

Delegation of Georgia
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A Reply to the Statement of the Russian Federation
Submitted at the Working Session #9
“Rule of Law II”
(October 6, 2006)

Thank you Mr. Moderator

The Georgian Delegation would like to exercise a right to reply with regard to the remarks made by the Distinguished Delegation of the Russian Federation with regard to Georgia.

The Georgian Government is undertaking fundamental reforms in the judicial and law enforcement fields.

To address an issue of judiciary very briefly, let me mention that during the last two years there have been several competitions and selection procedures undertaken by the Council of Justice of Georgia. The purpose of these competitions is to form a competent judiciary, serving interests of justice and be guided by principles of professional ethics.

Respective dismissals of judges take place in order to renew the composition of judiciary and appoint professionals not only trained in the Georgian national law, but also in corresponding international human rights law. Special

trainings are organized for the newly selected judges by the High School of Justice in cooperation with the Georgian Public Defender's Office and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. Along with upgrading the legal skills of newly appointed judges the trainings in professional ethics as well as trainings by physiologists are delivered.

All is done in order to fill in the gap existing in the judiciary of a country still in transition.

In the process of reforming the Criminal justice System introduction of a respective article into the Criminal Code of Georgia, explicitly prohibiting torture, is of importance. As is well known to the distinguished audience, the definition of torture implies "subjecting a person ... to suffering, for the purpose of obtaining information, evidence or confession."

Further amendments to the Georgian legislation ban the courts to use statements of the accused made in the course of preliminary investigation as evidence at the trial, unless the accused reaffirms his/her prior statements at the court session. Thus, by virtue of those changes compulsion to confess guilt appears to lose any significance for the investigating authorities. Furthermore, declaring any sort of evidence given under pressure to be inadmissible before the court does provide additional guarantee for prevention of torture and effective protection of human rights.

Considering situation in Georgia, the Committee Against Torture recently mentioned that torture in classical form does not exist in Georgia any more.

This does not, however, exclude a problem of excessive use of force by Police. To address this evil, the Human Rights Protection Units have been set up/enacted at the Ministry of Interior and the Prosecutor General's Office. Respective procedures are put in place to involve the mentioned services into the cases of abuses of detainees at all stages, including pretrial detention facilities.

Due to time constraints the detailed elaboration on these different methods does not seem possible, however let me briefly mention here that the practice of the United Kingdom and the United States is followed to elaborate and enforce special guidelines and the Code of Conduct of the law enforcement bodies.

To address truly hard situation in the Penitentiary System the Georgian Government continuously works on replacement of the old prison infrastructure and active construction of the new penitentiary establishments is under way. Two of the new facilities, one of which has been rehabilitated with the generous support of the European Union, are already put in use, where the hard detention conditions have not been observed.

Cases of deaths of prisoners unfortunately did take place in summer of this year, when natural temperature reached unimaginable height in Georgia and

the outdated prison infrastructure, on replacement of which the Georgian Government is actively working, could not provide for proper living conditions for the prison population.

The Georgian Government acknowledges the rise in numbers of people kept in custody. However, the growth of this dynamics directly corresponds to the trend of increased identification and recording of crime. Combating deeply rooted corruption in the law enforcement agencies resulted in proper registration of crime and corresponding deprivation of liberty of criminals.

Many of the recommendations of the international organizations have been taken into account and the Government of Georgia is determined to make practices of law enforcement bodies compliant with those recommendations.

Let me also briefly underline the so called “persecution of the opposition”, mentioned in the respective speech of the distinguished representative of the Russian Federation.

Individuals suspected in high treason, conspiracy and revolt against constitutional order of Georgia were not only part of a certain political movement, but also individuals without any political affiliation. There has been substantial evidence gathered and displayed by the law enforcement agencies, including records of the telephone conversations, different financial documentation, including proving of transfer of large amounts from a foreign state, as well as already received large funds. The corresponding witness

statements are supporting suspicion of supporting this group of people by a foreign state.

To sum up, let me underline that despite strong determination of the Georgian Government to advance the state of Rule of Law and human rights protection on the entire territory of the country, these attempts are undertaken only in Georgia *proper*, as the legitimate Georgian authorities are devoid of possibility of addressing situations on the territories of Georgia *de facto* falling outside the effective control of the Georgian Government, namely Abkhazia and the former Autonomous Republic of South Ossetia.

I thank you for your patience.