



Statement by the delegation of Georgia
At the 2018 Human Dimension Implementation Meeting
Working Session 5: Rule of law II, including
Prevention of arbitrary arrest, detention or exile,
And prevention of torture, exchange of views
On the question of abolition of capital
Punishment, protection of human rights
In the fight against terrorism
Warsaw, September 12, 2018

Protection of human rights, upholding rule of law and institutional democracy have always been the mainspring for the Government of Georgia.

For that reason, we are committed to develop a **strategic approach** to ensure the implementation of obligations stemming from human rights in everyday life with a view to build an **interagency, multi-sectoral, unified and consistent policy**.

Fighting against torture, inhuman and degrading treatment takes significant part of our attention. **Torture and other forms of ill-treatment were systemic problems** in Georgian prisons **until 2012**.

Since the **new government came into power** in 2012, the **situation has been drastically changed, including in the penitentiary establishments**.

As the UN Special Rapporteur, Mr. Juan Mendez explicitly noted, the impact of the **efforts of the Government of Georgia** including **prosecutions and convictions, investments in new prison infrastructures and complex policy changes**, is **visible and quantifiable**.

Significant diminishing of prison population and improvement of health conditions mark as another point of departure.

Juvenile justice system has significantly improved after the adoption of the new Juvenile Justice Code. As a result, **imprisonment of 'children in conflict with the law' has been extremely reduced** (in 2010 we had 160 convicted minors, in 2011 - 146 convicted juveniles, as of December 2017 - 20 child convicts) and a **new type of alternative non-custodial sentence**

“house arrest” has been enacted. Since January 1, 2018 the “house arrest” is applied for adult convicts as well.

We pay particular attention to **the coordination and monitoring of anti-torture activities**, therefore, the role of **Interagency Anti-Torture Coordination Council, chaired by the Minister of Justice**, continuous to adopt efficient measures to prevent and promote prosecution of the cases of ill-treatment and provide prompt protection to the victims.

The structure and working culture of the Council **attests to its inclusiveness, transparency and high degree of legitimacy** as the latter includes state agencies, national and international human rights non-governmental and intergovernmental organizations. The Council is responsible for elaboration of national anti-torture policy, national strategy and action plan as well as for the monitoring of the action plan implementation policy.

The Secretariat of the Interagency Council (Public International Law Department) has already started elaboration of the new Action Plan for the upcoming years, which integrates all recommendations of local and international partners and findings by the progress report.

The Georgian legal framework, which **explicitly criminalizes torture and any other inhuman and degrading treatment, ensures independent and effective investigation of the facts of torture and ill-treatment**. All facts of alleged torture are the subject to **immediate and thorough investigation** conducted by the competent law enforcement authorities.

When it comes to **transparent and independent investigation** of the cases of torture and ill-treatment allegedly committed by law enforcement agencies the Government of Georgia has committed and established the **State Inspector**.

The standalone Law on State Inspector which was adopted on 21 July 2018 provides for **high degree of independence of the state inspector**, including immunities from criminal persecution and criminal procedures, with the aim to guarantee and ensure its impartiality.

The Inspector will be tasked to promote the **protection of personal data** and to **investigate the gross violation cases**, including torture and ill-treatment, **allegedly committed by law enforcements**.

Having briefed you on the policy implanted by Georgia, I would like to draw your particular attention to the alarming developments taking place in Georgia's occupied regions. In particular, to the case of Georgian IDP, Archil Tatumashvili, who was murdered in custody, after being illegally detained on February 22, 2018. Forensic medical examination report states that he was tortured, in particular, about **100 damages had been inflicted** by blunt object inclusively, which led to the death of the Mr. Archil Tatumashvili. His body, without internal organs, was handed to the family by the occupation regime only after one month following his death. What is most worrisome, the occupation regimes do its utmost to hinder the execution of justice. This, as well as previous cases of similar nature, is a demonstration of how far the sense of impunity has progressed in the occupied territories. This is adding further stimulus to the ethnically driven violence in Abkhazia and Tskhinvali regions.

Thank you!