

Dr. Luís Filipe Marques Amado  
President of the  
Council of Ministers of the European Union

Brussels, 8 October 2007  
Our ref. B700

Dear Mr. Amado,

**Subjects: Torture, ill-treatment and excessive use of force in Georgia**

In light of the upcoming EU-Georgia Cooperation Council, Amnesty International would like to draw your attention to some of our key concerns regarding the human rights situation in Georgia.

Since the second half of 2004, senior officials in the government of President Mikheil Saakashvili have on several occasions publicly acknowledged the problem of torture or other ill-treatment in Georgia and expressed their commitment to fight it. A number of positive developments have taken place in recent years, including Georgia's accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT); the sentencing of at least 27 police officers to terms of imprisonment for beating or otherwise ill-treating detainees since the so-called "Rose Revolution"; and a reported decrease in cases of detainees subjected to abuse in police detention facilities.

Nevertheless, Amnesty International remains concerned regarding the continuation of torture and ill-treatment as well as allegations of excessive use of force by law enforcement officers in Georgia.

**Torture and ill-treatment**

In July 2005 new provisions were included in the Criminal Code of Georgia defining the crimes of "torture", "threatening with torture" and "inhuman and degrading treatment". "Torture" and "inhuman and degrading treatment" are punishable by up to 15 years' and six years' imprisonment, respectively. While there have been several cases where police officers were charged under the new provisions, as of May 2007, nobody had yet been convicted for the crimes of "torture", "threatening with torture" or "inhuman and degrading treatment".

All police officers sentenced to prison terms for beating or otherwise ill-treating detainees in recent years were convicted by first instance courts under at least one of the following articles: "less Serious Damage to Health through Negligence" (Article 124 of the Criminal Code of Georgia), "hooliganism involving a weapon" (Article 239, part 3, of the Criminal Code), "abuse of official authority" (Article 332) and "exceeding official authority" (Article 333 of the Criminal Code). The maximum prison sentence that can be imposed under these articles is eight years. In addition, Amnesty International is concerned that to our knowledge no victims of torture or other ill-treatment have as yet received compensation.

We are therefore concerned that while legislation is in place, the necessary measures to ensure that the legislation is used in the correct manner have not been implemented. We urge you to press the Georgian authorities to ensure that every victim of torture and other ill-treatment as well as relatives of those who have died as a result of such treatment have unhindered access to the means of obtaining redress and an enforceable right to reparation, including fair and adequate compensation, restitution, rehabilitation, guarantees of non-repetition, and that all persons including detainees are informed of this right.

## Excessive use of force

Abuse by law enforcement officials during the arrest of suspects, when dispersing demonstrations, and when suppressing prison disturbances, continues to be a matter of serious concern. We are aware of allegations of many cases where police used lethal force but no prompt, thorough, impartial and independent investigations were carried out into the cause and circumstances of the deaths.

Amnesty International received reports that police officers who allegedly used excessive force during arrests or to disperse demonstrations did not wear visible name tags and/or identification numbers. We are particularly concerned about the lack of visible identification badges for officers of the special police unit, given that this unit has been implicated in numerous cases of ill-treatment and excessive use of force. Officers of the special police unit are often masked when conducting arrests and dispersing demonstrations or other special operations.

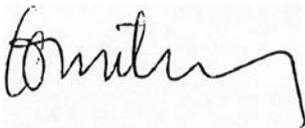
Amnesty International believes that – as an important safeguard against the use of unlawful force by law enforcement officials and to help ensure that such officials who act in violation of international standards do not enjoy impunity - officers should be clearly identifiable at all times. This requires, for example, that law enforcement officers wear clear name tags and/or identification numbers and there should be a clear method of tracking identification numbers, so that police can be identified for the purpose of investigating incidents of abusive use of force or other human rights violations where they may have been involved.

We therefore urge you to press the Georgian authorities to:

- Investigate promptly, thoroughly, impartially and independently every incident when lethal force has been used by agents of the state in order to determine whether excessive force was used and the lawfulness of any resulting death; and bring to justice those suspected of unlawful killings.
- Pay special attention to the eradication of excessive use of force during the arrest of suspects, when dispersing demonstrations, and when suppressing prison disturbances.
- Ensure that all law enforcement officers including special unit police wear identification tags at all times when conducting arrests, when visiting places of detention and deprivation of liberty as well as during meetings with detainees and prisoners.
- Prohibit the use of masks or other means of disguising officers' personal identities, only making exceptions if such measures are necessary for the personal protection or security of the officers concerned or similar reasons.

We look forward to hearing from you after the Cooperation Council regarding the response of your Georgian counterparts and should you require further information we are ready to provide it.

Yours sincerely,



Dick Oosting  
Director,  
Amnesty International EU Office



Lucília José Justino  
Vice- Chair,  
Amnesty International Portugal