



PUBLIC DEFENDER
(OMBUDSMAN) OF GEORGIA

NATIONAL PREVENTIVE MECHANISM (NPM)

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INTRODUCTION

The present report contains the results of monitoring conducted by the NPM at police stations and temporary detention isolators (TDI) of the Ministry of Internal Affairs (MOIA) of Georgia. Throughout 2015, monitoring was performed at 59 police stations and 31 temporary detention facilities, and 54 detainees were interviewed.

It should be highlighted as a positive fact that, during monitoring, the members of the Public Defender's Special Preventive Group were provided unhindered access and were able to freely move within the MOIA police stations and TDIs. Throughout the visit, staff at all police stations and TDIs, according to the requirements set forth in the law, fully cooperated with the representatives of the Public Defender and helped them with full-fledged performance of monitoring.

Monitoring team members inspected log books of detainees maintained at police stations as well as registration journals of individuals transferred to detention facilities (temporary detention isolator), visually inspected police station buildings and interviewed staff. At TDIs monitoring team members inspected infrastructure, interviewed TDI staff, detainees, checked case files of detainees. To obtain necessary information contained in case files in a systemized manner, monitoring group used specifically designed questionnaire.

Over the course of drafting the report, data obtained through the visits were processed. Notably, initially qualitative analysis of the data obtained through the pre-designed questionnaire was performed using the Statistical Program (SPSS). A total of 740 questionnaires were processed. Members of the monitoring group reviewed all materials available at the temporary detention isolators in the course of the visit. Group members would complete questionnaires only if the presence of new injuries (other than a scar and minor injuries) would be discovered based on case materials. It should further be noted that the Special Preventive group, in order to assess the practice of documenting bodily injuries by TDI staff, through the random selection method, obtained records about incarceration of accused persons with bodily injuries at the penitentiary institutions, and compared these records with those of TDIs.

In the course of the report preparation, 11 proposals sent by the Public Defender of Georgia to the Chief Prosecutor of Georgia in 2015 have also been used. These proposals relate to the facts of violence by police officers against detainees. The report also provides factual circumstances of those alleged cases of ill-treatment, which the monitoring team members identified over the course of the visits. In the process of the report drafting, the data obtained from the Ministry of Internal Affairs (MOIA) have also been analyzed, as well as the desk research of Georgian legislation and international standards was performed.

The goal of monitoring was to assess the conditions in relation to torture and inhuman or degrading treatment within the MOIA system, as well as to produce recommendations aimed at reducing the risks of torture and inhuman or degrading treatment.

1. EXECUTIVE SUMMARY

As compared to 2014, the number of individuals committed to TDIs has declined slightly. Furthermore, 916 less cases of bodily injuries have been identified in 2015, as compared to 2014. The cases of filing complaints against police have fallen as well (30 cases less). However, considering alleged cases of torture and other ill-treatment, the Public Defender and Special Preventive group regard that the state of human rights protection within the MOIA system has deteriorated.

In 2015, as compared to 2014, the number of proposals sent by the Public Defender to the Chief Prosecutor's Office of Georgia, concerning investigation of the facts of ill-treatment by police officers has risen. High risks of torture and other ill-treatment is corroborated by a study conducted by the Special Preventive Team.

The Public Defender deems that in 2015, the issue of ill-treatment of individuals detained by the Police is pressing and is concerned about the fact that in the majority of cases, based on the statements of applicants, preliminary, purposeful preparation for physical and psychological violence by police employees and realizing such violence to obtain statement on guilty plea can be observed, which is an element of crime that qualifies as torture. Especially alarming is the location and nature of injuries on the bodies of some of the applicants, as well as the fact that the severity of incurred injuries necessitated the transfer of some of them to civilian inpatient medical institutions. The fact that in some cases prior to commitment to TDIs, detainees had to spend the night at police stations. In studied cases, the duration of holding detainees under police control prior to placing at TDIs ranges from 5 to 23 hours. Moreover, it is worth noting that in some cases, actual time of detention indicated in detention reports does not match with the time listed by applicants to authorized representatives of the Public Defender.

It is alarming that based on 11 proposals sent by the Public Defender of Georgia to the Chief Prosecutor of Georgia in 2015, investigation was launched based on Article 333 of the Criminal Code of Georgia, while the circumstances indicated in Public Defender's proposals contain the indications of torture and inhuman or degrading treatment.

In some cases, such legal safeguards of detainees had been neglected by police officers as is briefing about the rights, putting them in contact with family and a lawyer. Furthermore, it is worthy of particular attention that during the reporting period, as indicated in detention reports, the trend of manifestation of aggression by citizens towards police has been observed, in which cases, given insufficient qualification of officers, the likelihood of the use of force on the part of police, and respectively, that of overstepping the bounds of the force is high.

The practice of the so-called "conversation" conducted by the police without express and free consent of individuals involves high risks of torture and other ill-treatment; such "conversation" is performed in a vehicle or at a division/station, which, effectively, is arbitrary detention, without briefing about procedural rights. The Public Defender

deems that it is important to immediately brief all detained individuals about procedural rights. Furthermore, all detainees at TDIs should be briefed in a clear and comprehensible manner not just about procedural rights, but all those rights and duties an individual may enjoy while under detention at the TDI. Inter alia, a copy of the list of rights and duties should be provided to all detainees for review in their cells, or such list should be made otherwise available. Briefing detainees about rights is especially problematic in cases when the time of the entry of individuals at police stations precedes their factual detention time, which raises suspicion that these individuals are actually subjected to the restriction of liberty, and it is highly likely that they are not briefed about their rights.

The Public Defender is concerned about the fact that registries that would enable to find out as to how many individuals demanded the enjoyment of the right of informing a family or ask for a lawyer, and how many have actually exercised these rights, are not maintained either at police stations or at TDIs.

The Public Defender deems that general situation in terms of access to a lawyer and the possibility for holding confidential conversation with a lawyer at detention facilities can be assessed positively. Still, in the opinion of the Public Defender, it is a serious problem that, as discovered over the course of monitoring, in a number of cases, police would allegedly physically and verbally abuse detainees once they asked for access to a lawyer or the enjoyment of other procedural right. As regards access to a lawyer, the problem is that administrative detainees, due to the lack of funds or another reason, almost never use a lawyer's services. At the same time, current legislative framework does not ensure lawyer's services from the very initial stage of legal proceedings to detainees who are using free legal aid. This issue is especially pressing in regions, where, along with the problem with the access to free legal aid, the free legal aid programs provided by NGOs are less available as well.

The Public Defender welcomes the practice of medical examination of detainees by ambulance physicians, and deems that this is the possibility for ensuring institutional independence. Still, at TDIs in regions, in a number of cases, timely arrival of ambulance team, incomplete description and documenting of the health status and injuries of detainees is a problem. Furthermore, conducting medical examination in a confidential setting, without the presence of non-medical staff is an essential challenge.

The Public Defender regards that that the deployment of medical personnel hired by the MOIA at TDIs will, on the one hand, ensure the provision of rapid and timely first medical services, but on the other, the degree of impartiality and independence of these personnel is questionable, and this may interfere in the identification of ill-treatment of detainees in the future.

In 2015, the absence of video surveillance on the inner perimeter in the majority of police stations remained a problem, and it has to be fixed immediately. Furthermore, it is important that not only Patrol Police Department officers, but also detective-investigators and neighborhood inspector-investigators are also equipped with shoulder video cameras and vehicle video registrars. It is also necessary for the NPM to have unimped-

ed access to video surveillance systems at TDIs and police stations.

It has been established based on a number of monitoring visits made throughout 2015, that the deficiencies are still present in the area of completion of detention and visual inspection reports, as well as journals and medical documentation at police stations. Further, the format of administrative detention report is imperfect.

It has been established during the implemented visits that at the MOIA Police stations and divisions stations special journals for recording entered individuals are not maintained. For example, when an individual comes to the police division/station in the capacity of a witness, the fact of his/her entry into the building is not logged in the unified journal. It is important to keep detailed record of date of entry (by indicating time), purpose of visit and the date and time of leaving the building by individuals at police stations and divisions.

TDI staff brief detainees about their rights, which, also comprises information about the right to file a complaint, although, notably, there is no relevant written procedure that would enable individuals held at TDIs to file confidential complaints.

The procedure of sending a notice by the Administration to an investigation body about bodily injuries of detainees is a significant legal guarantee to protect individuals placed at TDIs against ill-treatment. It should be noted that notification about bodily injuries of detainees is sent to prosecutors at the discretion of TDI heads, and there is no specific rule governing this procedure and it is unclear specifically in which case a notification should be sent to a prosecutor. The failure of the Prosecutor's Office to duly examine complaints of detainees sent from TDIs and conduct investigations is an issue.

The stance of the Public Defender as to the creation of an independent investigative mechanism is unaltered. He deems that it is extremely important to establish a mechanism with a mandate to conduct effective investigation of alleged facts of torture and inhuman treatment of detainees by law enforcement officers.

The Public Defender of Georgia thinks that the practice of examination by the Human Rights and Monitoring Department Monitoring Office cannot ensure relevant examination of the state of human rights protection at TDIs. During inspection, focus is made on administrative and technical aspects of activities of TDIs, versus the quality of documenting alleged ill-treatment of detainees by the Police and in this respect, the status of protection of their rights.

It is important to note that living conditions of individuals held at TDIs should be in conformity with national as well as international standards. At TDIs in the regions of Georgia, the issues with central heating, natural lighting and ventilation, complete isolation and technical serviceability remain outstanding.

The Public Defender welcomes amendment to the Administrative Violations Code according to which administrative detention term was reduced from 90 days to 15 days, which should be assessed positively, although, it should also be mentioned that current

situation at TDIs is not adequate for committing administrative detainees.

Although the norms of daily nutrition of individuals held at TDIs are prescribed in a relevant order, food for individuals with special food needs is not considered for the detainees at TDIs in the regions. Detainees are provided canned food only, everyday consumption of which may compromise a person's health. There are cases when TDIs staff are compelled to buy bread for detainees at their own expense. Detainees are primarily consuming food sent in via packages. An administrative detainee may be held at TDI for up to 15 days. For an individual detained for long-term period relevant food and living conditions are especially important.

2. TORTURE AND OTHER INHUMAN TREATMENT

No one should be subjected to torture,¹ or to inhuman and degrading treatment.² Pursuant to Article 10 of International Covenant on Civil and Political Rights, all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. According to the UN Human Rights Committee, „respecting human dignity is a norm of international law, and may not be subjected to any derogation.“³

According to ECtHR case law, in respect of a person deprived of his liberty, recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 of the Convention.⁴ Moreover, ECtHR ruled that, where the events in issue lie wholly, or in large part, within the exclusive knowledge of the authorities, as in the case of persons within their control in custody, strong presumptions of fact will arise in respect of injuries occurring during such detention. Indeed, the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation.⁵

The burden of proof shifts to the state in the cases of individuals who are injured during the detention. In this case, too, the state that has to allege that the use of force during detention was not excessively harsh.⁶ Furthermore, at the time of detention of an individual police officers should exert minimum force so as not to inflict physical harm to an individual. Pursuant to national legislation, to perform police functions, a police officer may use fit and proportionate coercive measures only in the case of necessity and to the extent that shall ensure achievement of legitimate objectives.⁷ The form and extent of a coercive measure shall be defined based on a given situation, the nature of an offence and individual peculiarities of the offender. In addition, a police officer must try to cause minimal and proportionate damage while carrying out a coercive measure.⁸

1 Pursuant to Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2 European Convention on Human Rights and Fundamental Freedoms, Art. 3.

3 UN Human Rights Committee General Comment N 29, CCPR/C/21/Rev.1/Add.11 (2001), August 31, 2001, Par. 13a, available in UN Official languages, at: <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.11&Lang=en> [Last seen on 29.03.2016]

4 ECtHR April 6, 2000 Judgment on the case Labita v. Italy, N26772/95, Par. 120.

5 ECtHR June 27, 2000 Judgment on the case Salman v. Turkey, N21986/93, Par. 100.

6 ECtHR Judgment on the case Rehbock v. Slovenia, N29462/95, Par. 72

7 Police Law of Georgia, Article 31(1).

8 Police Law of Georgia, Article 31(4).

With respect of examining alleged ill-treatment, ECtHR case law landmark case against Georgia is noteworthy; ECtHR ruled substantial breach of Article 3 of the European Convention, due to ill-treatment by MOIA Tskaltubo Police officers against the complainant, and ruled procedural violation by the prosecutor’s office due to failure to conduct effective investigation.⁹

In 2014, the Public Defender of Georgia sent to the Chief Prosecutor 7 proposals on the commencement of investigation around alleged ill-treatment by police, while in 2015 – 11 proposals. Furthermore, it should be noted that the practice of overstepping the bounds of force by police officers during detention has been a principle trend in 2014, which, among others, is addressed in the Public Defender’s 2014 Report to the Parliament. While, in 2015 the trend of ill-treatment by police officers against detainees is prevailing. The above-mentioned and the matters reviewed below demonstrate that, as compared to 2014, in 2015 the situation concerning ill-treatment of detainees by police has deteriorated.

The Public Defender’s Office has solicited statistical information from the MOIA. The number of individuals committed to TDIs, statistics of bodily injuries of individuals at the time of placing at the TDI, and the number of complaints against the police, by years, is provided in the table below.

N	Data by years	2013	2014	2015
1	Number of committed individuals	16553	17087	16416
2	Individuals committed who had injuries	7095	6908	5992
3	Complaint against police	111	198	168

Number of bodily injury cases in 2015		5992
Prior to detention		5635
At the time of detention		243
Following detention		52
Prior to detention – at the time of detention		47
Prior to detention – after detention		10
At the time of detention – following detention		4
Prior to detention – at the time of detention – following detention		1

⁹ ECtHR December 18, 2012 Judgment on the Case Dvalishvili v. Georgia N19634/07.

Complaints against police in 2015	Number
Prior to detention	8
At the time of detention	90
Following detention	34
Prior to detention – at the time of detention	23
Prior to detention – following detention	8
At the time of detention – following detention	4
Prior to detention – at the time of detention --following detention	1
	Total: 168

The analysis of the above tables demonstrates that, as compared to 2014, the number of individuals placed at temporary detention facility has fallen slightly. Furthermore, as compared to 2014, in 2015 there have been observed 916 less cases of bodily injuries. The cases of complaints against police have also fallen (30 cases less). Still, considering alleged torture and other ill-treatment cases reviewed below, the Public Defender and the Special Preventive Group regard that the situation with the protection of human rights within the MOIA system has deteriorated.

The study conducted by Special Preventive Group also corroborates high risks of torture and other ill-treatment. The results of this study will be reviewed below.

In 2015, as compared to 2014, the number of proposals sent by the Public Defender to the Chief Prosecutor’s Office of Georgia about the investigation of ill-treatment facts by police employees has risen.¹⁰ Factual circumstances described in these proposals will be reviewed briefly below.

	Alleged actions committed by law enforcement	Injuries	Other significant circumstances
Case N1¹¹			
A.J.	1. Was beaten mercilessly at the time of detention. 2. At MOIA Zestaponi Police Main Station, 8 employees were beating	1. At the time of interview with authorized representative: On the forehead wound covered with eschar, eschar covered excoriation on both elbows, bruises and wounds	1. Due to numerous injuries, the TDI refused to admit A.J., following which he was transferred to the Zestaponi hospital.

¹⁰ 7 proposals were sent in 2014, while in 2015 – 11 proposals.

¹¹ Pursuant to the Chief Prosecutor’s Office of Georgia N13/1869 letter dated January 12, 2016, on October 29, 2015, investigation was launched at the Zestaponi District Prosecutor’s Office on Criminal Case N052291015801, on the fact of exceeding official power through violence towards A.J., B.J., S.J., and M.V., by the officers of MOIA Zestaponi District Division for the elements of crimes envisaged under Article 333 (3) (b) of the Criminal Code. Criminal prosecution has not been instituted against specific individuals, investigation is underway.

	<p>during 3 hours for obtaining confession.</p> <p>3. At Zestaponi hospital, in the x-ray room, a stranger beat and verbally abused him.</p>	<p>on the entire area in the lower back, bruises on the left eye.</p> <p>2. TDI: numerous scratch scars and excoriations on the back, forehead, both shoulders, both elbows and wrists, both knees and calves, with bruises, on the face and both eye sockets.</p> <p>3. At the National Center of Intervention Medicine linear fracture of the nasal bone was established.</p>	<p>2. The story of A.J. coincides with the story of other individuals who were detained along with him. He did not have a chance to communicate with these individuals after detention.</p>
S.J.	<p>1. Following detention, over twenty police officers knocked him down to the asphalt and beat him mercilessly, following which he felt unwell, but police officers continued to beat him.</p> <p>2. At the MOIA Zestaponi Police Main Station, where in one of the rooms they would inflict physical violence with open hands and feet for over three hours.</p>	<p>1. TDI: bruise on the left cheek, eschar on the left elbow, red patches on the back.</p>	
B.J.	<p>1. Was beaten during about half an hour at the time of detention.</p> <p>2. Beating and verbal abuse continued at the MOIA Zestaponi Police Main Station.</p>	<p>TDI: bruise On the forehead, right temple area, scratch scars on the right shoulder, red patches on both knees.</p>	
M.V.	<p>1. Was forced at the MOIA Zestaponi Police Main Station To provide testimony against A.J., B.J., and S.J.</p> <p>2. Was beaten and verbally abused for refusing to provide testimony.</p>	<p>1. According to the health certificate¹² based on the examinations conducted on October 7, skull brain closed trauma, concussion, intracranial hypertension was determined.</p>	<p>1. M.V. describes the fact of beating A.J., B.J. and S.J at the place of detention, which matches with the story of the latter individuals.</p> <p>2. Police officers did not draw up relevant</p>

12 Form-100.

			documentation for detention of M.V. 3. M.V. was released from the building of Police Main Station in several hours.
Case N2¹³			
B.R.	<p>1. Was forcibly placed in a vehicle, covered his eyes with a hat, and drove him in unclear direction into the forest.</p> <p>2. Was asked about weapon and was beaten.</p> <p>3. Tied him to a tree using handcuffs, in order to obtain confession, and beat him while in such state, next, they also hanged him with his feet, using a rope, for about 10-15 minutes.</p> <p>4. At Bagdati District Police Station, police officers would verbally abuse him during interrogation.</p>	<p>1. TDI: Excoriations on the right ear and right side of belly, as well as a small wound on the inner side of the upper lip.</p>	<p>1. B.R. alleges that he was detained at about 12:00 on November 20, 2014, while according to official documents, detention took place on 4:15 on November 21, 2014.</p> <p>2. The detainee alleged that he had spent about 22 hours and 30 minutes under the police control prior to the commitment to the TDI.</p> <p>3. It can be ascertained from the detention related documentation that prior to placement in the TDI, B.R. Was under police officers' control for 6 hours and 15 minutes.</p>
Case N3¹⁴			
G. Dz.	<p>1. Was not briefed about rights at the time of detention.</p> <p>2. Was beaten and physically abused during detention.</p>	<p>1. Medical examination conclusion: In the mid-third on the back of the nose, a wound with dimensions 0.6*0.2 cm – dark reddish bruises in edges and in sides. On the</p>	<p>1. In the examined documents there is no indication as to physical resistance of the detainee against police officers.</p>

13 According to the Chief Prosecutor's Office of Georgia April 6, 2015 Letter N13/20964, on March 26, 2015, in West Georgia District Prosecutor's Office Investigation Unit investigation was launched on the criminal case N088260315801, on the fact of alleged exceeding official power in relation to B.R., for the elements of crime envisaged under Article 333(3) (b) of the Criminal Code of Georgia.

14 According to the Chief Prosecutor's Office of Georgia September 7, 2015 Letter N13/56648, on September 7, 2015, at the West Georgia District Prosecutor's Office Investigation Unit, investigation was launched on the criminal case N088070915801, for alleged exceeding official power through violence by MOIA Imereti, Racha-Lechkhumi and Kvemo Svaneti Regional Main Division officers, while detaining G.Dz. in the capacity of an accused, for the elements of crime envisaged under the Article 333(3) (b) of the Criminal Code of Georgia.

	<p>3. Was beaten in the police vehicle.</p> <p>4. In one of the MOIA Isani-Samgori units, in about 50 meters from the Department, where there was no video surveillance camera, he was beaten again and was verbally abused in order to gain the confession of the fact of robbery.</p> <p>5. Once he was taken to the MOIA Imereti, Racha-Lechkhumi and Kvemo Svaneti Regional Police, in order to obtain confession, police officers would kick him, beat him with hands, handle of a gun, handcuffs and a bottle. Several times, they hit his head against a wall. He collapsed several times because of beating. Throughout the night he was tied to a chair, police officers would occasionally beat him.</p>	<p>left wrist joint frontal surface an impression with dimensions 0.5*0.3 cm, on the back surface of chest, in right lower third -- impression with dimensions 3.5*0.2cm.</p> <p>2. N 2 Penitentiary Facility: on frontal surface of both calves, in upper third -- eschar covered contusion wound with uneven edges, bluish bruise on the right ear-lobe, a centimeter long contusion wound, covered with eschar on nose septum, bluish bruises on both eye sockets.</p>	<p>2. The detention report mentions that the detainee did not have any injury at the time of detention.</p> <p>3. According to medical examination findings, according to the explanation by the person subject to be examined, police officers had not inflicted injuries to him, although G.Dz. explains to the authorized representative of the Public Defender that at the first stage of legal proceedings he did not have a defense attorney and was vulnerable.</p> <p>4. G. Dz. Was detained in Tbilisi, at 15:35, at about 21:00 he was taken to the MOIA Imereti, Racha Lechkhumi and Kvemo Svaneti Regional Police Office, where he spent the entire night.</p>
Case N4¹⁵			
G.G.	<p>1. While in a police vehicle, police officers would beat him in the face and would force him to confess a crime.</p> <p>2. After bringing him to the MOIA Kobuleti Police Main Station, in order to obtain confession of a crime, he was beaten</p>	<p>1. TDI: Scratch scars in the back area, small hematomas in the head area, lower limbs slightly swollen, red patches, swelling and contusions on the face.</p>	<p>1. It can be ascertained from the documentation about detention that prior to placing in the temporary detention facility, G.G. was under police control for about 14 hours.</p> <p>2. Based on the recommendation of the</p>

15 According to the Chief Prosecutor’s Office of Georgia December 4, 2015 Letter N13/75164, on December 3, 2015, investigation was launched at the Chief Prosecutor’s Office of Georgia Investigation Unit on the criminal case N 074031215803, on the fact of alleged exceeding official power in relation to G.G., G.K., R.T. and B.M., by the officers of the MOIA Kobuleti District Division, for the elements of crime envisaged under Article 333(3)(b) and (c) of the Criminal Code of Georgia.

	during about one hour, was forcefully placed on the floor, would take off his pants and threaten to rape (such actions repeated 5-6 times). He was also forced to squat, and was laughed at, spat at.		ambulance physician, the detainee was transferred to the Kobuleti Regional Hospital.
G.K.	<p>1. Police officers beat him in the street while handcuffed.</p> <p>2. Beating continued in a police vehicle, they were demanding that he confess a crime. Over the period of ride from Tbilisi to Kobuleti periodically he would be beaten and verbally abused.</p> <p>3. In order to gain confession at the MOIA Kobuleti Main Station, for several hours police officers would physically abuse him, would beat with hands, would kick him, beat with plastic bottles filled with water, threatening to implant a drug substance into the possession of his brother. G.K. was forced to confess an action he had not committed.</p>	<p>1. According to the registration log of the individuals detained at the Police Station, detainee did not have any injuries on the body.</p> <p>2. TDI: Small hematomas in the head area, contusions with slight swelling in both eyes and nose area, both ears swollen, with pale blue patch.</p> <p>3. Medical document issued at the hospital: The patient had deformation in the area of head, pain and hematoma deformation and pain in the spine area. Code S 27 was assigned, traumatic injury of head and spine.</p>	<p>1. From the detention until the transfer to TDI, G.K. was under the police control for 20 hours and 40 minutes.</p> <p>3. Based on the recommendation of ambulance physician, at 13:04 G.K. was transferred to Kobuleti Regional Hospital.</p>
R.T.		<p>1. He was beaten at the MOIA Kobuleti Police Main Station, one of the officers threw him to the floor, was spitting at him and clean his shoes against his face, other officers brought a bottle with ice, and would hit him in the head, on feet. They forcefully took off his pants, and would threaten with rape, as well as implant a drug substance to his</p>	<p>1. R.T. demanded contact with a defense attorney or family members, in response he would get cynical response and they would kick him while on the floor.</p> <p>2. It can be ascertained from the documentation about detention that from the detention until</p>

	<p>family members. They were forcing the detainee for five hours to confess robbery. Officers destroyed a computer in the room, tore off the uniform of one of the officers and threatened the detainee that he would be sent to prison due to the mentioned actions.</p>	<p>1. At the time of bringing at the Police Main Station the detainee did not have any injury on the body.</p> <p>2. TDI: On both shoulders, towards the back, small bruises, lump in the right side of the crown on the head.</p>	<p>the transfer to TDI, R.T. was under police control for 5 hours and 40 minutes.</p> <p>3. According to R.T., his actual detention took place at Sarpi Checkpoint at 20:26 on October 27, 2015, while Sarpi territory is not mentioned at all in case materials. According to October 27 account of the neighborhood inspector-investigator, R.T. was at Sarpi checkpoint and was going to leave Georgia, which is contrary to the statements of officers, According to which R.T. himself came to the police department during night hours.</p> <p>4. Family and defense attorney found out about whereabouts of R.T. only after several hours.</p>
<p>B.M.</p>	<p>1. In MOIA Kobuleti Police Main Police Station building, with a demand to confess crime, police officers would beat B.M., with hands, would kick him, beat with a bottle filled with frozen water, would wipe their shoes against him while he was knocked down on the floor. They would force the detainee to confess robber during 2-3 hours.</p>	<p>1. Registration book of detainees: The detainee had an impression in the forehead area, scratch scars at eye, injury on the head above forehead, impression below both ears, at the neck, small impression on the back.</p> <p>2. TDI: multiple contusions in various parts of the body, specifically, on the back and kidney projection area, edema below both eye sockets, contusion on the face, as well as closed trauma in the forehead area, small hematoma in the head area.</p>	<p>1. Public Defender's official representatives interviewed B.M. in the Kobuleti Regional Hospital.</p> <p>2. Ambulance was called several times at the TDI, the patient was transferred to the Kobuleti Regional Hospital.</p> <p>3. It can be established from the documentation about detention that B.M., from detention prior to the transfer to TDI, was under police control for 5 hours and 30 minutes.</p>

Case N5 ¹⁶			
D.P.	<p>1. In the residential house of his friend, at about 5:00 am, police officers broke in, knocked him down and beat him brutally while he was knocked down in handcuffs.</p> <p>1. Upon bringing to the Tsalenjikha District Police Station Jvari Police Station, D.P. demanded contacting with family members and a lawyer, and was denied. Next, he was beaten while in handcuffs.</p>	<p>TDI: chopped wound and edema was observed on his forehead, red patches on both shoulders, red patches on the right knee and in the area of back, towards the sides.</p> <p>N2 penitentiary facility: scratch scar, covered with eschar, as well as bluish bruises in collar-bone area, bluish bruise in right shoulder area, bluish bruise in the groin area on both sides, eschar covered contusion wound in the area of right knee joint.</p>	<p>1. According to the detainee, prior to placement at the TDI, he was under police control for about 12 hours.</p>
Case N6 ¹⁷			
D.Kh.	<p>1. One of the police officers hit him in the face, while in the police vehicle.</p> <p>2. D.Kh., who was under administrative detention, was beaten by police officers at the Tbilisi Police Department Gldani-Nadzaladevi Police Station 8th Station.</p>	<p>1. TDI: chopped wound on the lower lip, upper lip swollen, scratch scars in the area of nose and right calf, reddening of the left eye socket and bruises in the area of throat.</p> <p>2. According to the certificate issued following first medical aid to the detainee, D.Kh. had complaints about pain in the back, which is related to trauma. Diagnosis: posttraumatic syndrome.</p> <p>3. Certificate from the Tbilisi Central Hospital, Ltd.: Operation was administered</p>	

16 According to the Chief Prosecutor’s Office of Georgia April 6, 2015 Letter N13/20965, on March 24, 2015, investigation was launched at the Prosecutor’s Office Zugdidi unit on the criminal case N053240315801, on the fact of alleged exceeding of official power in relation to D.P., by the officers of the MOIA Tsalenjikha District Division Police, for the elements of crime envisaged under Article 333(1) of the Criminal Code of Georgia.

17 According to the Chief Prosecutor’s Office of Georgia December 24, 2015 Letter N13/79977, on December 24, 2015, at the Investigation unit of the Chief Prosecutor’s Office of Georgia investigation was launched on the case N074241215802, on the fact of alleged exceeding of official power in relation D.Kh., by the officers of MOIA of Georgia Tbilisi Police Department Gldani-Nadzaladevi Division 8th Station, For the elements of crime envisaged under the Criminal Code of Georgia Article 333(3) (b). The case was transferred for investigation to the Tbilisi Prosecutor’s Office Investigation unit.

		– laparotomy, splenectomy, abdominal drain procedure. Diagnosis: closed trauma of abdomen, spleen rupture, Hemoperitoneum.	
Case N7¹⁸			
V.B.	<p>1. At the MOIA Isani-Samgori Main Police Station, head of the unit inflicted verbal and physical abuse. Deputy head of the Police Station also committed physical violence.</p> <p>2. According to V.B., next he was transferred to one of the units, where one of the officers would verbally abuse him, would perform psychological pressure over him – threatening with liquidation, raping of a wife and sister. Other police officers also inflicted verbal and physical abuse.</p>	1. While interview with official representatives of the Public Defender, He had small scratch scars and hyperemia on the forehead, excoriations on both lower limbs, reddish excoriation on lower left limb, covered by eschar.	
Case N8¹⁹			
Z.Kh.	<p>1. According to Z.Kh., he was speaking with two individuals, when a pickup vehicle hit him. MOIA Kutaisi Police 4th Station officers came off the vehicle and started beating him.</p> <p>2. They continued beating him also when placing in the vehicle.</p>	1. TDI: Hematoma on the right eye socket, chopped wound on the upper lip, small excoriation on left knee.	1. Based on medical complaints, Z.Kh. was transferred to the Imereti regional clinical hospital, where relevant examination was performed.

18 According to the Chief Prosecutor’s Office of Georgia August 17, 2015 Letter N13/52251, at the Tbilisi Isani-Samgori District Prosecutor’s Office investigation was launched on the criminal Case N004060815801, on the fact of alleged fact of exceeding official power by police officers in relation to V.B., for the elements of crime envisaged under Article 333(1) of the Criminal Code of Georgia.

19 According to the Chief Prosecutor’s Office of Georgia October 16, 2015 Letter N13/64779, on March 30, 2015, Investigation was launched at the Prosecutor’s Office Kutaisi District Office on the criminal case N041300315801, for alleged fact of exceeding official power by officers of the MOIA of Georgia Kutaisi Police Division 4th Station, for the elements of crime envisaged under Article 333(1) of the Criminal Code of Georgia. Criminal prosecution has not been launched against the specific individuals. The investigation on the case is ongoing.

G.G.	1. Kutaisi Police N 4 Station officers beat him during detention and following detention after bringing him to the same Station. They would also verbally abuse him.	TDI: hyperemic areas were observed In the area of both flanks, on the right wrist and arm, excoriation on right index finger.	1. The detainee complained about headache and vomiting. At the decision of ambulance physicians, he was transferred to Imereti Regional Clinical Hospital.
G.B.	1. Police officers beat him at the time of detention	1. TDI: No injuries were observed.	
Case N9²⁰			
L.J.	<p>1. At the time of detention police officer hit with a hand in the face twice, as a result of which his lip split open and nose started bleeding.</p> <p>2. At MOIA Kobuleti Police Main Police Station, police officers physically and verbally abused him.</p> <p>3. Failed to provide examination material (urine) at the time of narcological test, following which he was made walk barefoot on cold floor-tiles, where they would pour cold water. Next, he was taken to the courtyard, and let him stay in the cold for several minutes, demanded him to do squats.</p> <p>3. One of police officers hit him in the face with a hand, kicked in the belly, Also verbally abused him</p>	1. TDI: Small hematoma in forehead area, excoriation in lip area.	1. According to documentation about detention, prior to the placement in the TDI, the detainee was under police control for about 15 hours.

²⁰ According to the Chief Prosecutor’s Office of Georgia October 6, 2015 Letter N13/62690,, on October 6, 2015, investigation was launched at the Adjara AR Prosecutor’s Office Investigative Section on the criminal case N170061015801, On the fact of alleged exceeding of official power by law enforcement body at the time of detention of L.J., for the elements of crime envisaged under Article 333(3) (b) of the Criminal Code of Georgia.

	and threatened to beat to death, unless he confessed crime and took drug test.		
Case N10²¹			
O.R.	1. Tbilisi Didube-Chugureti District Division N 4 Police Station officers, following detention of O.R., physically abused him in a vehicle.	1. TDI: Left eye socket area is slightly swollen, excoriation on the right side on the back and under the flank are.	
Case N11²²			
Sh.A.	1. Multiple acts of physical and verbal abuse were effected at the MOIA building (Ortachala), as well as in N 8 Penitentiary Facility and at the time of the transfer from court to N 7 facility.	<p>1. At the time of placing at N 8 facility: On forehead, small reddish excoriation on the right side, small brownish excoriations on both hands, on phalanges. Various reddish excoriations in the area of both calves. Bluish-yellowish bruises on inner surface of the left eye socket. Reddish impressions in the area of both wrists area. About 2.5 cm diameter yellowish-bluish bruise in mid-third of the left shoulder.</p> <p>2. At the time of placing at N 7 facility: reddish contusion in the area of both cheekbones; reddish excoriations in the area of neck and back, along the spine; bruise in spine area of chest; bruise -- in the chest area on the right – laterally; contusion of both knees; injury on left hand ring-fingernail; Chopped wounds on right hand phalanges.</p>	

21 According to the Chief Prosecutor’s Office of Georgia November 4, 2015 Letter N13/68604, on October 20, 2015, Investigation was launched at the Tbilisi Didube-Chugureti District Prosecutor’s Office on the Criminal Case N002201015801, on alleged exceeding of power towards O.R., involving the elements of crime envisaged under Article 333(1) of the Criminal Code of Georgia. Investigation is underway.

22 According to the Chief Prosecutor’s Office of Georgia May 2, 2015 Letter N13/28375, on April 15, 2015, investigation was launched at the Chief Prosecutor’s Office of Georgia General Inspectorate on criminal case N074150415801, on the fact of exceeding of authority by officers following the detention of Sh.A., for the crime envisaged under Article 333(3) (b) of the Criminal Code of Georgia. Various investigative activities are underway on a criminal case.

Distinct, notable trends are formed following the analysis of the 11 cases provided above. Specifically, in the majority of cases, according to applicants, physical and verbal abuse occurred at the time of detention as well as at the police station building, and, in a number of cases, in police vehicle. Furthermore, notably, in the cases described above physical and psychological violence went on for several hours.

Especially alarming is the location and the nature of injuries on the bodies of some of the applicants, as well as the fact that due to inflicted injuries, it became necessary to transfer some of them to civilian in-patient treatment facilities. At the same time, it is especially notable that in a number of cases, prior to placing in TDI, detainees had to spend night at police stations. In the cases reviewed above, prior to placing at TDIs, the period of time during which detainees were under police control varies between 5 to 23 hours. Furthermore, notably, in some cases, actual time indicated in the detention report does not match with the time reported by applicant to authorized representatives of the Public Defender.

Several notable cases revealed through the examination of documentation and interviews with police officers, at the time of proactive monitoring by Special Preventive Group, are provided in the table below.

	Alleged offence by law enforcement officers	Injuries	Noteworthy circumstances
G.A. ²³	The use of firearm by Kobuleti Police District Division officer without observing the law-prescribed requirements.	<p>1. Log book of individuals detained at the Police Station: Injury on right hand that had been bandaged.</p> <p>2. TDI: Gunshot wound is observed in the upper area of right shoulder joint.</p> <p>3. Record of a physician of the ambulance: Gunshot wound in the lower third of the right shoulder. Requires a surgeon's consultation,</p>	<p>1. According to visual inspection report, based on Article 19 and 177 of the Criminal Code of Georgia detained G.A. does not have any complaints against police officers.</p> <p>2. Still, notification about injury was sent to a prosecutor.</p> <p>3. Detainee was transferred from TDI to a civilian sector hospital and was released without returning to TDI. Ultimately, a plea bargain was concluded between G.A. and the Prosecutor's Office and 3 years of conditional sentence was ruled.</p>

23 According to the Chief Prosecutor's Office of Georgia October 7, 2015 Letter N13/62784, investigation was launched on the fact of the injury to health by exceeding the measure necessary for the capturing an offender by a police officer and investigation was terminated on the case due to the absence of an action envisaged by the Criminal Code.

<p>G.G.²⁴</p>	<p>Provoking a crime, physical violence</p>	<p>1. TDI: Has small excoriations on the right hand and small excoriations on the left hand wrist.</p> <p>2. Ambulance physician: bluish bruise in the right eye socket area, excoriations with eschar on the surface of left hand.</p>	<p>1. Kobuleti District Police Station officers detained G.G. based on Articles 187 and 353 of the Criminal Code of Georgia. According to duty officer, administratively detained G.G. was to be transferred from the Police Station to TDI, when G.G. slapped him in the face, tore off his t-shirt and broke glass in the duty office door. Notably, during these actions the detainee was handcuffed. Police officers immobilized G.G. and placed him on an iron chair at the by the entrance of the Division. Detainee turned aggressive again, stood up and broke the chair by kicking. He was immobilized again.</p> <p>2. Just ambulance physician had documented injury in the eye socket area.</p> <p>In addition to calling ambulance at the time of placing in the TDI, ambulance was called two more times. The accused complained about pain in the back and belly area.</p> <p>3. TDI employees had not notified a prosecutor. They justified this by the fact that, according to the accused, he had incurred injuries prior to detention and he did not have any complaints.</p> <p>4. According to a defense attorney, G.G. was provoked and next was beaten. He spoke about the above-mentioned before the judge when measure of restraint was ruled.</p> <p>5. Prior to placing at TDI, G.G. was under police control for over 9 hours.</p>
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24 It can be established through the Chief Prosecutor’s Office of Georgia October 13, 2015 Letter N13/64151, that investigation has not been launched on the fact of bodily injury of the detainee.

I.Gh. ²⁵	Provoking offence, physical violence	<p>1. Detention report: injury in the area of right eye socket</p> <p>2. Registration journal of detainees: hematopsia can be observed.</p> <p>3. TDI: bruise in the right eye socket area, bluish patch in the left area of the lower lip</p>	<p>1. The detainee was entered at the Police Station at 03:00, was placed at TDI at 10:20, i.e. was held under police control for 7 hours and 20 minutes.</p> <p>2. Ozurgeti Regional Main Police Station Administrative building is indicated as actual place of detention, in the detention report, while I.Gh. was actually detained at his uncle's house. The detention report also mentions that I.Gh. posed resistance to MOIA Ozurgeti District Police officers. Upon overcoming physical resistance, the detainee was brought to the MOIA Guria Regional Main Police Station.</p> <p>3. According to the Deputy Head of Ozurgeti Regional Main Division, in evening hours a citizen applied to the Police Station stating that I.Gh. was threatening them over the phone. Since I.Gh. did not enjoy good reputation, police perceived the statement of the citizen as actual threat and launched investigation on the same day. In several hours from the launch of investigation, operative officers were dispatched to have I.Gh. brought as a witness for interrogation. I.Gh. was at his uncle's house. He came out when they called him and verbally and physically abused police officers (Article 353, Criminal Code of Georgia). Next, force was used against him; he was detained and brought to the Police Station.</p> <p>4. Finally, a plea bargain was concluded with I.Gh., which does not envisage the restriction of liberty.</p>
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25 According to Chief Prosecutor's Office of Georgia October 6, 2015 Letter N13/62692, investigation had not been launched on the fact of bodily injury of a detainee.

I.S. ²⁶	Physical violence at the time of performing investigative action	<p>1. When a detainee was taken out of the TDI for participation in investigative activity he did not have bodily injury, while at return he had bruise injury on left arm (more towards the shoulder-blade area, according to TDI staff member)</p>	<p>1. I.S. told the employees of the TDI, that he got hurt during the investigative activity and that he had complaints towards police officers.</p> <p>2. Prior to court session the detainee did not have a lawyer.</p> <p>3. According to the investigator, he interrogated an accused person placed in N 2 penitentiary facility. The accused stated that he had stated about injury while in the state of agitation and that at present he did not have any complaints.</p> <p>4. Ultimately, plea bargain was concluded in relation to I.S.</p>
M.Kh. ²⁷	Physical violence	<p>1. Detention report: Has a scratch scar on the forehead that he received as a result of resistance against police.</p> <p>2. TDI: March 26 – small scratch scar with an eschar is observed on the forehead. March 27 – bruises on both eyes and edema on the right eye. The detainee explained that he got hurt at the time of detention and prior to the bringing to the TDI, he was applying a wet cloth on the face.</p>	<p>1. It is indicated in the detention report that M.Kh. posed resistance to police (Article 353, Criminal Code of Georgia). Gun with cartridges was seized as a result of search (Article 236, Criminal Code of Georgia). The report does not refer to the use of force.</p>
V.M. ²⁸	Physical violence, inhuman and degrading treatment	<p>1. Detention report: No injury can be observed.</p> <p>2. Registration book of detained individuals (Senaki District Police Station): No injuries were observed at the</p>	<p>1. Detainee got injury in the area of head at the Police Station, where he spent almost 2 hours.</p> <p>2. According to police officers, detainee slammed head</p>

26 According to Chief Prosecutor’s Office of Georgia October 22, 2015 Letter N13/65936, investigation had not been launched on the fact of bodily injuries of the detainee.

27 According to the Chief Prosecutor’s Office of Georgia October 22, 2015 Letter N13/65928, investigation had not been launched on the fact of bodily injury of the detainee.

28 According to the Chief Prosecutor’s Office of Georgia October 22, 2015 Letter N13/65925, investigation on the criminal case for the fact of bodily injury of a detainee was terminated due to the absence of an action envisaged under the Criminal Code of Georgia.

		<p>time of bringing to the Police Station.</p> <p>3. Detainee Registration Book: At the time of taking out for drug test, detainee had injury in the area of head.</p>	<p>against a safe and injured himself. The refrained from specifying the details.</p> <p>3. Despite a serious chopped wound on the head, administrative detainee was taken out for drug test and was taken to the hospital only after 5 and half hours.</p>
G.J. and G.G.		<p>1. Detention report: G.J. has excoriations and red patches in the area of the back.</p> <p>2. TDI: G.J has numerous excoriations and red patches on the back, blue patch on the left eye and redness on right wrist.</p> <p>3. Ambulance physician: 1st call – G.J. complaints about pain, has edema in the area of left eye, as well as excoriations on the back. 2nd call – complained about pain in back and shoulder-blade area, as well as in the temple area, also complained about nausea, dizziness, had multiple hematomas In the area of shoulder blade, as well as small hematoma in the left eye socket area. Was in need of a counseling of a neurologist and in-patient treatment.</p> <p>4. Detention report: G.G. does not have injury.</p> <p>5. Detainee registration book: G.G. does not have injury.</p> <p>6. TDI: G.G. has redness on both eyes</p>	<p>1. Grounds for detention: Article 353, Criminal Code of Georgia.</p> <p>2. According to the visual inspection report, G.J. had stated that he had incurred injuries at police station, although he did not have complaints against police officers.</p>

Based on specific circumstances of the case, several cases are especially notable from the cases provided above in the table; among them, G.A.’s case, in relation of whom, with high likelihood, firearm had been used in violation of legislation prescribed provisions. According to Deputy Chief Prosecutor of Georgia October 7, 2015 Letter N13/62784, on March 13, 2015, at the Adjara Autonomous Republic Prosecutor’s Office investigation

unit investigation was launched on the criminal case N170130315801, on the fact of the injury to health by exceeding the measure necessary for capturing an offender, for the elements of crime envisaged under Article 123 of the Criminal Code of Georgia. It was established through the investigation on the case that at the time of detention, during physical standoff between police officer and G.A., the accused accidentally hit the hand of the police officer, as a result of which an office gun he held in his hand accidentally went off. It is mentioned in the Letter that since, according to Article 123 of the Criminal Code of Georgia, just serious or less serious injury of health in exceeding of the measure necessary for capturing an offender is punishable, furthermore, in the action of the officer of the MOIA the elements of another crime envisaged under the Criminal Code have not been identified, investigation on the case was discontinued due to the absence of an action envisaged under the Criminal Code. Notably, G.A. who was transferred to hospital was released without returning to the TDI. Moreover, plea bargain was concluded between G.A. and the Prosecutor's Office, based on which he was sentenced to 3 years of deprivation of liberty, which was counted as conditional sentence.

Further, the case of I.Gh. is also notable, where Ozurgeti Regional Main Police Station officers decided to interrogate I.Gh. in the capacity of witness at 3:00 am, which, according to police officers, was followed by resistance by I.Gh. who was at his uncle's house. I.Gh. was detained based on Article 353 of the Criminal Code. According to Deputy Chief Prosecutor of Georgia October 6, 2015 Letter N13/62692, on March 15, 2015, I.Gh. mentioned during interview with a prosecutor from Ozurgeti District Prosecutor's Office that he had no complaints against police officers who had detained him. Therefore, investigation on the injury of I.Gh. was not launched.

In relation to the above-mentioned fact, the Public Defender thinks that, even in the absence of official complaint, Prosecutor's Office has to launch and conduct investigation on a criminal case under separate proceedings.

Administratively detained V.M.'s case is worthy of special mention, where V.M. received a chopped wound in the head at the Police Division building, next he was taken for the drug test and was taken to the hospital for receiving medical assistance only after 5 hours and 30 minutes. According to Deputy Chief Prosecutor of Georgia October 22, 2015 Letter N13/65925, on March 6, 2015, at Senaki District Prosecutor's Office investigation was launched on criminal case N068060315801, for the fact of alleged exceeding of authority in relation to V.M., by MOIA Senaki District Division officers, involving the elements of crime envisaged under Article 333(3) (b) of the Criminal Code of Georgia. On March 19, 2015, investigation on the mentioned criminal case was terminated due to the absence of an action envisaged in the Criminal Code of Georgia.

In relation to the above-mentioned case, it is noteworthy that after V.M. incurred injury, he was transferred for narcological testing, and medical aid was provided after quite long period, 5 hours and 30 minutes. While this fact may indicate negligence on the part of the police towards human rights of the detainee, or in the worst case, failure to provide medical aid may have been the means for exerting pressure over him.

In addition to the above-described cases, as a result of statistical analysis of cases studied during monitoring over the reporting period numerous significant trends have been identified. The cases of injuries studied under the monitoring, broken down by TDIs are provided in the table below.

N	TDI	Detained as of monitoring	Number of questionnaires ²⁹	Monitoring time
1.	Kakheti Regional TDI (Telavi)	244	36 (14,7 %)	06.2015
2.	Sagarejo TDI	139	22 (15,8 %)	06.2015
3.	Sighnaghi TDI	105	5 (4,8 %)	06.2015
4.	Kvareli TDI	217	21 (9,7 %)	06.2015
5.	Imereti, Racha-Lechkhumi, and Kv. Svaneti Regional TDI (Kutaisi)	553	83 (15 %)	06.2015
6.	Lentekhi TDI	8	–	06.2015
7.	Zestaponi TDI	184	19 (10 %)	06.2015
8.	Bagdati TDI	53	6 (11,3 %)	06.2015
9.	Chiatura TDI	92	21 (22,8 %)	06.2015
10.	Samtredia TDI	166	21 (12,6 %)	06.2015
11.	Ambrolauri TDI	0	–	06.2015
12.	Samegrelo and Zemo Svaneti Regional TDI (Zugdidi)	217	24 (11 %)	07.2015
13.	Zugdidi TDI	359	31 (8,6 %)	07.2015
14.	Senaki TDI	165	11 (6,7 %)	07.2016
15.	Poti TDI	101	10 (9,9 %)	07.2015
16.	Khobi TDI	83	9 (10,8 %)	07.2015
17.	Chkhorotsku TDI	89	8 (9 %)	07.2015
18.	Mestia TDI	8	–	07.2015
19.	Tetritskaro TDI	4	–	06.2015
20.	Tsalka TDI	11	6 (54,5 %)	06.2015
21.	Marneuli TDI	254	68 (26,8 %)	06.2015
22.	Ajara and Guria Regional TDI (Batumi)	1160	121 (10,4 %)	07.2015

25 In order to obtain necessary information contained in case materials in a systemized manner, the monitoring team was using a specially designed questionnaire for documenting information.

23.	Kobuleti TDI	148	25 (16,9 %)	07.2015
24.	Ozurgeti TDI	77	13 (16,9 %)	07.2015
25.	Chokhatauri TDI	19	10 (52,6 %)	07.2015
26.	Lanchkhuti TDI	53	0	07.2015
27.	Shida Kartli and Samtskhe-Javakheti Regional TDI (Gori)	361	67 (18,5 %)	08.2015
28.	Khashuri TDI	242	50 (20,7 %)	08.2015
29.	Borjomi TDI	63	25 (39,7 %)	08.2015
30.	Akhaltzikhe TDI	113	27 (23,9 %)	08.2015
31.	Akhalkalaki TDI	19	1 (5,3 %)	08.2015

It can be seen from the analysis of the Table that out of those TDIs where there were more than 50 detainees from January 1, 2015 as of the time of monitoring, the monitoring group identified the highest number of noteworthy cases at TDIs of Borjomi, Marneuli, Akhaltsikhe, Chiatura and Khasuri. At these TDIs, the ratio of the cases of injury identified in these TDIs to the number of detainees is above 20%. With slight difference in percentage, Shida Kartli and Samtskhe-Javakheti Regional (Gori) TDI, as well as Kobuleti, Ozurgeti, Sagarejo, Imereti, Racha-Lechkhumi and Kv. Svaneti Regional (Kutaisi) and Kakheti regional (Telavi) TDIs come next.

It has been ascertained following processing of collected information that in 419 cases detention reports contain a record about bodily injury, and visual inspection reports – in 716 cases. Respectively, in 297 cases detention report does not indicate injury while they are indicated in visual inspection reports. This may be due to the deficiencies in visual inspection of body and documenting of injuries, although, at the same time a firm assumption arises that detainees may have incurred injuries under police control. Similarly, the study has shown that in 418 cases in visual inspection reports there are more bodily injuries described than contained in detention reports and detainee registration books.

According to police officers, the lack of adequate lighting and the method of physical inspection has negative bearing on complete description of injury in detention report. Hence, as part of the study the analysis as to the influence of the presence/absence of adequate lighting on describing injury in detention report was performed. It was established that individuals were detained during daylight only in one third of cases. It has also been ascertained that in one third of cases where injuries are mentioned in the visual inspection report only, individuals had been detained during daylight. Notably, the study has identified 50 cases when individuals were detained during daylight, while injuries on the head, face and eye socket areas are indicated only in the visual inspection report drawn up by TDI employees. In these 50 cases, if an individual had injury at the time of detention, detaining police officer was required to document it.

The study shows that out of those 297 cases where injury is not indicated in the detention report, in 236 (79.5%) cases individuals were detained administratively, while in 61 cases (20.5%) – under criminal procedure, which is 52.2% of total number of administrative detention related questionnaires, and 20.8% of criminal detention related questionnaires processed. In all fairness, it should be mentioned that in cases of administrative detention one of the reasons for such high indicator of not stating injuries in detention reports is the absence of a relevant field about bodily injuries in the administrative detention report. In cases where administrative detention protocol has record about bodily injuries, as a rule, such information is included in the notes field.

As part of the study, the location of injuries was studied. The data³⁰ according to visual inspection reports drawn up at TDIs is provided in the table below:

Location	N	%
Head area	14	1,9
Face area	82	11,4
Eye socket area	39	5,4
In various parts of the body (except for head, face and eye socket areas)	263	36,7
Head and facial area	7	1
Head and eye socket area	4	0,5
Head area and various parts of the body (except for face and eye socket)	20	2,8
in head, face and eye socket area	2	0,3
in head and face area, as well as in various parts of the body	12	1,7
In head and eye socket area, as well as various parts of the body	1	0,1
In face and eye socket area, as well as various parts of the body	51	7,1
In face and eye socket area	31	4,3
In face area and various parts of the body (except for head and eye socket area)	136	19
in eye socket area and various parts of the body (except for head and face)	41	5,7
In head, face and eye socket area, as well as various parts of the body	13	1,8
	Total: 716	

30 For the purposes of the study, the location of injuries was generalized and grouped. Since special focus of the study was injuries in head, face and eye socket area, these parts were singled out separately.

The analysis of data provided in the table shows that in 63.3% of cases, detainees had injuries, separately and in combination, in head, face and eye socket area. Injury in head area (separately and together with other injuries) has been observed in 63 cases. Injury in face area (separately and in combination with other injuries) is observed in 334 cases. Injury in eye socket area (separately and along with other injuries) is observed in 182 cases. Notably, as reported by detainees, injury in head area (separately and along with other injuries) at the time of detention was incurred in 16 cases, in face area – in 59 cases, in eye socket area – in 31 cases.

It was examined as part of the study whether the time of the emergence of injury is indicated in the visual inspection report. See the table below:

Time of injury	
Prior to detention	581
At the time of detention	116
Following detention	11
No record	32
	Total: 740

It has been examined as part of the study as to out of 740 cases in how many cases the detainee had complaints towards police and in how many cases there was no record as to the presence or absence of complaint. It appeared that complaint towards police was expressed by detainees in 69 cases, detainees did not have complaints in 626 cases, and in 45 cases visual inspection report drawn up at TDIs did not have record as to the complaint towards police.

Time of incurring injury	Complaint towards police			Total
	Has complaint	Does not have	No record	
Prior to detention	9	543	29	581
At the time of detention	50	57	9	116
Following detention	8	3	0	11
No record	2	23	7	32
Total	69	626	45	740

Following cross-tabulation of the data about location of bodily injury, time of injury and complaint towards police it appeared that in 8 cases individuals has injuries in different parts of the body and states that they have complaints towards police, but has received injuries prior to detention.

For cases when injury was incurred at the time of detention, information about location of injury and information about complaint of a detainee (according to visual inspection report) can be seen in the table below:

Injury location	Has complaint	Does not have complaint	Is not indicated	Total
Head area	1	2	0	3
Facial area	4	6	0	10
Eye socket area	3	3	0	6
Other part of the body (except for head, face and eye socket)	15	15	4	34
Head and eye socket area	0	1	0	1
Head area and other parts of the body (except for face and eye socket area)	2	2	1	5
Head and face area, as well as in other parts of the body	1	2	0	3
In Head and eye socket area, as well as other parts of the body	0	1	0	1
In facial and eye socket area, as well as other parts of the body	3	6	1	10
Facial and eye socket area	2	3	0	5
Facial area and other parts of the body	16	10	2	28
in eye socket area and other parts of the body	1	3	1	5
in head, facial and eye socket area, as well as other parts of the body	2	1	0	3
	Total: 50	Total: 55	Total: 9	Total:114

The analysis of the table provided above shows that in 55 cases individuals had numerous injuries on the body, which, according to their own explanation, they had received during detention, although they did not have any complaints towards police. It can also be established from the table that in 9 cases when injuries were incurred during detention, it is not indicated in visual inspection report whether a detainee has complaints towards police.

Notably, 11 cases were identified during inspection, when detainees would indicate post-detention period as the time of emergence of injury. Of those, 9 detainees had injuries in the area of head, face and eye socket, while 2 detainees – in various parts of the

body. Out of the mentioned individuals just 8 detainees stated that they had complaints towards police, and 3 detainees did not say they had complaints towards police.

According to the data provided above, although detainees, according to their own explanation, in 3 cases had incurred injuries following detention, and in 55 cases – at the time of detention, in face and eye socket area, as well as in various parts of the body, they did not have complaints towards police. Such explanation is less convincing. Presumably, in the above-mentioned cases this is self-censorship due to fear, stress and uncertainty, since at the first stage of deprivation of liberty the threat of intimidation, pressure, abuse, and other ill-treatment is highest and an individual is in especially vulnerable situation during such time.

As part of the study, the circumstances of detention were also examined. The goal of such examination was to establish whether in studied cases the detention of individuals was preceded by abuse of citizens by such person, physical stand-off with them, as well as disobedience to legitimate demand of police officers or physical resistance against them, their verbal abuse and whether police used force.

The study, based on detention reports, has identified just 11 cases of physical confrontation with other citizens. 44 cases of verbal abuse by detainees towards citizens, and 171 cases of abusing police have been identified. The analysis of the data shows the trend of exerting aggression by citizens towards police. 209 cases of random swearing have been observed.

Out of examined 179 cases where detention was made based on Article 166 and 173 of the Administrative Violations Code of Georgia, only in 5 cases there is high likelihood that injuries were incurred following physical confrontation with another citizen. In 15 cases too, we may presume that verbal insult of citizens was preceded by physical confrontation, which is not indicated in the report. In 51 cases of abuse towards police, since the detention report does not refer to circumstance that may give rise to the infliction of injury prior to detention, we can presume that injury was incurred following contact with police officers.

Out of 227 cases of disobedience of legitimate demand of police officer and resistance against police officers, according to detention report, detainees verbally abused police officers in 74 cases. In such cases, the likelihood of the use of force by police and respectively, that of exceeding of force, is high. It should also be mentioned here that during monitoring interviewed police officers were very concerned about the fact of verbal abuse by offenders. They stated that it is very difficult for a Georgian man to tolerate swearing at his mother, but they had to endure all this.

As part of the study, it was examined as to what injuries did person had in cases of random swearing, abusing police officers and the use of force by the police. The data according to visual inspection report can be seen in the table below:

Location of injury	Random Swearing	Abusing police officers
In eye socket area	4	1
In face area	0	1
In head and eye socket area	0	1
In head, face and eye socket area	0	1
In various parts of the body (except for head, face and eye socket)	3	5
in the area of head and various parts of the body (except for face and eye socket)	1	1
In the area of head and face, as well as various parts of the body	1	1
In the area of eye socket and face, as well as various parts of the body	5	3
In the area of eye socket and face	2	1
In the area of face and various parts of the body (except for head and eye socket area)	4	2
In the parts of eye socket and various parts of the body (except for head and face area)	1	2
In various parts of the body, including in the area of head, face and eye socket	0	1

As can be seen from the analysis of the above table, in absolute majority of cases of random swearing, abusing police staff and the use of force, detainees have injuries in the area of head, face and eye socket. Furthermore, out of 21 cases of random swearing and the use of force by the police, injury is not indicated in 10 cases in detention reports, while out of 20 cases of abusing police staff – in 9 cases. Based on all of the above-mentioned, there is an assumption that police staff may have exercised ill-treatment.

It was examined under the study, out of processed 740 cases, in how many cases did defiance or resistance to police occurred according to the detention reports. The study has identified 227 cases (30.7%) of defiance/resistance, while 513 examined reports (69.3%) do not contain such indication. Out of these, record as to defiance/resistance is the most often seen in cases when individuals had been detained based on Article 166 and 173 (80 cases – 35.2%) of Administrative Violations Code, and detained based on Article 353 (43 cases – 18.9%) of the Criminal Code. This indicator is high also separately in case of detention based on Article 173 alone (69 cases – 30.4%).

According to the study, in 80 cases (45.2%) out of 177 cases when person were detained based on Articles 166 and 173 of Administrative Violations Code, detention report indicates defiance/resistance. Such indication is present in 69 cases (43.1%) out of 160 cases when individuals were detained under Article 173 alone, while in cases of detention based on Article 353 of the Criminal Code, out of 50 cases – in 43 cases (86%).

It has been established as a result of the study that out of 227 cases when defiance/resistance was indicated in detention reports, in 3 cases (1.3%), there is full description as to defiance/resistance, in 4 cases, reports contain partial description (1.8%), in 96.9% of cases police employees did not make such description.

Out of 740 cases, the fact of the use of force is indicated only in 46 cases (6.2%), in 27 cases (3.6%) it is mentioned that the force had not been used, while in 667 cases (90.2%) detention reports do not have indication about the use of force. Out of 46 cases when the use of force was mentioned, the method for the use of force is indicated in the detention report only in 2 cases (4.3%), in 3 cases (6.5%) reports contain partial description, and in 41 cases (89.2%) report does not mention anything about the method of the use of force.

The number of cases when detention report makes reference to the defiance/resistance and the use of force is 37 (16.3%), while the number of cases when defiance/resistance is mentioned but the fact of the use of force is unclear from the detention report, is 189 (83.3%). In 1 case police indicates to the fact of defiance/resistance, but states that force had not been used. It is also noteworthy that out of 50 cases when individuals were detained based on Article 353 of the Criminal Code, in 44 cases (88%) the use of force is not indicated in detention reports. In such cases, the probability of the use of force is high, although, it seems that police staff avoid making record about the use of force. Conversely, 9 cases have been observed, when detention report mentions that there had not been any defiance/resistance, yet reports contain indication on the use of force.

Based on all of the above-mentioned, the Public Defender is of the opinion that in 2015, the issue of ill-treatment by police of detainees is pressing and is alarmed by the fact that in the majority of cases it can be observed that police officers prepare for physical and psychological violence in advance, purposefully, and exercise such violence to get confession, which is an element that qualifies as torture crime.

It is also alarming that based on 11 proposals sent by the Public Defender to the Chief Prosecutor of Georgia in 2015, investigation was launched based on Article 333 of the Criminal Code, while the circumstances indicated in the Public Defender's proposals comprise the elements of torture and inhuman or degrading treatment. The Public Defender urges the Prosecutor's Office of Georgia to launch investigation under Articles 144¹ and 144³ of the Criminal Code.

It is a significant problem that police has neglected such legal safeguards of detainees as briefing about rights, putting them in contact with family and lawyer. Furthermore, it is especially notable in the reporting period, as indicated in detention reports, the trend of aggression of citizens towards police, in which case, given inadequate qualification of police staff, the probability of the use of force and respectively, overstepping the bounds of force by them, is high.

RECOMMENDATIONS TO THE MINISTER OF INTERNAL AFFAIRS OF GEORGIA

- To take all necessary measures to avoid torture, inhuman and degrading treatment, as well as breaching human rights by police officers, among other measures, through relevant training, increasing accountability and strict supervision

RECOMMENDATIONS TO THE CHIEF PROSECUTOR OF GEORGIA

- Ensure effective investigation of alleged facts of torture and inhuman or degrading treatment of detainees by police, which implies comprehensive and complete examination of cases
- In case torture and inhuman and degrading treatment of detainees by police is discovered, launch investigation and conduct it under Articles 144¹ and 144³ of the Criminal Code.

3. PRINCIPAL SAFEGUARDS AGAINST ILL-TREATMENTS

3.1. BRIEFING DETAINEES ABOUT THEIR RIGHTS

According to Article 5(2) of the European Convention on Human Rights, Everyone who is arrested shall be informed promptly, in a language that he understands, of the reasons for his arrest and of any charge against him. Hence, detainees must be provided specific information including accurate details, so that they able to challenge the lawfulness of detention at a relevant body based on Article 5(4) of the Convention. For the purposes of this Article, detainees should be briefed using simple, non-technical language, so that they understand the grounds for detention and charges against them.

According to the position of the European Committee for the Prevention of Torture (CPT), it is imperative that persons taken into police custody are expressly informed of their rights without delay and in a language that they understand. In order to ensure that this is done, a form setting out those rights in a straightforward manner should be systematically given to persons detained by the police at the very outset of their custody. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.³¹

The legislation of Georgia guarantees the right of detainee to receive information about their rights³², however during the reporting period individuals, without their consent, had been taken from the street for a “conversation” in a police car or police station , during which time they were not provided absolutely any information about own rights. If this was done to have a “questioning”, Georgia legislation envisages that in such case information is provided voluntarily and prior to the commencement of “questioning”, individual must be briefed about their rights.³³ UN Special Rapporteur on Torture stressed that taking a person for a “conversation” without explicit and freely given consent not only restricts that person’s right to liberty and security but also heightens the risk of torture and ill-treatment.³⁴

The Public Defender regards that the practice of taking individual for “conversation” into the police vehicle or station creates high risk of arbitrary detention and ill-treatment. In any case of the deprivation of liberty persons have to be briefed without delay and in a language they understand, about their rights.³⁵

31 CPT Standards, Par. 44, available in Georgian at: <http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Last accessed on 25.03.2016]

32 Criminal Procedure Code of Georgia, Article 38(1-20); The Code of Administrative Offences of Georgia, Article 245(1)

33 Criminal Procedure Code of Georgia, Article 113(1-2)

34 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Georgia, 2015, Par. 43, Available in UN Official languages, at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/57/Add.3 [Last viewed on 26.03.2016].

35 CPT Standards, p. 6, Par. 37, Available in Georgian at: <http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Last accessed on 25.03.2016].

It has been established following inspections conducted by the Special Preventive Group that the time of the entry of some of the individuals into police stations precedes their factual detention time, which raises suspicion that unlawful deprivation of liberty took place in relation to such persons, since at the time of bringing to the station, they had not been detained officially and most likely, they would not have been briefed about any of their rights.

Staff at the Kakheti Regional Police Station explained that the precedence of the time of the entry into the Station relative to the time of detention is conditioned by the fact that individual was brought to the Police voluntarily, for performing a check according to Article 45³⁶ of the Code of Administrative Offences of Georgia, and next they were transferred for narcological test only after detention report was drawn up.³⁷

UN Working Group on Arbitrary Detention regards that any confinement or retention of an individual accompanied by restriction on his or her freedom of movement, even if of relatively short duration, may amount to de facto deprivation of liberty.³⁸ Therefore, if an individual is placed under the control of law enforcement officers, who are taking him/her to the police building, this already amounts to the deprivation of liberty and it is necessary that an individual be briefed from the very onset as to their procedural rights.

According to Georgian legislation, following personal inspection, interview, and sanitary treatment of individuals brought to Temporary Detention IsolatorTDI, duty officer in charge or another duty officer, at the order of the former, briefs detainees about, and, if possible, hands over a copy of internal rules of the isolatorTDI, as well as the list of their procedural rights and duties, and afterwards they are confined in cells.³⁹

Although the handover of a list of procedural rights and duties to a detainee is not absolute obligation of TDITDI staff, in conversation with the monitoring group TDITDI administrations mentioned that prior to placing an individual in a cell they are briefed about their rights and duties in language that they understand, they have them sign and are provided a copy to take into a cell with them.

Group members have observed at several TDITDIs that the list of rights and duties to be provided to detainees was incomplete and did not contain the rights individuals should enjoy while in custody. In some cases, detainees would say that no one had explained to them the right to walk and shower; therefore they could not enjoy this right.

The Public Defender deems that all individuals brought to the Temporary Detention Iso-

36 Article 45, Administrative Violations Code of Georgia: Illegal purchase or storage of small amount of drug substance, without the intention of resale, and/or the consumption of a drug substance without a physician's prescription.

37 On this issue see the Public Defender of Georgia 2015 Report to the Parliament, Chapter Right to Freedom and Security, available at: <http://www.ombudsman.ge/uploads/other/3/3512.pdf> [Last viewed 06.04.2015].

38 Report of the Working Group on Arbitrary Detention (December 24, 2012) Par. 55, available in English at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.44_en.pdf [Last seen on 26.03.2016].

39 The Minister of Internal Affairs February 1, 2010 Order N108; Annex N3; Art. 3(4).

lators should be briefed in a clear and understandable manner not only about procedural rights but also all those rights as well as duties they have during confinement. Since briefing about these rights usually takes place immediately after detainees are brought to TDITDI, when an individual is agitated and may sign on the sheet without fully perceiving their rights, it is important that they are given this list of rights to take with them into a cell, to be able to review their rights and duties later, in a relatively calm environment.

3.2. INFORMING A FAMILY ABOUT DETENTION, ACCESS TO LAWYER AND PHYSICIAN

3.2.1. INFORMING FAMILY

The Committee against Torture emphasizes the importance of the right to inform family.⁴⁰ The European Committee for the Prevention of Torture (CPT) also points a detained person's right to have the fact of his/her detention notified to a third party immediately. Of course, the CPT recognizes that the exercise of this right might have to be made subject to certain exceptions, in order to protect the legitimate interests of the police investigation. However, such exceptions should be clearly defined and strictly limited in time, and resort to them should be accompanied by appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the reasons thereof, and to require the approval of a senior police officer unconnected with the case or a prosecutor).⁴¹ It should be noted that international law does not require to have a detainee notify their family members or third parties in person (if this may delay investigation of the case), but police officer may do this.⁴² The purpose of this right is to timely inform a detainee's family (or a third party) about the fact of detention and a detainee's whereabouts.

According to Article 177 (1) of the Criminal Procedure Code of Georgia, a prosecutor or at a prosecutor's instruction -- an investigator -- should notify a detainee's family members or third parties about the detention no later than 3 hours after detention. Article 245(1) (c) of The Code of Administrative Offences of Georgia envisages the right of a detainee, if willing, to have a relative listed thereof notified about the fact of his/her detention and whereabouts.

Usually, police grants detainees right to contact their relatives or lawyer in about 2-3 hours. The practice for notifying family members or lawyers about detention by police is different. In some cases, police officers allow detainees to call family member using their own telephone (only after verifying that the person detainee is calling is really a family member), or a police officer calls the number provided by detainee and notifies the family him/herself.

40 UN Committee Against Torture (CAT) General Comment N2, Par.13, available in English at: http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.GC.2.CRP.1.Rev.4_en.pdf [Last viewed on 25.03.2016]

41 CPT Standards, Pg. 15, Par. 43, available in Georgian at <http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Last accessed on 25.03.2016].

42 Monitoring Police Custody: A Practical Guide (Association for the Prevention of Torture, 2013) Pg. 127.

Usually, at Temporary Detention IsolatorsTDIs, on duty officer informs an investigator who, in turn, calls family member of the detainee and informs them, a report is drawn up based on this phone notification; however, during monitoring it was identified at Zugdidi regional and Chkhorotsku TDIsTDIs that duty officers were not aware of this obligation. According to Zugdidi duty officer, they notify a family only if a person is in custody for 2-3 days, while Chkhorotsku detention isolator employee said that they do not have a family notification obligation at all.

During the reporting period, at MOIA Kobuleti Main Station, alleged suspension of the right of R.T. to contact lawyer and family members had been observed. The Public Defender applied to the Chief Prosecutor's Office of Georgia demanding the investigation of alleged fact of ill-treatment of R.T. Similar case took place at Tsalenjikha District Department Jvari Police Station, where a detainee D.P. was allegedly subjected to ill-treatment, which, inter alia, comprised the suspension of the right to contact family members. In this case, too, the Public Defender applied to the Chief Prosecutor's Office with a proposal.

The CPT deems that fundamental guarantees granted to detainees will be reinforced at police stations if a unified and detailed record is maintained for each detainee, to reflect every aspect of their custody and related actions (time of and grounds for the deprivation of liberty, when detainee was briefed about rights, when they contacted family/consulate and lawyer, and when they visited the detainee). Moreover, lawyer should have access to the mentioned records.⁴³

It is worth noting that neither police divisions nor TDIsTDIs maintain a registry detailing the number of individuals who demanded the enjoyment of the right of informing a family, how many exercised this right, who contacted relatives of detainee, what information was provided, etc. Which leaves the impression that even when a detainee asks that their family members are informed about detention, this will depend on good will of police, since the enjoyment of this right is not documented as some unified, systematized registry, therefore, in cases when a detainee is unable to enjoy the mentioned right, since their family members or friends were unreachable over the phone, it is difficult to establish whether police employees actually made a call and were unable to reach detainee relatives or whether they arbitrarily suspended this right for a person.

The improvement of recording system at Temporary Detention IsolatorsTDIs, penitentiary facilities via the refinement of relevant registries is envisaged under 2015-2016 Action Plan for the Prevention of Torture, Inhuman, Cruel or Degrading Treatment or Punishment of Persons,⁴⁴ hence, the Public Defender deems that the refinement of registries should also involve proper documenting of demanding notification to family or lawyer by detainees.

43 CPT Standards, P. 7, Par. 40, available in Georgian at:<http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Last accessed on 25.03.2016].

44 2015-2016 Action Plan for the Prevention of Torture, Inhuman, Cruel or Degrading Treatment or Punishment of Persons, Par. 1.2.8.

3.2.2. ACCESS TO A LAWYER

The CPT has also emphasized that the right of access to a lawyer should be enjoyed not only by criminal suspects but also by anyone who is under a legal obligation to attend - and stay at - a police establishment.⁴⁵

In his report on the mission to Georgia in March, 2015, UN Special Rapporteur on Torture notes that, with regard to access to lawyers, overall, situation is satisfactory and visits by lawyers are granted and are held in confidential settings.⁴⁶ Although he mentions that there have been several cases of physical and verbal abuse by law enforcement officers despite the guarantees provided for by the law for arrested and detained persons with regard to legal counsel, medical examination, and notification of relatives about the arrest.⁴⁷

Presence of a lawyer at a police station is one of the effective means for prevention of ill-treatment of a detainee, especially in the first hours of detention, so that in case of detection of ill-treatment, lawyer briefs detainee about the filing of complaint and other safeguard mechanisms.⁴⁸ Lawyer should be present during all investigative actions taken in relation to a detainee. This, on the one hand, will significantly lower the risk of ill-treatment of a detainee and, on the other hand, lawyer's presence during interrogation or other investigation activities is important for the police as well in case ungrounded allegation concerning ill-treatment is made against police. It is also important that the meeting of a detainee and a lawyer be held without attendance of law enforcement officers, so as not to enable them to overhear the conversation. According to the order of the Minister of Internal Affairs of Georgia, meeting with the Public Defender is held at the temporary detention isolatorTDI investigation room, according to the wish of a lawyer and a defendant. The meeting may be held in absentia of others, irrespective of the number of meetings and time.⁴⁹

The Public Defender has mentioned earlier⁵⁰ that access to a lawyer should be ensured within shortest timeframe from detention, since the threat of intimidation, pressure, abuse and other ill-treatment is highest during the very first stage of restriction of liberty when an individual is especially vulnerable.

Monitoring group, when inspecting MOIA temporary detention isolatorsTDIs has discovered that G.M. detained in Telavi isolatorTDI demanded a lawyer and contacting family

45 CPT Standards, P. 6, Par. 37, available in Georgian at: <http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Last seen on 25.03.2016]. Pg. 13, Par. 41.

46 Report of UN Human Rights Council Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Georgia, 2015, Par. 71, available in UN Official languages, at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/57/Add.3 [Last accessed on 26.03.2016].

47 Ibid., Par. 42.

48 CPT Standards, P. 13; Par. 41, available in Georgian at: <http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Last accessed on 25.03.2016].

49 Minister of Internal Affairs February 1, 2010 Order N 108, Annex N 3, Article 8(2).

50 Public Defender's 2014 Report to the Parliament; Pg. 208; See link <http://www.ombudsman.ge/uploads/other/2/2439.pdf> [Last accessed on 26.03.2016].

members at Signagi District Station, and police officers failed to act upon this demand, while N.A. detained together with him was allegedly subjected to ill-treatment and failed to enjoy the right to a lawyer. Five individuals visited by the group at the Telavi isolator TDI stated that while in police custody, they were not granted the right to use the services of a physician and a lawyer.

It was established on the case of G.Dz., examined by the Public Defender that upon the instance of detention in Tbilisi the detainee was allegedly subjected to ill-treatment, specifically, beating, afterwards he was transferred to Kutaisi temporary detention isolator TDI, he was not briefed about rights, at the first stage of legal proceedings he was unable to use a lawyer's assistance and was in the state of vulnerability. Public Defender has suggested to the Chief Prosecutor's Office of Georgia to launch investigation on the above-mentioned case.

Although the right of access to a lawyer is guaranteed under administrative⁵¹ as well as criminal⁵² proceedings, during the monitoring the trend has been identified that administrative detainees almost never use lawyer's assistance.

One of key reasons for rejecting lawyer's assistance by a detainee is finance. Detainees think that hiring a lawyer right away will be additional high expenses for their families and often use lawyer's assistance only during the court trial. European Court on Human Rights ruled that the state has obligation not only to ensure access to lawyer for a detainee, but also, in case of a manifest failure by counsel appointed under the legal aid scheme to provide effective representation, intervene to ensure effective enjoyment of the right to a lawyer for a detainee.⁵³

According to the Law of Georgia on Legal Aid, free legal aid to an individual is provided only in cases explicitly stipulated by law, as well as according to the rule prescribed by this Law, provided an accused person, convicted person and/or acquitted individual is unable to pay.⁵⁴ According to the same Law, a maximum two days is prescribed for assigning a legal aid lawyer, provided an individual or their relative refers to the Legal Aid Office with a request to allocate a lawyer. The same two-day period applies in cases when due to inability of an accused person to pay; investigation body refers to legal aid office with a demand to assign a lawyer.

Fast access to legal counsel and aid, especially at the time of detention of an individual, is main guarantee for fair trial and rule of law. The involvement of a lawyer at very early stage ensures protection of these rights and is an important mechanism for the protection against torture and other forms of ill-treatment. Implementation of international standards for timely access to a lawyer is also envisaged under the 2015-2016 Action Plan for the Prevention of Torture, Inhuman, Cruel or Degrading Treatment or Punishment.⁵⁵

51 Administrative Violations Code of Georgia; Art. 255.

52 Criminal Procedure Code; Art. 38(5).

53 ECtHR January 20, 2009 Judgment on the case *Güveç v. Turkey*, N70337/01, Par. 130-131.

54 The Law of Georgia on Legal Aid, Art. 21(1).

55 2015-2016 Action Plan for the Prevention of Torture, Inhuman, Cruel or Degrading Treatment or Punishment of Persons, Par. 1.2.1.

The Public Defender regards that given the existing regulations, specifically, two-day period, the enjoyment of the right to lawyer within short timeframes from the instance of detention by detainee is effectively ruled out, unless they can afford hiring a lawyer.

In addition to lawyers appointed under legal aid mechanism, a number of NGOs provide to detainees pro bono legal aid, but primarily in Tbilisi and in large cities, hence, getting free legal aid from NGOs in regions is a problem.

Additionally, documenting the fact of demanding a lawyer by a detainee is a problem. When a detainee demands contacting with a lawyer, there is no mechanism that would record in a report or via another registered document that a person was truly put in contact with a lawyer, or police officer arbitrarily denied the enjoyment of this right based on some made up motif. Therefore, the Public Defender deems it important to have every demand for the enjoyment of the right to a lawyer documented and have in place some registry where every such demand and relevant actions would be recorded.

3.2.3. ACCESS TO A PHYSICIAN

An individual must be provided necessary medical aid upon detention, which implies the service of qualified physician without any delay. The right to receive independent medical service is enshrined by UN CAT⁵⁶ and Human Rights Committee.⁵⁷ A doctor should always be called without delay if a person requests a medical examination; police officers should not seek to filter such requests. Further, the right of access to a doctor should include the right of a person in custody to be examined, if the person concerned so wishes, by a doctor of his/her own choice (in addition to any medical examination carried out by a doctor called by the police).⁵⁸

According to ECtHR case law, Article 3 of the Convention envisages supporting health and welfare of detainees, inter alia, it obliges government to ensure requisite medical assistance to detainees.⁵⁹ It is important that a detainee should be able to use medical services from the moment of detention, which also brings down the risk of ill-treatment. In addition, during medical examination, a person's state of health must be described in detail and examination results should be made available to the detainee or their lawyer.

Upon bringing a detainee to the temporary detention isolators of MOIA of Georgia, TDIs individuals' visual examination takes place; this procedure is performed in a separate room by an authorized person of the isolator TDI, without the presence of anyone else. During the examination detainees are asked about their health, as well as actual external injuries on their body (if any) will be inspected. If a detainee complains about

56 UN Committee Against Torture, General Comment N2, Par.13, Available in English at: http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.GC.2.CRP.1.Rev.4_en.pdf [Last accessed on 25.03.2016].

57 UN Human Rights Committee General Comment N20, Par. 11.

58 CPT Standards, p.15; Paragraph 42, available in Georgian at: <http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Last accessed on 25.03.2016].

59 ECtHR October 26, 2000 Judgment on the case *Kudła v. Poland* N30210/96 (Grand Chamber) Par. 94; ECtHR October 15, 2002 Judgment on the case *Kalashnikov v. Russia*, N47095/99, Par. 95.

his/her health, or he/she has obvious indications of sickness, ambulance will be called immediately, which will determine whether a person is fit enough to be placed in the lockup. If, according to medical professional's conclusion, the detainee may not be confined in a temporary detention isolatorTDI, such person is immediately sent to a medical treatment facility.⁶⁰

According to the statistical data provided by the MOIA of Georgia, a total of 241 people were transferred to a medical facility after arrest due to health problems during the reporting period. In 2015, there was one case of a suicide attempt by the detainee of Shida Kartli and Samtskhe-Javakheti regional isolatorTDI (Gori), which was timely prevented by the temporary detention isolatorTDI staff, ambulance was called, but there was no need in transferring the detainee to an in-patient facility.

According to the established practice, an ambulance call is made at the same time when a detainee is admitted to a temporary detention isolatorTDI. An ambulance physician conducts medical examination of a detainee. Public Defender welcomes this practice, since he believes that ambulance physician is not subordinated to the MOIA and is independent from it in their work. Despite the afore-mentioned, the following essential problems have been identified as a result of the inspection of temporary detention isolatorsTDIs by the monitoring group:

- In some cases (primarily in regions) ambulance team arrives late, while detainee is not taken into the temporary detention isolator TDI until a physician arrives.
- Often, ambulance physicians provide incomplete description of detainee's health. Their records are often non-informative and do not depict real condition.
- Initial medical examination of detainees is usually performed in the presence of isolatorTDI staff, due to the reason that ambulance physician is afraid to remain alone with a detainee. There are cases when during this time officer who had detained the individual and brought to the temporary detention isolatorTDI is nearby, which negatively influences the openness of a detainee during conversation with a physician (listing actual causes of injury, stating complaints against police).
- As for documenting medical inspection of a detainee, there is no unified standardized form for detailing health status of detainees; hence, physicians do not provide complete description of injuries.
- Often, there is a mismatch between records of visual inspection report drawn up at the temporary detention isolatorTDI and those of ambulance physicians.

The Public Defender considers that all medical examinations should be performed in a setting that excludes the possibility for law enforcement officers and other non-medical personnel to hear and observe the examination process, except for individual cases when a physician requests an exception; although this should not become regular practice and in case when a physician is afraid to be alone in a room with a detainee, other alternative means for security should be designed, since the presence of a police officer

60 The Minister of Internal Affairs February 1, 2010 Order N108, Annex N3, Article 3(1-3).

during the examination of a detainee may become the cause for incomplete documenting of detainee health status, as well as of the origin of injury.

The Public Defender also emphasizes the importance of using comprehensive and unified standard for documenting injuries, which would be in line with The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Commonly known as the Istanbul Protocol).

According to the CPT, the record drawn up after the medical screening of a person at custody facility should contain:

- an account of statements made by the person which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment)
- a full account of objective medical findings based on a thorough examination
- the health-care professional's observations in the light of the above points, indicating the consistency between any allegations made and the objective medical findings.

The record should also contain the results of additional examinations carried out, detailed conclusions of specialized consultations and a description of treatment given for injuries and of any further procedures performed. Recording of the medical examination in cases of traumatic injuries should be made on a special form provided for this purpose, with body charts for marking traumatic injuries that will be kept in the medical file of the prisoner. Further, it would be desirable for photographs to be taken of the injuries, and the photographs should also be placed in the medical file.⁶¹

Out of 740 examined cases in relation to documenting of injuries by ambulance physicians, 264 cases have been identified, where injury is indicated in visual inspection report, while ambulance physician does not indicate injury; 67 cases when injury is indicated in visual inspection report, while physician states that a detainee does not have injuries; in 3 cases physician describes injury, while visual inspection report states that detainee does not have injuries; in 91 cases, there is a mismatch between the location of injury indicated in visual inspection report and that in a physician's record.

The study has shown that out of the cases where physician does not provide an indication about injury, in 21 cases, according to visual inspection report, detainee had injury in the area of head, in 123 cases – in the area of face, and in 59 cases – in the area of eye socket (separately and in combination). Even if a detainee did not take off clothes, which is necessary component for complete inspection, physician in any case should have been able to detect injuries in the area of head, face and eye socket. Out of the cases where physician states that detainee did not have injury, according to visual inspection report, in 5 cases detainee had injury in the area of head, in 25 cases – in the area of face, in 22 cases – in the area of eye socket.

61 CPT 23rd General Report, 2013, Par. 74.

In the table below the cases are provided according to temporary detention isolatorsTDIs, when ambulance physician does not indicate at all as to the presence or absence of injuries (no record), while visual inspection report indicates injury and in another case, when injury is recorded in visual inspection report, although ambulance physician states that detainee does not have injury.

IsolatorTDI	No record	No injury
Sagarejo TDI	4	1
TSalka TDI	2	2
Marneuli TDI	52	0
Kutaisi TDI	22	9
Chiatura TDI	4	1
Zestaponi TDI	6	2
Samtredia TDI	4	0
Batumi TDI	34	9
Kobuleti TDI	7	2
Ozurgeti TDI	3	1
Chokhatauri TDI	9	0
Zugdidi TDI	15	3
Zugdidi Regional TDI	4	4
Senaki TDI	3	1
Khobi TDI	1	1
Poti TDI	0	3
Chkhorotsku TDI	2	2
Gori TDI	45	6
Khashuri TDI	13	9
Borjomi TDI	7	6
Akhalkalaki TDI	1	0
Akhaltsikhe TDI	11	1
Kvareli TDI	7	1
Sighnaghi TDI	2	2
Telavi TDI	6	1
Total	264	67

According to the data provided by the MOIA, in response to the recommendations⁶² of the Public Defender provided in 2015, for the improvement of timely and adequate medical services for detainees at temporary detention isolatorsTDIs, in October, 2015, within the MOIA Human Rights and Monitoring Department Medical Services Unit was

62 Public Defender's 2014 Report to the Parliament; Pg. 218, See the link <http://www.ombudsman.ge/uploads/other/2/2439.pdf> [Last accessed on 26.03.2016].

formed where a total of 27 physicians will be employed, who will serve at the 8 busiest temporary detention isolatorsTDIs of the Department (6 regional and 2 in Tbilisi).

It can be ascertained from the data received from the MOIA of Georgia that several special groups are working towards the improvement of medical services:

- working group in charge of designing a form for examination of individual by medical personnel at the time of admission to the isolator;
- working group in charge of drafting two legal acts: (1) one relates to managing hunger strike at temporary detention isolatorsTDIs and (2) the second one is concerning the obligation to transfer the copies of health related documents about a person confined at temporary detention isolatorTDI to a relevant penitentiary facility, in case of transfer thereof;
- working group which, through the involvement of local experts, is designing operational instructions for temporary detention isolatorTDI medical personnel;

The MOIA also plans to conduct trainings for medical staff employed at temporary detention isolatorsTDIs on the following topics: documenting injuries according to the Istanbul Protocol, creating healthy environment at isolatorsTDIs and prevention of diseases, as well as mental health issues.⁶³

It should be noted that the objective of earlier recommendations of the Public Defender was provision of adequate medical services to detainees at temporary detention isolatorsTDIs by independent and impartial physicians that would enable detainees to report to physician openly and without fear about all injuries or complaints they may have during or following detention. Therefore, the presence of physicians employed by the MOIA at temporary detention isolatorsTDIs jeopardizes the achievement of this objective, since, during the rendering of medical services all individuals within the temporary detention isolator (isolatorTDI (TDI staff as well as physician) are subordinated to the MOIA, which may raise in a detainee fear and sense of helplessness, that his/her health condition will not be duly described and that alleged ill-treatment by police will not be acted upon.

The Public Defender deems that posting MOIA medical staff to temporary detention isolatorsTDIs, on the one hand, will ensure the provision of fast and timely medical services, but on the other hand, the degree of impartiality and independence of such staff is questionable, which may in the future hamper the identification of ill-treatment of detainees. Given this situation, the very activities of the MOIA medical staff and determination of the degree of their independence will be the subject of special monitoring by the NPM in the future.

63 MOIA Letter 15.01.2016.

RECOMMENDATIONS

TO THE MINISTER OF INTERNAL AFFAIRS OF GEORGIA

- Discontinue the practice of so-called “conversations” with citizens, which actually involves restricting the liberty of an individual by police officers
- Take all necessary measures to ensure that all detainees or persons whose liberty is otherwise restricted are immediately briefed about their procedural rights
- Take all necessary measures to ensure that all individuals brought to the temporary detention isolatorTDI are briefed clearly and in a language he/she understands briefed not only about procedural rights, but all rights and duties they have while in custody
- To ensure that all detainees are provided, or otherwise make available to them, a copy of the list of rights and duties for reviewing while in lockup
- adequately document demands of detainees about notifying family or lawyer, by means of maintaining relevant registers
- ensure timely and adequate medical service to detainees at temporary detention isolatorsTDIs, in all cases
- Ensure complete description and recording of all bodily injuries of detainees during each medical examination, according to Istanbul protocol
- In case medical staff are permanently stationed at temporary detention isolatorsTDIs, ensure independence and impartiality of physicians

PROPOSAL TO THE PARLIAMENT OF GEORGIA

- Refine legislative framework in order to reduce maximum two day period for receiving free legal aid for detainees, so that detainees have lawyer’s services available from the very first stage of legal proceedings.

4. PROCEDURAL SAFEGUARDS

4.1. AUDIO-VIDEO RECORDINGS

The CPT deems that fundamental safeguards of detainees will be reinforced at police stations if a unified and detailed video recording will be kept for each particular detainee, reflecting all aspects of confinement and any actions taken in relation to them.⁶⁴

According to Article 27(1) of the Law on Police, for the protection of public safety, Police is authorized to attach to an uniform, install on the road and on outer perimeters of buildings, as well as use edited automatic photo and video devices owned by others, according to the rule prescribed by the Georgian legislation, for the purposes of prevention of crime, as well as for the protection of individual's safety and property, public order and the protection of minors from harmful influence.

According to Article 24 of the Law of Georgia on Police, special police control of an individual, article or means of transport is effected in case there is sufficient grounds to estimate that crime or other violation has been committed or will be committed. When performing special police control, police officer should be equipped with switched video recording devices attached to the uniform.

Notably, currently audio-visual recording using shoulder video cameras is performed only by the MOIA Patrol Police officers. The timeframe for storing recordings is governed under the Minister of Internal Affairs January 23, 2015 Order N 53, according to which the duration of storage of recording is dependent on the specifications of technical devices, not to exceed three years.⁶⁵ Notably, patrol police employees are authorized but not required to perform video recording.⁶⁶

It is important that not only patrol police department officers, but also detective-investigators and neighborhood inspector-investigators be equipped with shoulder video cameras and vehicle video registrars. In 2015, the Public Defender applied to the Chief Prosecutor's Office of Georgia with 11 proposals concerning commencement of investigation in relation to alleged ill-treatment of detainees by police officers. In the majority of cases, detainees would make allegations about physical and verbal pressure by police officers, as well as physical violence effected in police vehicles. The example of the above-mentioned is the case of G.Dz., where the accused person indicates that he was not briefed about his rights when he was detained, they started physical and verbal abuse against him right away, and these actions continued in police vehicle as well. Accused person O.R. also refers to the fact of physical violence and verbal insult in a police vehicle.

64 See CPT Standards, (CPT/Inf/E (2002) 1 - Rev. 2015), Par. 36, available in English at: <http://www.cpt.coe.int/en/docsstandards.htm> [Last accessed on 29.03.2016].

65 The Minister of Internal Affairs January 21, 2016 Letter N153298.

66 The mentioned issue is reviewed in the Public Defender of Georgia 2015 Report to the Parliament Free Trial Chapter, available at: <http://www.ombudsman.ge/uploads/other/3/3512.pdf> [Last accessed on 06.04.2016].

Two experiments in relation to the use of body cameras by police should be mentioned. The experiments were conducted in 2012 in the USA, one was in the State of California Rialto city⁶⁷, and the second one in Arizona State Mesa city.⁶⁸ The mentioned experiments have demonstrated that the use of body cameras contributes to the reduction of overstepping the bounds of force by police, as well as resistance from detainees.

The experiment conducted in Rialto Showed the following:

- Extensive research shows that people tend to “adhere to social norms and change their conduct” once they are aware that their behavior is being observed. Under camera scrutiny, they “become more conscious that unacceptable behaviors will be captured on film”;
- This “self-awareness effect” caused by the camera’s “neutral third eye” affects the psyches of officers and suspects alike, prompting suspects to “cool down” aggressive actions and deterring officers “from reacting with excessive or unnecessary force.”
- when camera records everything this brings down the risk of improper behavior by police, since police officer knows that any of their interaction with citizens will be recorded and will not be left undetected;
- During the experiment the indicator of the use of force by police, as well as the number of complaints filed by citizens was brought down;
- Video recordings are treated as significant evidence if the case is taken to court.

The experiment conducted in Mesa showed the following:

- police officers who did not wear body cameras were observed to have had more cases of “interviewing in situ” and would perform 6.9% more detentions than police officers equipped with body cameras; Officers who did not wear body cameras conducted more “stop-and-frisks” and made more arrests than officers who wore the video cameras. Officers who did not wear cameras performed 9.8% more stop-and-frisks and made 6.9% more arrests.
- Officers assigned to wear cameras issued 23.1% more citations for ordinance violations than those who did not wear cameras.
- Officers with body cameras initiated 13.5% more interactions with citizens than those who did not wear them.

67 Findings of the Study can be viewed at: <https://www.policeone.com/use-of-force/articles/8218374-7-findings-from-first-ever-study-on-body-cameras/> [Last accessed on 23.03.2016].

68 The findings of the Study can be viewed at: <http://journalistsresource.org/studies/government/criminal-justice/body-cameras-police-interact-with-public> [Last accessed on 23.03.2016].

In 2015, the absence of video surveillance on internal perimeter at the majority of police divisions was still a problem. According to information received from the MOIA⁶⁹, video surveillance is not performed on internal perimeter at Gldani-Nadzaladevi # 8 station, Mtskheta district and Tianeti district stations, Vaziani, Teleti and Gombori police stations, Shulaveri, Algeti, Kachagani and Sadakhlo police stations, Tamarisi station, Tsalka District Division Administrative building, Supsa Station and Lanchkhuti Division. Notably, they do not have video surveillance cameras on inner perimeter at any of the stations and divisions of Kakheti and Tetrtskaro District Police. Furthermore, except for administrative buildings of Adjara Autonomous Republic Police Department and Imere-ti, Racha-Lechkhumi and Kvemo Svaneti Police Department, video surveillance of inner perimeter is not performed at any of divisions and stations.

Once a detainee is brought into the building, it becomes impossible to establish the place and condition this person is at police station and whether he/she was subjected to physical or psychological violence. Buildings of police stations should be equipped with surveillance cameras and video recording should be stored for reasonable period, which is additional guarantee for the protection of detainees against ill-treatment. It is worth noting that in 2015, out of 11 recommendations of the Public Defender about alleged ill-treatment of detainees by police, 10 were related to the facts of physical violence against detainee, at police stations. It should also be highlighted that in the majority of divisions indicated in the given cases, specifically, in N 8 Gldani-Nadzaladevi station, Zestaponi, Bagdati, Tsalenjikha, Kobuleti district divisions, as well as Kutaisi Police 4th station, video-surveillance is not performed.

Video recording may be an effective guarantee for the protection of rights of defendants, as well as for the police. Usually, video recordings are made in order to observe general situation at police facilities, as well as for interrogating detainees. According to the general comment of the UN Committee against Torture (CAT), new methods of prevention, e.g., such as video recording of all interrogations, are tested and found effective.⁷⁰ The case of V.B. is interesting in terms of the importance of audio-video recording.

On August 3, 2015, accused V.B. was taken to the MOIA Isani-Samgori District Main Station, for examination. According to the accused, upon bringing to MOIA Isani-Samgori Main Station, he was taken up to the fourth floor in the office of the head of the Station, where he was subjected to verbal and physical abuse. V.B. further relates that following the above-mentioned, he was transferred to police station in Varketili 3rd Massive where one of the officers, whose name he does not know, although, can identify, verbally abused him. Furthermore, he would exert psychological pressure – would threaten by liquidation, raping wife and sister, and next, verbally and physically abused him, along with other police officers. In relation to the afore-mentioned, the Public Defender applied to the Chief Prosecutor's Office of Georgia through August 5, 2015 Recommendation N15-8/6351. According to N 13/52215 response received from the Prosecutor's Office on August 17, 2015, the video material filmed while in police administrative building

69 March 4, 2016 Letter N555482 from the MOIA.

70 UN CAT General Comment, N2, Par. 14, available in English at: http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.GC.2.CRP.1.Rev.4_en.pdf [Last accessed on 25.03.2016].

had been appended to the criminal case of accused V.B., where accused was threatening law enforcement officer that although they had not beaten him, he would certainly sue them and would allege that police officers had beaten him.

In 2014, the Public Defender applied to the Minister of Internal Affairs with a recommendation to equip all police divisions with internal and external perimeter video surveillance systems. According to March 4, 2016 Letter N555482 received from the MOIA, during 2014-2015 video cameras were purchased for structural units of the MOIA, installation of which is planned in 2016.

The Public Defender of Georgia deems that it is necessary that from the detention of an individual and throughout the period while in police custody, to have the entire process videotaped in any case.

According to Article 9¹ of Additional Instructions regulating the activities of temporary detention isolatorTDI approved under the Minister of Internal Affairs of Georgia February 1, 2010 Order N108, video surveillance at temporary detention isolatorsTDIs is allowable in order to ensure security of detainees and temporary detention isolatorTDI staff, prevent ill-treatment of detainees, violations at temporary detention isolatorsTDIs, as well as for effective monitoring of temporary detention isolatorsTDIs operations and over the protection of human rights. Video surveillance is permissible in the halls of temporary detention isolatorsTDIs, as for cells, video recording there is permissible only in exceptional cases, based on security considerations, although in such case the privacy of inmates should be maximally protected.

According to the information received from the MOIA, except for Poti and Mestia temporary detention isolatorsTDIs, video surveillance is performed at all temporary detention isolatorsTDIs. According to provided information, video cameras are placed throughout the entire perimeter and corridors of temporary detention isolatorsTDIs, except for pre-trial detention cells, investigation rooms and WC facilities. No video surveillance is performed at temporary detention isolators'TDI adjacent areas of all isolatorsTDIs.

Video surveillance of temporary detention isolatorsTDIs is handled by the MOIA Human Rights and Monitoring Department Monitoring Office staff, from a specifically designated room, through live broadcasting of the signal mode and video recordings are not stored.⁷¹ To ensure the protection of detainee against ill-treatment, it is important to record temporary detention isolators'TDIs video surveillance and store recordings for reasonable period. If necessary, recordings should be made available for the members of the Special Preventive Group.

RECOMMENDATIONS TO THE MINISTER OF INTERNAL AFFAIRS

- install surveillance cameras at the buildings of all police divisions and temporary detention isolatorsTDIs

71 Response N153298 dated January 21, 2016, received from the MOIA.

- Ensure uninterrupted video recording in all cases, from the instance of detention of an individual by police until the committing to the temporary detention isolatorTDI, including, detention, briefing about rights, conducting investigation activities, transportation process.
- Prescribe making relevant recording by police officers while communicating with citizen via body cameras, and rules and timeframes for the retention of made recordings.
- Set forth the obligation of making relevant recordings using body camera when making communicating with citizens for detective-investigators and neighborhood inspector-investigators, and the rule and timeframes for retention of recordings.
- Ensure recording of video surveillance performed at temporary detention isolatorsTDIs and storage of recordings during a reasonable period.
- Ensure retention of all video recordings during reasonable timeframe.

4.2. COMPREHENSIVE HANDLING OF DOCUMENTATION

During the visits made throughout 2015, members of the Special Preventive Group examined the cases of individuals confined at temporary detention isolatorsTDIs, as well as journals at police divisions and stations. Following the examination of the mentioned documentation, various violations and deficiencies have been identified, which are necessary to be fixed for comprehensive handling of documentation.

According to the February 1, 2010 Order N108 of the Minister of Internal Affairs of Georgia on the Approval of Typical Statute of temporary detention isolatorsTDIs, Internal Rules of temporary detention isolatorsTDIs and Additional Instructions Governing temporary detention isolatorsTDI Activities,⁷² to ensure sound operation of temporary detention isolatorsTDIs, registration and identification and various special journals, electronic systems and documentations are maintained, specifically, a) unified electronic database of individuals detained at the temporary detention isolatorsTDIs; b) registration book of detainees committed at the temporary detention isolatorTDI; c) journal for registration of medical aid to inmates of the temporary detention isolatorsTDIs; d) journals of incoming and outgoing correspondence; e) journal of the receipt and handover of packages; f) detainee visual inspection report; g) list of prisoners subjected to escorting; h) guard record sheet; i) personal inspection report; j) archive memo.

Under the Minister of Internal Affairs of Georgia August 8, 2014 Order N605 Annex N 6, the Form of the Book for Registration of Detainees within the MOIA bodies is approved, while under Annex 7 of the same Order, “the Journal for Registering Individuals transferred to prison (temporary detention isolatorTDI) is approved.”

72 Annex 3 – Additional instruction governing the activities of TDI, Article 5.

Notably, in the course of inspection of the mentioned journals, staff of police divisions and stations would ask members of Special Preventive Group about completion of specific fields. It appeared that the employees of the MOIA bodies fill out journals in different ways. Based on all of the afore-mentioned, it is important to provide briefing to individuals in charge of filling out journals at MOIA police divisions and stations, to ensure full-fledged keeping of the journals for “registration of detainees” and “registration of individuals transferred to prison (temporary detention isolatorsTDI)”.

During monitoring visits conducted throughout the year it was established that mentioned journals, in most cases, were incomplete and filled out incorrectly. Specifically, in some cases it cannot be established when an individual was detained by police officer, the date/time of the entry of detainee at divisions, as well as follow-up information about the detainee is unclear; The numbering in journals is messed up, it is not indicated where and in which condition violation happened, and in some cases, fields in journals are not filled out altogether. The deficiencies with filling out journals have been identified in journals maintained at Marneuli, Tsalenjikha, Khobi, Zestaponi, Tkibuli, Kutaisi, Batumi, Borjomi, Adigeni, Akhaltsikhe, Gori, Sagarejo, Tetrtskaro, Terjola, Ambrolauri, Lanchkhuti, Oni, Shuakhevi, Keda, Tskaltubo, Khashuri, Aspindza, Telavi, Sighnaghi, Khelvachauri, Kareli, Abasha, Martvili, Chkhorotskhu, Tsalka, Baghdati, Kvareli, Samtredia, Chiatura, Sachkhere, Lentekhi, Vani, Ozurgeti, Kobuleti, Zugdidi, Senaki, Ninotsminda, Poti, Mestia, Khulo, Chokhatauri district divisions and Bakuriani, Baraleti and Vale police stations.

It should also be mentioned that it has been established during the visits that special journals of individuals who entered the MOIA police stations and divisions are not maintained. So, for example, if an individual comes to police division/station in the capacity of a witness the fact of entry of such person into the building is not documented in a unified journal. It is important to keep detailed record comprising date (by indicating time), purpose of arrival and date and time of leaving the police station and division facility.

Georgia legislation stipulates the forms of administrative and criminal detention reports. According to Article 175(2) of the Criminal Procedure Code of Georgia, the following should be included in the detention report: who, where, when, in which circumstances, based on which grounds indicated in this Code, physical state of detainee at the moment of apprehension, crime a detainee is accused of, Exact time of bringing individual to police facility or another law enforcement body, list of rights and duties of an accused persons envisaged under this Code, as well as in relevant case -- objective reason (reasons) due to the presence of which it was impossible to draw up detention report immediately upon detention.

It should be mentioned that, during the visits carried out throughout the year it was examined as to how completely law enforcement officers complete reports and it was established that often detention and personal search report of an accused person are not filled out in a comprehensive manner. Specifically, such information as the condition of detaining an individual, whether they posed resistance, whether proportionate coercive measure was used, and in which form, whether detention took place in calm

atmosphere, without posing resistance is not included in a complete manner.

It was established as a result of qualitative analysis of 740 cases studied by members of the Special Preventive Group that there were 227 (30.7%) cases of defiance/resistance on the part of detainees, while 513 (69.3%) reports do not contain indication about such actions. It has also been ascertained that out of 227 cases when detention report referred to defiance/resistance, in 3 cases (1.3%) there is complete description as to the manifestation of defiance/resistance, in 4 cases report contains partial description (1.8%), in 96.9% of cases police officers did not provide such description.

Out of 740 cases, indication about the fact of the use of force is contained in 46 cases only (6.2%), in 27 cases (3.6%) it is mentioned that force had not been applied, and in 667 cases (90.2%), detention reports contain no indication as to the use of force. Out of 46 cases of indication about the use of force, the method of the use of force is described in full in detention report in 2 cases only (4.3%), in 3 cases (6.5%) report comprises partial description, while in 41 cases (89.2%), nothing is said in a report as to the method of the use of force.

According to Article 245(5) of the Code of Administrative Offences of Georgia, administrative detention report is drawn up about administrative detention, and the date and place of drawing up a report; position, first name and last name of a person who has drawn up report; notes about detained individual; Time and grounds for detention is recorded in it. The report is signed by an official drawing up a report, as well as by a detainee. If a detainee refuses to sign report, indication thereof is made in the report.

Once an individual is detained, at the time of his/her physical inspection, any trace of violence that may have been caused by torture or ill-treatment must be described and documented according to relevant rule. ECtHR has ruled that when an individual suffers bodily damage at the time of detention or while being held under the control of police officers, every such injury gives rise to solid presumption that detainee had been subjected to ill-treatment.⁷³

According to established standard by European Court, when an individual is detained, and when such persons did not have injuries prior to detention, while afterwards such person appears to have injuries, it is the obligation of the state to present due explanations as to the causes of such injuries, present evidences as to the origin of the injuries, which will refute a victim's statement. The failure of the state to present the mentioned explanation gives rise to the breach of Article 3 of the Convention.⁷⁴

On November 30, 2015, according to the proposal sent by the Public Defender to the Chief Prosecutor's Office,⁷⁵ it is worthy of special attention that, at the time of the entry in the police division, as indicated in relevant documents, G.K., R.T., and G.G. did not have any traces of injuries on body, while at the time of entry to the temporary deten-

73 ECtHR October 23, 2007 Judgment on the Case *Colibaba v. Moldova*, Case N29089/06.

74 ECtHR February 23, 2010 Judgement on the Case *Gokhan Yildirim v. Turkey*, Case N31950/05.

75 Letter N 11-3/9735, concerning alleged ill-treatment and other possible violations of law enforcement officers in relation to G.G., G.K., R.T., and B.M.

tion isolator TDI, accused persons had multiple injuries at visual inspection. The alleged ill-treatment of detainees by police officers becomes more convincing due to the circumstance that none of relevant documents drawn up by law enforcement officers contain indication as to the fact of physical resistance by G.K and G.G., while, both detainees had numerous significant injuries on their bodies.

Information about occurrence of information about injuries in detention reports, in the MOIA Detainee Registration Book and Visual Inspection Report can be seen in the table below.

Injury	Quantity	Share
Is indicated in the detention report, registration book of detainees and visual inspection report	134	18,9%
only in a detention report	11	1,6%
in registration books of individuals detained at MOIA bodies, and detention report	2	0,3%
only in registration books of individuals detained at MOIA bodies	0	0
in the books of registration of individuals detained at MOIA bodies and visual inspection report	22	3,1%
Only in visual inspection report	276	38,9%
In detention report and visual inspection report	33	4,7%
in detention report and visual inspection report, in the books registration of individuals detained at MOIA bodies it could not be checked	231	32,6%
Total	709	

It can be seen from the data provided in the above table that in 298 cases (42%) detention reports do not contain information about injury.⁷⁶

The number of occurrence of injuries can be seen in the table below.

Injury	Quantity	Share
Higher number of injuries in detention report	26	3,5 %
Higher number of injuries in detention report and books of registration of individuals detained at MOIA bodies	10	1,3 %
Higher number of injuries in the books of registration of individuals detained at MOIA bodies	4	0,5 %
Higher number of injuries in the books of registration of individuals detained at MOIA bodies and visual inspection reports	7	0,9 %

⁷⁶ Out of these 298 cases, administrative detention – 237 cases (79.5%); criminal detention – 61 cases (20.5%). 52.2% of all cases of administrative detention; 20.8% -- of criminal detention.

Higher number of injuries in visual inspection reports	418	56,2 %
Higher number of injuries in detention reports and visual inspection reports	42	5,6 %
Total number of processed questionnaires	740	

Out of 418 cases when higher number of injuries is indicated in the visual inspection report, in 289 cases (69.1%) individual had been administratively detained, and in 129 cases (30.9%) – these were criminal detainees (63.6% of all cases of administrative detention, 44.8% of criminal detention). It is clear that the problem is more pressing in terms of the complete description of injury.

The Special Preventive Group analyzed as part of the study the influence of absence/presence of adequate lighting on the description of injury in the detention report. It has been established that only in case of one third of cases individuals had been detained during daylight. It had also been ascertained that in one third of those cases where indication about injury is contained in visual inspection report only, individuals had been detained during daylight. Notably, the study has identified 50 cases when individual was detained during daylight, while injuries in head, face and eye socket area are indicated only in visual inspection report. In these 50 cases, if at the time of detention individual had injury, detaining officer was required to document it.

It has also been established following the study that from the materials of 740 studied cases, in 45 cases temporary detention isolatorTDI employee did not indicate in a relevant field of the visual inspection report whether detainees had complaints towards police. The highest number of deficiencies in this regard was identified in Marneuli temporary detention isolatorTDI.⁷⁷ Moreover, in 32 cases visual inspection reports do not provide indication as to the time of incurring injury.⁷⁸

In the 2014 Report to the Parliament, the Public Defender recommended to the Minister of Internal Affairs to take all necessary measures to ensure comprehensive completion of documentation about detainees. Deficiencies with the completion of detention and visual inspection reports, journals at police divisions and medical documentation are still present, as has been established based on monitoring conducted in 2015. Moreover, the form of administrative detention report is incomplete.

According to the Minister of Internal Affairs of Georgia Order N 625 dated August 15, 2014, on the Approval of the Rule for completing administrative violations report, administrative detention report, personal search and items search report, penalty receipt, temporary permit for driving a transport vehicle, explanation and certificate forms, and on the submission to a body reviewing administrative offences, administrative detention report template was approved.⁷⁹ The mentioned report does not have boxes for the time of drawing up report,⁸⁰ recording injuries on the body of a detainee and the

77 18 cases.

78 In 10 cases in visual inspection reports drawn up at Adjara and Guria regional TDFsTDIs.

79 Annex N 9

80 Implies the time of detention.

conditions under which individual was detained (whether there was resistance, whether proportional coercive measure was used, in which form, or whether the detention took place in calm atmosphere, without resistance), unlike the criminal detention report.

Based on all of the afore-mentioned, it is necessary to improve the administrative detention report, by means of inclusion of the above-noted information in it and also training and development of temporary detention isolator TDI, police divisions and stations of officers.

RECOMMENDATIONS TO THE MINISTER OF INTERNAL AFFAIRS

- In order to ensure comprehensive handling of documentation, ensure training of the employees of the MOIA of Georgia
- take all necessary measures, including by means of relevant inspection, to ensure comprehensive handling of documentation.
- Amend the Minister of Internal Affairs of Georgia Order N 625 dated August 15, 2014, on the Approval of the Rule for completing administrative violations report, administrative detention report, personal search and items search report, penalty receipt, temporary permit for driving a transport vehicle, explanation and certificate forms, and on the submission to a body reviewing administrative offences, administrative detention report template and insert the fields in the administrative detention report form approved under Annex 9, to enter to following information: time of drawing up report, description of injuries on the body of a detainee, the condition of detention, whether there was resistance, whether proportional coercive measure was used, and in which form
- Develop a unified journal template for all police divisions and stations of the MOIA, for registering the visitors

PROPOSAL TO THE PARLIAMENT OF GEORGIA

- Amend Article 245(5) of the Code of Administrative Offences of Georgia, in order to add the following to the information to be entered in the administrative detention report: time for drawing up report, description of injuries on the body of detainee, setting of detention, whether there was resistance, whether proportional measure of coercion was used and in which form.

4.3. COMPLAINTS

The right to fast and impartial examination of complaint against representatives of government bodies guaranteed for any person is the most important component of the prevention of torture. The mentioned principles cannot be realized in practice without supporting the procedures for submission of complaints by detainees and examination procedures. States have the obligation to establish such effective system where detainees will be able to file complaints on ill-treatment by police. Effective complaints examination mechanism will ensure respecting the rights of detainees and is a fundamental safeguard against ill-treatment.

According to Article 4(2) (i) of temporary detention isolatorTDI Statute Template, approved under the February 1, 2010 Order 108 of the Minister of Internal Affairs of Georgia, temporary detention isolatorTDI administration is required to ensure the right of detainees [...] to file complaints.

Pursuant to Article 5(b) of the same Regulations, it is procedural duty of temporary detention isolatorTDI administration to send complaints and motions of detainees to investigators, prosecutor's office and judges, and in cases envisaged by law – to the Public Defender, within no later than the day following their submission.

According to Article 4(5) of Internal Rules of temporary detention isolatorsTDIs approved under the same Order, individual admitted in temporary detention isolator in TDI is authorized to appeal actions of temporary detention isolator TDI employees before a superior body, which will take decision as to relevant response/action within the law-prescribed timeframe.

Access to the complaints review procedure is related to the presence of simple and clear procedures of filing of complaints and examination. It is important that procedures be clear and accessible for detainees as well as law enforcement bodies. The mentioned procedure combines several important components. This, in the first place, implies awareness of detainees about the availability of complaints examination mechanism, provision of necessary material-technical resources for complaints by detention facility administrations, relevant registration of complaints and timely and adequate response/action to those.

Pursuant to Article 2 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

According to Article 13 of the same Convention, "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."

The CPT attaches very high importance to the awareness of prisoners and establishes that individuals detained by the police should be briefed about their rights immediately.⁸¹ The CPT further notes that “It is axiomatic that rights for persons deprived of their liberty will be of little value if the persons concerned are unaware of their existence.”⁸²

According to Article 3(4) of the Additional Instructions Governing the work of temporary detention isolatorsTDIs, approved under the Minister of Internal Affairs of Georgia February 1, 2010 Order N108, following inspection, interviewing and sanitary treatment of individuals brought to the temporary detention isolatorTDI, on duty officer or another person, at the instruction of the former, briefs such individuals about, and if possible, hands over to them internal rules of temporary detention isolatorTDI, as well as a list of their procedural rights and duties, following which they are placed in cells.

It can be identified following inspection conducted at temporary detention isolators TDIsover the reporting period that administration of temporary detention isolator TDIbriefs detainees about their rights, which also comprises information about the right to file a complaint, although certain deficiencies have been identified in terms of informing detainees, which is reviewed in detail in sub-chapter on briefing detainees.

Without material technical support for filing a complaint a detainee will be unable to exercise the right of filing a complaint. Material-technical support for filing complaint comprises supplying with requisite means for writing a letter.

According to Article 5(1) of additional rules and Conditions on Serving Administrative Sentence at temporary detention isolatorsTDIs, approved under the Minister of Internal Affairs of Georgia February 1, 2010 Order N 108, individuals sentenced to administrative detention are authorized to appeal any action or decisions of a facility enforcing administrative detention at a superior body or court. An individual sentenced to administrative detention is authorized to apply, without any limitation, to national, regional and international human rights Institutions approved under Georgia legislation, international agreements and treaties. In case of a demand from an individual subjected to administrative detention, temporary detention isolator TDIadministration is required to furnish them with a pen and a paper for drafting applications, complaints and other addresses.

Notably, there is no prescribed procedure that would ensure the right of individuals committed to temporary detention isolatorsTDIs with the right for filing confidential complaints. It has been discovered during monitoring performed at temporary detention isolators TDIsthat detainees had not filed complaints to superior body in relation to the actions of temporary detention isolatorTDI employees. Temporary detention isolator TDIstaff explained that, in case a detainee asks for sending a complaint, it should be sent via electronic program, which involves scanning a complaint and uploading to an electronic program. While the above-mentioned excludes the possibility of using confidential complaint by a detainee.

81 CPT Standards, [CPT/Inf (92) 3] Para. 37.

82 CPT, Report on Turkey, [CPT/Inf (99) 2] Par. 26.

It should be assessed positively that individuals admitted in temporary detention isolator TDI, when they are briefed about rights, are informed that they have the right to contact the General Inspectorate of the MOIA, via the hotline (telephone number 126). Although, it should be mentioned that telephone call to the General Inspectorate can be made only from the telephone of a temporary detention isolator TDI administration, which, for this purpose, should be temporarily given for use by a temporary detention isolator TDI employee. Furthermore, temporary detention isolator TDI employee should control that an inmate really calling the General Inspectorate hotline.

Based on the above-mentioned, the provision of information to the General Inspectorate in a confidential manner, and respectively, safely is not ensured (in the conditions when protection against repressions is ensured).

The procedure of sending a notification to investigative body about injuries on the bodies of detainees by the Administration is a significant legal safeguard for the protection of detainees against ill-treatment. Notably, notification to a prosecutor about injuries on the bodies of detainees is sent at the discretion of head of temporary detention isolator TDI, and there is no specific rule governing of this procedure, and it is unclear in which case a notification is sent to a prosecutor. The fact that Prosecutor's Office does not duly examine and investigate the complaints of detainees sent from temporary detention isolators remains TDI is an issue.

Hence, for having effective legal safeguards in place, relevant normative act should clearly regulate the cases when notice is to be sent to a prosecutor about bodily injury of a detainee.

Detainee is given the possibility to file a complaint about alleged ill-treatment by police at the time of admission to the temporary detention isolator TDI. In this regard, notably, individuals detained during 2015 brought complaints against police in 168 cases.

The right to file a complaint also implies that the investigation of complaints of detainees about ill-treatment should meet at least the following criteria 1. Independence and impartiality; 2. Thoroughness; 3. Prompt and expeditious nature; 4. Competence; 5. Transparency 6. Participation of a victim. State should ensure effective investigation observing the above-mentioned elements, in order to administer justice.⁸³

The results of monitoring have revealed that the Prosecutor's Office does not duly examine and investigate matter in relation to the complaints of detainees from temporary detention isolators TDI. The Public Defender of Georgia has solicited information from the Chief Prosecutor's Office of Georgia concerning actions/response in relation to notifications about bodily injuries of specific individuals committed to temporary detention isolators TDI.

Special Preventive Group, in the course of inspection performed at temporary detention isolators TDI and police stations, following interviews with police staff and examination

83 CPT 14th General Report, CPT/Inf (2004) 28, 2013. Par. 31-36, available in English at: < <http://www.cpt.coe.int/en/annual/rep-14.htm>>, [Last accessed on 29.03.2016].

of documentation, has identified several notable cases where detainees allegedly were subjected to physical violence effected by police and notification about this had been sent to the Prosecutor's Office.⁸⁴ In relation to the mentioned cases, the Office of Public Defender has solicited information from Chief Prosecutor's Office, as to the actions taken by the Prosecutor's Office. It can be ascertained from the replies received from Chief Prosecutor's Office of Georgia that out of 7 cases, investigation on an independent criminal case was launched in only 2 cases, which were discontinued on the grounds that the fact of unlawful action by police officers could not be determined. While in the remaining 5 cases, Prosecutor's Office limited itself only by interviewing detainees as part of the charges under criminal case and a separate investigation about alleged ill-treatment towards him had not been launched. Notably, in the majority of the above-listed cases, the Prosecutor's Office justified the discontinuation of investigation by the fact that during interview detainees denied any illegal action towards them and stated that they did not have any complaints against police.

In relation to the above-mentioned, the Public Defender deems that investigation on independent criminal cases had to be launched in any case, including in the absence of official complaint by detainees.

The stance of the Public Defender with regard to creation of independent investigation mechanism is unchanged and he deems that it is extremely important to create such mechanism, which mandate will be effective investigation of alleged facts of torture and ill-treatment of detainees by law enforcement officers.

RECOMMENDATIONS

TO THE MINISTER OF INTERNAL AFFAIRS OF GEORGIA

- ensure that detainees are duly briefed about the right to file a complaint
- ensure the introduction of confidential complaints mechanism at temporary detention isolatorsTDIs
- set forth explicit instructions concerning sending a notification to the Chief Prosecutor's Office about injuries identified on the bodies of detainees, at the time of committing to temporary detention isolatorsTDIs, under a relevant sub-legal act

TO THE CHIEF PROSECUTOR OF GEORGIA

- In case of receiving information about alleged ill-treatment of detainees by police, including in the absence of a formal complaint by detainees, ensure that investigation is launched as a separate proceedings and handled by investigation unit of the Prosecutor's Office.

84 As of monitoring, the mentioned detainees were not at TDI.

4.4. INSPECTION AND MONITORING

Conducting various internal and external inspection is one of the efficient means for the protection of the rights of individuals whose liberty has been restricted.

According to Article 11 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture”.

The inspection of police establishments by an independent authority can make an important contribution towards the prevention of ill-treatment of persons held by the police and, more generally, help to ensure satisfactory conditions of detention. To be fully effective, visits by such an authority should be both regular and unannounced, and the authority concerned should be empowered to interview detained persons in private. Further, it should examine all issues related to the treatment of persons in custody.⁸⁵

MOIA General Inspectorate is in charge of internal inspection of Georgia police. According to Article 2 of the Statute of the General Inspectorate, approved under the Minister of Internal Affairs of Georgia February 23, 2015 Order N 123, the objectives of the General Inspectorate are to control steady fulfillment of requirements of Georgia legislation within the MOIA system, as well as detect the facts of breaching of norms of ethics, discipline, professional misconduct and specific unlawful acts within the MOIA system, and take relevant response actions.

During 2015, General Inspectorate conducted 22,447 inspections,⁸⁶ based on which 3,055 conclusions were produced and 2,630 disciplinary penalties were imposed.

The types and number of disciplinary measures:⁸⁷

N	Types of disciplinary measures	Number
1	Recommendation memos	396
2	Admonition	720
3	Harsh reprimand	639
4	Reprimand	578
5	Dismissal	161
6	Setting up to three extra on duty assignments	112
7	Demotion	13
8	Deprive of the right of next leave of absence	11
	Total	2630

85 CPT Standards, available in Georgian at: <<http://www.cpt.coe.int/lang/geo/geo-standards.pdf>> [Last accessed on 29.03.2016].

86 MOIA Letter 09.01.2016, MIA 61600048372.

87 MOIA Letter 29.01.2016, 224058.

As a result of inspection conducted in relation to the facts of the violation of citizens' rights, in 172 cases the fact of transgression has been confirmed, therefore the following disciplinary measures were imposed: admonition-- 19; reprimand – 44; harsh reprimand – 68; demotion – 5; dismissal -36.

Following the inspection on alleged breach of the rights of detainees or persons whose liberty is restricted otherwise, transgression was established in 2 cases, out of which in 1 case it was official error, and in another case negligent and careless attitude was identified, for both cases disciplinary penalty – reprimand was imposed.

1599 inspections were conducted based on applications/complaints about alleged violation of citizen's rights, out of which 45 facts of disciplinary violations have been confirmed following inspection. Notably, during the reporting period a case of the violation of rule of law and undue fulfillment of law prescribed duties in the course of proceedings by the General Inspectorate have been identified, which is reviewed in detail in the chapter of this report – Labor Rights (sub-chapter – Deficiencies in the work of General Inspectorates).

Following inspection conducted based on operative information about alleged violation of citizens' rights, 31 facts of transgression by MOIA employees have been established following inspection.

In addition to inspection, MOIA General Inspectorate is authorized, on criminal cases transferred to them by Chief Prosecutor of Georgia or an individual authorized by Chief Prosecutor, to conduct investigative and procedural actions within the scope of the authority prescribed under the Criminal Procedure Code of Georgia.

Over the reporting period, at General Inspectorate investigation was underway on 42 criminal cases. Out of the mentioned cases 7 cases were related to alleged violation of citizen's rights (exceeding power – 1 case; theft – 2 cases; rape – 1 case; hooliganism – 1 case; fraud – 2 cases). Out of the listed cases, one was discontinued through diversion, and in case of two cases criminal prosecution was launched, out of which on one case guilty sentence has been ruled, and another case is under investigation. Acquittal has not been reached in any of the cases.

Furthermore, based on the cases transferred by the Prosecutor's Office to General Inspectorate for investigation, 23 employees of the MOIA system were brought to criminal liability for the following crimes: theft- 9; fraud – 2; appropriation or embezzlement – 3; illegal production, making, purchase, storage, transportation, dispatching or trading with narcotic substance, its analogue, precursor or a new psychoactive substance – 1; unlawful purchase, storage, keeping, production, transportation, dispatching, or trade with firearm, ammunition, explosive substance or explosive device – 2; taking possession of weapons, ammunition, explosive substance or explosive device unlawfully, with the aim to appropriate or extort – 1; failure to notify about crime – 1 and taking a bribe – 4 facts.

According to information provided by General Inspectorate of MOIA, information obtained about offences committed by MOIA employees are sent to Chief Prosecutor's Office of Georgia. If the mentioned information relate to exceeding power by police officers, including beating and torture of citizens and other facts of gross human rights violations, Prosecutor's Office investigates such cases. General Inspectorate is primarily in charge of such criminal cases that were instituted at the Prosecutor's Office based on information sent about elements of crime identified during work related control, examination and monitoring by General Inspectorate, and were subordinated to the General Inspectorate for investigation.

Notably, given the system of investigation bodies in Georgia, the Public Defender welcomes the fact that the Prosecutor's Office handles the above-mentioned criminal cases, although the stance of the Public Defender with regard to necessity to establish independent investigation mechanism is unaltered. It is designed to ensure high degree of credibility and effective investigation.

As for internal monitoring within temporary detention isolatorsTDIs, the MOIA Human Rights and Monitoring Department is entrusted this function; the TDIs are subordinated to the same Department.

According to Article 6(a) of Statute of Human Rights and Monitoring Department approved under the Minister of Internal Affairs Order N1006 dated December 31, 2015, the objective of the Department is to commit individuals detained for the enforcement of decision of an authorized entity, pursuant to Georgia legislation, and/or administrative detainees to temporary detention isolatorTDI, and ensure the protection of their rights. To this end, the Monitoring Office of the Department; oversees the protection of the rights of individuals confined at temporary detention isolatorsTDIs; monitors the protection of human rights of individuals placed at temporary detention isolatorsTDIs by theTDI staff; monitors living and hygiene conditions of individuals admitted to temporary detention isolatorsto TDIs; within its competence, takes action in response to alleged breaches identified as a result of received applications, information and/or monitoring.

As has been ascertained following the examination of the issue, according to existing practice, Human Rights Protection and Monitoring Department Monitoring Unit periodically inspects temporary detention isolatorsTDIs throughout Georgia. While inspecting, the Monitoring Unit focuses on the following issues: situation in terms of discipline, case handling, sanitary-hygiene condition and repair works.

The Public Defender of Georgia deems that the practice of inspection by Monitoring Office cannot ensure appropriate assessment of the state of human rights protection at temporary detention isolatorsTDIs, since the above-listed issues represent rather administrative and technical side of the work of temporary detention isolatorsTDIs. Hence, inspection must focus on such issues as the degree and quality of documenting of alleged ill-treatment of detainees by police, and the state of the protection of detainee rights.

As for external monitoring, according to Articles 18 and 19 of the Organic Law of Georgia on the Public Defender of Georgia, Public Defender of Georgia and individual specially entrusted by the Public Defender (including a member of the Special Preventive Group) are authorized to enter temporary detention isolatorsTDIs and perform inspection at police divisions in order to study the state of the rights of confined individuals.

In this respect, the fact that during monitoring members of the Public Defender's NPM mechanism would be admitted without obstacles and were able move freely at the MOIA district divisions and temporary detention isolatorsTDIs should be assessed positively. During the visits, staff of all divisions and temporary detention isolatorsTDIs would fully cooperate with the representatives of the Public Defender and support them in full-fledged monitoring, as prescribed by law.

Public Defender emphasizes the fact that the NPM should have unimpeded access to video surveillance systems of temporary detention isolatorsTDIs and police divisions.

RECOMMENDATIONS TO THE MINISTER OF INTERNAL AFFAIRS OF GEORGIA

- Improve the methodology of Human Rights and Monitoring Department Monitoring Unit, so that during the inspection of temporary detention isolatorsTDIs they focus on the quality of documenting of alleged ill-treatment of detainees by police officers and the state of the protection of detainee rights;
- Ensure unimpeded access of the Special Prevention Team to video surveillance systems at temporary detention isolatorsTDIs and police divisions.

5. SITUATION AT TEMPORARY DETENTION ISOLATORS

In 2015, throughout Georgia, there were 37 active temporary detention isolatorsTDIs. From June, 2015 through September, 2015, members of Special Preventive Group performed monitoring at 31 temporary detention isolatorsTDIs of the MOIA. Monitoring was conducted from June through September, 2015, in the following regions: Shida Kartli, Kvemo Kartli, Kakheti, Imereti, Samtskhe-Javakheti, Guria, Adjara, Samegrelo, Racha-Lechkhumi, Kvemo and Zemo Svaneti. Over the course of monitoring, members of Special Preventive Team observed facilities and environment at temporary detention isolatorTDI, interviewed temporary detention isolatorTDI employees and inspected documentation contained in case files of individuals detained in 2015. Team members were guided by pre-designed tools and data obtained from penitentiary facilities.

According to the information received from the MOIA, over 2015 16, 416 individuals were committed to the mentioned temporary detention isolatorsTDIs. Data of individuals placed at each temporary detention isolatorTDI is provided in the Table.

N	TDITDI name	Number of detainees	N	TDITDI name	Number of detainees
1	Tbilisi N 1 TDI	417	20	Lentekhi TDI	16
2	Tb. And Mtskh. Mtianeti TDI	5556	21	Zestaponi TDI	330
3	Mtskheta TDI	379	22	Baghdati TDI	64
4	Dusheti TDI	29	23	Chiatura TDI	146
5	Telavi TDI	503	24	Samtredia TDI	325
6	Sagarejo TDI	224	25	Ambrolauri TDI	25
7	Sighnaghi TDI	189	26	Zugdidi Reg. TDITDI	366
8	Kvareli TDI	359	27	Zugdidi TDI	661
9	Gori TDI	581	28	Senaki TDI	288
10	Khashuri TDI	325	29	Khobi TDI	143
11	Borjomi TDI	118	30	Poti TDI	219
12	Akhaltzikhe TDI	214	31	Chkhorotskhu TDI	162
13	Akhalkalaki TDI	36	32	Mestia TDI	16
14	Rustavi TDI	356	33	Batumi TDI	2039
15	Tetritskaro TDI	34	34	Kobuleti TDI	355
16	Tsalka TDI	29	35	Ozurgeti TDI	153
17	Gardabani TDI	0	36	Lanchkhuti TDI	82
18	Marneuli TDI	545	37	Chokhatauri TDI	28
19	Kutaisi TDI	1104	Total		16416

It should also be mentioned that in 2014, 17,087 individuals were committed to temporary detention isolatorsTDIs, hence, in 2015, as compared to a prior year, the fall of the number of detainees can be observed.

Living conditions of individuals confined at temporary detention isolators, sTDIs should be in conformity with national, as well as international standards.

“All police cells should be of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should enjoy natural light. Further, cells should be equipped with a means of rest (E.g., a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and blankets. Persons in custody should be allowed to meet with natural needs when necessary in clean and decent conditions, and be offered adequate washing facilities. They should be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day.⁸⁸

Under the Minister of Internal Affairs of Georgia Order N 108 dated February 1, 2010, on Approving Statute Template for temporary detention isolatorsTDIs of the MOIA of Georgia, internal rules of temporary detention isolatorsTDIs and additional instruction governing temporary detention isolatorTDI activities, sanitary-hygiene and general conditions at temporary detention isolatorTDI should not infringe the right of a person to dignified existence, his/her honor and dignity, privacy and security of a person, interests of respecting privacy.⁸⁹

According to the same order, administration of temporary detention isolatorsTDIs is obliged to: ensure natural and artificial lighting, heating and ventilation in cells; ensure adequate sanitary conditions in cells; ensure maintaining relevant hygiene in cells.

There are various infrastructure related and other problems at temporary detention isolatorsTDIs in regions of Georgia, for the illustration of which we are presenting data about several temporary detention isolatorsTDIs:

LENTEKHI TDI

Lentekhi TDITDI is housed at the Police Station building and is separated by iron bars and wooden door. There are a total of two cells. Each one is designed for two persons. Area of cells is 4.3m² and 4.4 m². There are no windows, artificial ventilation, heating system, water, water closets, tables and chairs in cells. Detainees, when necessary, use common use WC designed for police staff. TDITDI does not have a yard for walking detainees.

88 CPT Standards, Paragraph 42, available at: <http://www.cpt.coe.int/lang/geo/geo-standards.pdf> [Accessed on: 26.03.2016].

89 Annex 1 – Statute Template for the MOIA Human Rights and Monitoring Main Division TDFsTDIs, Article 4.

SAMTREDIA TDI

At Samtredia TDITDI detainees are placed in three cells, which area ranges between 10m²-12.8m². The cells are equipped with three-tier iron beds. There is adequate artificial ventilation and lighting in the cells. Natural and artificial lighting is not satisfactory. There is semi-isolated WC in cells. According to TDITDI staff, for washing hands and face detainees are taken to the common use bathroom outside cells, while drinking water is provided with bottles. During the visit of special preventive group members,⁹⁰ the matter of supplying TDITDI with personal hygiene articles was inspected and it was discovered that there was no soap supply at the TDI. Samtredia TDITDI has a yard for walking detainees.

Samegrelo-Zemo Svaneti Regional TDITDI - At Samegrelo-Zemo Svaneti Regional ITDI, there are 3 cells, 2 four-person and 1 two-person. The area of cells ranges between 10m²-11.3m². There are iron beds and 1 iron table with 2 chairs in the cells. Windows in cells have bars from both sides, from the inside they are screened via a drilled metal sheet, which prevents the entry of natural lighting and ventilation in the cells. There is moisture in the cells. Strong specific odor can be felt. Sanitary-hygiene condition is unsatisfactory.

GORI (SHIDA KARTLI AND SAMTKSHE-JAVAKHETI REGIONAL) TDI

There are 5 cells in Gori (Shida Kartli and Samtkshe-Javakheti Regional) TDI. The area of cells ranges between 11m²-12m². There is central ventilation and heating in cells. Water regulator for flushing water in the toilet is located in the hall of the TDI; hence, TDITDI on duty officer regulates the supply and shutting of water. There is a courtyard for walking in the TDI, although it is impossible to walk during rainy weather, since the yard is not sheltered. During the visit,⁹¹ the supply of toiletries and other articles was inspected and has been identified that they did not have the supply of clean towels and single-use plates at the TDI. According to the head of the TDI, when they lack supply of single use plates, food is served to detainees via large sheets of paper. Expired dry soup was discovered during monitoring the TDI.

SIGNAGI TDI

There are 2 cells at the Signagi TDITDI for accommodating detainees, with area 6.3 m². The cells are equipped with 1 iron table and 2 chairs. There is not WC inside the cells. When needed, detainees use common toilet outside cells. Natural lighting and ventilation is inadequate, since windows are covered by iron windowpanes and iron grids. Artificial lighting and ventilation is unsatisfactory. The yard for walking is not envisaged for detainees of the TDI.

90 July 7, 2015.

91 September 17, 2015.

SAGAREJO TDI

There are 4 three-person cells in Sagarejo TDI, their area ranges between 9m²-9.65m². There are 3-tier iron beds with mattresses in cells. There is one table. Tables serve as a chair in the cells. There is moisture in the cells, insufficient natural lighting and ventilation. Drilled metal sheets are installed on the windows, which limits the entry of light into cells and natural ventilation. There is central heating in cells. Detainees use common WC and shower room located outside the cell. TDITDI does not have a courtyard for walking.

TETRITSKARO TDI

Tetritskaro TDITDI is housed on the first floor of Tetritskaro District Division. There are two 2-person cells in the TDI, with area ranging between 11m²-11.25m². There is 1 iron table and 2 chairs in the cells. Drilled metal sheets are attached to the windows, which limits the penetration of natural lighting and air into cells. Cells are heated via warm air entering from the ventilation system. There is semi-isolated WC in cells. Above 5cm from the floor, there is a water pipe that is used to flush the toilet. Water current is regulated by staff from outside the cell. During the visit, TDITDI lacked the supply of single-use plates and glasses.

AKHALKALAKI TDI

There are 3 cells in Akhalkalaki TDI, area ranges between 7m²-7.1m². Instead of individual beds, there is a dais in the cells. The ventilation in the cells is inadequate. There is no WC in the cells. Detainees use common toilet outside the cell. TDITDI has 56.47m² area courtyard for walking for detainees. Common WC is located by the courtyard. Opposite the WC, there is a surveillance camera directed at the courtyard, which scope also includes inner side of the toilet, since depreciated door does not shield the WC. The door does not have a lock from the inside. Due to the mentioned problem, privacy of individuals using toilet is not ensured. There is no artificial lighting in the toilet. The mentioned TDITDI does not have a shower facility. The courtyard is not sheltered and therefore it is impossible to walk during rain.

Akhalsikhe TDI

There are 5 cells in the Akhalsikhe TDI. The area of cells ranges between 6.7m²-19.9m². The cells are designed to accommodate 2 and 3 persons. There is no natural lighting and ventilation in cells, since windows are sealed. Artificial ventilation is inadequate. Artificial lighting is adequate. Sanitary-hygiene condition in cells is inadequate (requires wet cleaning). There is no WC in cells. There is no separate yard for walking detainees. According to the administration, they are taken for a walk to the inner yard of the police building. TDITDI requires refurbishment.

LANCHKHUTI TDI

There are three two person cells in the Lanchkhuti TDI. Area of cells ranges between 2m²-3m². There are 2 iron beds with mattresses in cells, one table and two chairs. There is moisture in the cells, and ventilation is inadequate. Ceiling in the cells is damaged and damp, due to precipitation. It has been ascertained following the conversation with the head of the TDITDI that water leaks during precipitation from the roofs. There are semi-isolated WCs in cells. There is no heating in cells. TDITDI has a courtyard for walking detainees.

KHASHURI TDI

There are 4 three-person cells in Khashuri TDITDI. The area of cells is 11.1m². There is central heating in cells. Natural lighting is unsatisfactory. Ventilation system in the cells emits noise, which is disturbing detainees. There are semi-isolated WCs in cells, with Asian type latrine. Within the cells there is regulator of a flushing tube. There is no washstand in cells. Sheltered courtyard for walking is organized at the TDI.

BORJOMI TDI

Borjomi TDITDI is equipped with 4 cells for detainees. Of these, 2 cells are single-person, 2 cells are two-person. The area of cells ranges between 5.4m²-6.5m². Cells do not have windows. There is no natural lighting and ventilation in cells. There is no heating in cells, according to TDITDI head, heating of the cells is ensured via the heaters installed in the hall. There is dampness in the cells, in some places walls are partially demolished. In general, sanitary-hygiene condition in cells is unsatisfactory. There are no WCs in cells, detainees use common WC located outside cells. There is no dedicated courtyard for walking detainees. According to the administration, detainees are taken for a walk to the inner yard of the police facility.

BATUMI (ADJARA AND GURIA REGIONAL) TDI

There are 10 two and three person cells in the Batumi (Adjara and Guria regional) TDI. The area of cells ranges between 8.5m²-14.3m². There are iron beds with mattresses in cells. There are 1 table with two chairs installed on the floor. Ventilation in cells is inadequate and dampness can be observed. Due to the lack of air, small windows on doors of cells are always open. Artificial lighting is adequate. Natural lighting and ventilation is inadequate. Central heating is provided in cells. Cells have semi-isolated WCs. In 8 cells water flushing taps are located outside cells and supply of water depends on duty officer of the TDI. In the remaining 2 cells, water tap is within cells and detainees regulate it. Water flushing tube is installed at 1 m. above the latrine. The mentioned is inconvenient and non-hygienic, for flushing the toilet, as well as for washing hands and face.

MARNEULI TDI

There are 6 cells for accommodating detainees in Marneuli TDI. The area of cells ranges between 12.00m²-12.2m². Within cells, there is 1 installed table between beds. On small windows in the cells iron bars and grid are installed, therefore natural lighting and ventilation in cells is inadequate. The central ventilation system does not ensure adequate ventilation. WC in cells is not isolated. WC is separated via a small wall with width 1m 5cm. Length 1.96 cm, where Asian type latrine is installed. At 30 cm from the latrine, there is a water pipe, which serves as a flush. Individuals in cells refer to TDITDI employee for supplying necessary water for flushing, since water supply can be regulated from outside cells only. TDITDI has inner courtyard, where detainees are taken for a walk. There are no washstands in cells.

CHIATURA TDI

There are 4 cells in Chiatura TDI, of these, 3 are two-person and 1 is one-person cell. Area of cells ranges between 8.6m²-9.5m². There are two-tier iron beds with mattresses, one table and two chairs in cells. Cells are heated via central heating. Natural lighting of cells is inadequate, since cells are equipped with small 32x63 windows, covered by metal grid. There are semi-isolated WCs in cells, although there are no washstands. TDITDI employees supply drinking water to detainees. In addition to the above-discussed problems, in 2015, following the visits made by the Special Prevention Group members it has been established that in some cases detainees lacked toiletries. Deficiencies with regard to toiletries and bed sheets supply has been identified at the TDI.

During the visit to Samegrelo and Zemo Svaneti regional TDITDI,⁹² detainees lacked toiletries (toilet paper, toothpaste, and toothbrush) and bedsheets.

Detainees at the Telavi TDI⁹³ lacked bed sheets and toiletries.

There was no supply of single-use plates and cups in Tetrtskaro TDI.⁹⁴

Detainees⁹⁵ at Gori (Shida Kartli and Samtskhe-Javakheti regional) TDITDI lacked soap and towel.

It was established during the visit⁹⁶ to Zugdidi TDI, that there was no supply of bedsheets and personal toiletries at the TDI.

There is no isolated WC at any of the above-mentioned IsTDIs. This is especially a problem in cells for two and more persons, where detainees are not alone in cells and have to fulfill their natural needs in the presence of a stranger.

92 August 2, 2015.

93 During the June 22, 2015 visit.

94 During June 24, 2015 visit.

95 During September 17, 2015 visit.

96 August 2, 2015.

As has been discovered based on visits made in 2015, at MOIA temporary detention isolatorsTDIs the matters of organizing central heating, natural lighting and ventilation, complete isolation of WC, wash stands and toilet flushing devices remain outstanding.

Having dais instead of individual beds in cells is still problem in Rustavi, Tsalka, Gardabani and Akhalkalaki temporary detention isolators.TDIs. It should also be mentioned here that in relation to the given issues, the Public Defender, in 2014 Report to the Parliament applied with relevant recommendations to the Minister of Internal Affairs, although, as conducted monitoring has demonstrated, the above-listed problems at temporary detention isolators TDIsremain unaddressed.

According to amendments to the Code of Administrative Offences of Georgia, administrative detention period was shortened from 90 days to 15 days, which undoubtedly has to be assessed as positive change, although it should also be mentioned here that current situation at temporary detention isolators TDIsis not adequate for accommodating administrative detainees.

FEEDING OF DETAINEES

At temporary detention isolatorsAt TDIs, detainees are provided standard food, bread, tea, meat paste, canned beef and dry package soup. Notably, bread designed for detainees is not supplied to the majority of temporary detention isolators TDIsin regions. The mentioned temporary detention isolators TDIsdo not even have contracts for bread supply. There are cases when temporary detention isolatorTDI employees are urged to buy bread for detainees from their own pocket. Detainees are primarily relying on the food products sent to them via packages. It should be taken into account that an individual may not have relatives who would send food and bread via package. An administrative detainee may be held at a temporary detention isolator TDIfor up to 15 days. For individuals detained for a long period, relevant feeding and living conditions are even the more important.

As has been mentioned above, some temporary detention isolatorsTDIs lacked the supply of single-use plates, thus, heated beef would be served using large sheets of paper. In some cases, for this very reason, detainees refused to accept food served in such manner. It is also notable that in some cases they heat beef in a can container, since there is no special vessel dedicated for this at temporary detention isolators.TDIs. It has been revealed during the visit to Chkhorotsku TDI⁹⁷ that they were serving canned beef without heating, in cold condition, which is also inadmissible.

97 August 4, 2015.

RECOMMENDATIONS TO THE MINISTER OF INTERNAL AFFAIRS

- Install central heating in cells of all TDIsTDIs, also ensure natural lighting and ventilation of cells
- Fully isolate WCs at all TDIsTDIs
- create conditions for maintaining hygiene at all TDIsTDIs, eliminate dais at all TDIsTDIs and ensure individual beds for all detainees
- ensure the supply of bed sheets and toiletries for detainees at all TDIsTDIs
- provide proper nutritious food to all IsTDIs, bread and articles necessary for cooking and serving the meals
- Ensure buttons for contacting duty officer in charge at all TDIsTDIs
- ensure 4m² per detainee at TDIsTDIs
- Install benches, allocate shelters from rain and sunshades; place garbage bins in courtyards of all TDIsTDIs.

