



# The Statement on the International Day for the Support of the Victims of Torture

On June 26, the International Day for the Support of the Victims of Torture, the Georgian Young Lawyers' Association expresses solidarity to the victims of torture and calls on the government to ensure timely, independent and comprehensive investigation on the facts of torture and ill-treatment.

It should be noted that some positive steps were carried out in 2015 in terms of combating torture. Although with some months delay, Interagency Coordination Council, with civil society involvement, worked out and approved annual Activity Plan 2015-2016 for Combating against Torture, Inhuman, Degrading Treatment or Punishment. In addition, from September 1, 2016 members of the Public Defender's Office and the Special Prevention Group will be given chance to carry out photo recording in penitentiaries.

However, some gaps both legislative and political, including formal and extremely limited role of a judge in a criminal case in terms of responding to the facts of torture against defendants, still remain.

Moreover, **it is recognized that the key mechanism for combating torture and the direct obligation of the state is not only elaboration of legislative regulations and the working plan, but timely, unbiased and transparent investigation of torture facts and punishment of offenders.**

**Regretfully, state's response to the torture and ill-treatment cases is inadequate and ineffective.**

7 years past finishing Russia-Georgia war, some facts of torture that are considered to be gross violation of Human Rights Law and the International Humanitarian Law still remain without response. There are significant questions about effectiveness, independence and impartiality of ongoing investigation both in Georgia and Russian Federation.

Accountability on the facts of torture committed in prisons of Georgia in the recent past which had systematic character are is also problematic. Further, as reported by the prisoners, some individuals who participated in ill-treatment are still in penitentiary system.

**Although after 2012, the scale of ill-treatment has changed significantly and it is not a systemic problem any more, ineffective investigation of torture and ill-treatment cases taken place in penitentiaries and committed by police officers, is still topical.** Typically, investigation launches for abuse of power, rather than as per relevant article of the criminal code which reveals improper approach to the issue from the very start on the torture and ill-treatment cases.

**Notwithstanding recommendations of the Human Rights' Organizations, Public Defender's Office, experts or international organizations Georgia has neither independent investigation mechanism nor the public monitoring mechanism in prisons, so far.** Operation of the newly established department in the prosecutor's office which was set up with a primary aim to investigate facts of torture, lack transparency. No information is available about its general as well as concrete strategy in terms of combating impunity on the facts of torture, case selection criteria or priorities. **Existence of the document and its publicity is especially significant, with a view to avoid risk of selective justice in terms of defendants and victims.**

In some cases, provision of adequate prison condition is also problematic, while protection of prisoners from degrading and inhuman conditions is a direct obligation of the state.

Finally, the recent fact when a prisoner was charged with false denunciation based on the information submitted to the Public Defender on the fact of ill-treatment, is a dangerous practice in view of the state policy for combating torture. The case prejudices state declared policy and undermines effective functioning of the National Prevention Mechanism in terms of combating torture.

**Georgian Young Lawyers' Association expresses solidarity to the victims of torture and calls on the government of Georgia to:**

- refrain from implementing actions that will question state declared policy against torture;
- ensure conditions for effective functioning of the National Prevention Mechanism;
- provide adequate response to the facts of torture and ill-treatment, including through creation of the independent investigation mechanism;
- work out prison public monitoring mechanism through civil society involvement and ensure its timely introduction in practice;
- enhance legislative guarantees for combating torture, increase judge's role against torture;
- Ensure adequate condition for each prisoner;
- Ensure psycho-social rehabilitation for the victims of torture.