided legal assistance for Tamaz Rasoian, who served his sentence in the #6 penitentiary and was on hunger strike for 34 days.

According to the lawyer, neither the Ministry of Corrections nor the penitentiary administration showed interest about the health state of the prisoner until it became extremely severe. On 34<sup>th</sup> day on hunger strike, the prisoner was transferred to the hospital by emergency ambulance.

The female prisoner Tamar Talikadze who served sentence in #5 prison department complained about inadequate health care. She held hunger strike with the request of medical inspections.

According to the prisoners, Giorgi Sanikidze from Gldani #8 prison, Vepkhia Narimanidze from the #6 prison, Gia Arziani, they were on hunger strike approximately for two weeks. However, the prison administration did not pay attention to their health state.

Indifference towards the prisoners who are holding hunger strikes is a widespread problem in Georgia.

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<sup>43</sup> [http://for.ge/view\\_news.php?news\\_id=18863&news\\_cat=0](http://for.ge/view_news.php?news_id=18863&news_cat=0)

## Recommendations

Considering the cases under its review, Human Rights Center addressed following bodies with recommendations:

To Parliament of Georgia:

- The Human Rights and Civil Integration Committee of Parliament of Georgia must assign the Chief Prosecutor's Office to take relevant measures to expedite process of investigation into the alleged facts of torture and inhuman treatment;
- Special body must be created in the parliament of Georgia which will study the specific cases and will grant the status of victim of torture and inhuman treatment to the respective prisoners; the special body must be comprised of representatives of NGO sector, Public Defender of Georgia, professional lawyers, psychologists and doctors; special body must actively and regularly inform the society regarding the investigation into the alleged facts of torture and inhuman treatment;
- The Human Rights and Civil Integration Committee must elaborate strategy regarding the rehabilitation of victims of torture;
- The Parliament of Georgia must timely create effective mechanism for re-examination of the verdicts which have already taken force;

To the Ministry of Corrections and Legal Assistance:

- The Ministry of Corrections and Legal Assistance must create effective mechanism for providing planned surgeries for the respective prisoners with health issues;
- The Ministry of Corrections and Legal Assistance must take relevant measures and ensure adequate post-surgery treatment and rehabilitation of prisoners inside the penitentiary departments;
- The Ministry of Corrections and Legal Assistance of Georgia must determine adequate food menu in the penitentiary departments considering the health state of those prisoners who are prescribed special diet by their doctors;
- The Ministry of Corrections and Legal Assistance must take relevant measures to prohibit the medical staff of the penitentiary departments to allocate excessive doses of psychotropic and sedative medication to the prisoners;

- The Ministry of Corrections and Legal Assistance of Georgia must ensure freedom of movement of disabled prisoners and must adapt infrastructure to their needs in the penitentiary departments;
- The Ministry of Corrections and Legal Assistance of Georgia must create effective internal mechanism to investigate alleged facts of misconduct from the side of prison officials against the prisoners;

To Ministry of Corrections and Legal Assistance and Ministry of Labor, Health and Social Affairs of Georgia:

- The Permanent Interagency Commission of the Ministry of Corrections and Ministry of Health must develop fair and objective practice of releasing prisoners who have severe health problems

## **Conclusion**

As the report shows, despite the reforms undertaken in the penitentiary system since 2013, re-socialization-rehabilitation and proper medical treatment of prisoners still remains to be problematic, including for those prisoners who have been victims of torture. The state has failed to create effective mechanism for restoring their rights.

The state must take concrete steps in order to develop and ensure transparency of penitentiary system that will enable society to objectively assess the reforms and problems existing within the penitentiary.

Creation of effective monitoring mechanism of NGOs on the system of penitentiary will significantly help state of Georgia to identify problems and develop ways for solutions.