



Monitoring of the implementation of the Government's Human Rights Action Plan

Chapter 3

Chapter 3. Human Rights and the Law Enforcement System

The progress of the implementation of the Chapter: 64% (The chart indicates only the implementation progress of the action plan's specific chapter and not its compliance and relevance with its goals and activities)

Main Findings

Chapter 3 of the Governmental Action Plan on Human Rights almost entirely concerns the reforms and activities aimed at securing human rights in the system of the Ministry of Internal Affairs of Georgia.

The objectives of Chapter 3 concern the rights of persons placed in temporary detention isolators (TDIs); improvement of material conditions, hygiene and nutrition; adequate use of coercive measures and ensuring transparent policing; improvement of the response mechanism to violations and introduction of high standards of human rights protection in the law-enforcement system.

In general, the efforts of the Ministry of Internal Affairs of Georgia towards the achievement of the above objectives can be positively assessed. Numerous activities were carried out in the above directions. This improves the human rights protection standards in the law-enforcement system.

It should also be emphasised that police officers used excessive force during the reporting period, including the violent dispersal of a protest rally on 20-21 June 2019, which has not been properly investigated and demonstrates that the lawful use of force and adherence to the principle of proportionality is still problematic and requires additional effort from the agency.

In the reporting period, numerous activities were carried out towards the improvement of material conditions of persons placed in TDIs: the buildings were renovated and medical units were arranged. However, some isolators still fail to comply with established standards as toilet areas are not isolated and there are no outdoor areas arranged. According to the Ministry of Internal Affairs of Georgia, it is planned to renovate all TDIs. We hope that within the planned renovation, the existing problems will be resolved and material/sanitary conditions in each TDI will comply with international standards.

It is also commendable that access to medical services are ensured in all TDIs. Furthermore, it is planned to staff each TDI with medical personnel, which, under conditions of appropriate vocational training, will positively affect the accessibility of medical services and their quality. There are still problems in terms of documenting injuries. For solving this problem, it is necessary to provide TDIs with medical personnel and ensure their intensive and periodic training on the methodology determined by the Istanbul Protocol.

Unfortunately, at this stage, the provision of TDI population with adequate food remains problematic. According to the ministry, it was planned to solve this problem partially by the end of 2019; instead of dried meals, some TDIs were supposed to be provided with cooked food.

In the reporting period, the procedure for storing and processing information received from body cameras was determined. However, despite the Public Defender's recommendation, it is still not obligatory for the patrol police officers to make video recordings when communicating with citizens. This change would be important for identifying and documenting the incidents of ill-treatment and creating appropriate safeguards for police officers.

In the reporting period, numerous police stations were equipped with video cameras. According to the Ministry of Internal Affairs, in the first half of 2019, this was done throughout Georgia. During the reporting period, the timeframe for retaining video recordings of patrol inspectors' communication with the citizens was determined. However, the duty of law-enforcement authorities to record video footage during such communication remains a problem. In addition, the issue of installing video cameras in the

administrative buildings of the Ministry of Internal Affairs is still unresolved, especially in the places where witnesses, defendants, etc., have to be present.

It is commendable that the police academy's curriculum incorporates human rights, equality principles and the methods of the use of force as a mandatory part of the programme. It is also desirable to ensure regular and mandatory retraining of active police officers on these issues. This would improve human rights standards and prevent the use of excessive force.

In the reporting period, numerous activities were carried out to improve the mechanism of identification and eradication of violations by law-enforcement officials. The Ministry of Internal Affairs of Georgia submitted rather impressive statistics on the examined complaints and imposition of disciplinary penalties for violations identified as a result of inspections. The reform of the General Inspection has been carried out, which improved the existing situation to some extent.

Goal 3.1. Strengthening procedural and institutional guarantees of the persons held in the pre-trial detention cells

The progress of the implementation of the Goal: 52%

Objective 3.1.1. Ensure that persons held in pre-trial detention cells are provided with the timely access to the medical staff and confidentiality of timely access with lawyers and to medical examination through their own expenses

The progress of the implementation of the Objective: 100%

Activity 3.1.1.1. Providing persons held in pre-trial detention cells with necessary healthcare

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity:
100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

In response to our written enquiry concerning the measures for ensuring the accessibility of medical service in TDIs and improving their quality, the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs informed us that: “in the beginning of 2018, medical units were operational only in 7 regional TDIs and ambulance was called in for persons detained in other 22 TDIs. In the beginning of 2018, the Ministry of Internal Affairs of Georgia developed a project to increase the number of TDIs with medical units. Since February 2018, the process for recruiting doctors started. (...) In October 2018, medical units opened in TDIs of Mtskheta, Poti and Sagarejo and in November, in TDIs of Kvareli and Zestaponi. In December, medical units became operational in TDIs of Akhaltsikhe, Chkhorotsku and Khashuri. The process of arranging and opening medical units in other TDIs continues. Accordingly, as of today, there are medical units operational in 15 TDIs out of 29 active TDIs under the Department of Temporary Detention Isolation.”^[1]

Efforts to ensure the provision of necessary medical services to persons in temporary detention isolators continued in 2019. According to the department: “In 2019, a new medical unit was opened in four TDIs. Accordingly, out of 29 temporary placement isolators operating across the country today, the medical unit already operates in 19 isolators, where persons undergo medical examination in accordance with the requirements of the Istanbul Protocol.”^[2]

This information is further confirmed by the reports of the Public Defender of Georgia. The Public Defender, in the 2019 parliamentary report, pointed out “detainees in police custody were provided with medical care in a timely manner, except in isolated cases.” It is commendable that the number of medical facilities in TDIs facilities has increased from 15 to 19 in 2019.^[3]

In the CPT report on the visit to Georgia carried out in 2018, the Committee also positively assessed the accessibility of medical services in TDIs. Furthermore, the CPT encourages the Georgian authorities to implement their plans to employ doctors and nurses in all TDIs as the description of injuries was much more detailed when it was carried out by doctors employed in TDIs rather than by called in doctors.^[4]

^[1] Letter no. MIA 8 19 01790150, dated 9 July 2019.

^[2] Letter no. MIA 6 20 00965423, dated 1 May 2020.

^[3]

^[4] Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018, Strasbourg, 10 May 2019, para. 24.

Activity 3.1.1.2. Ensuring that persons held in pre-trial detention cells are provided with medical service through their own expenses

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity:
100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs, “in 2018-2019, no requests were filed with the Department of Temporary Detention Isolation for the provision of medical services at their own expense.”[\[1\]](#)

Under Article 16.2 of the Regulations of TDIs of the Ministry of Internal Affairs of Georgia that was approved by Order no. 423 of the Minister of Internal Affairs of Georgia of 2 August 2016 on Approving the Model Statute and Regulations of the Temporary Detention Isolators of the Ministry of Internal Affairs of Georgia, “a person placed in a TDI, if needs be, shall be entitled to request medical examination for the entire period of his/her placement as well as call in an expert for conducting such examination with his/her own means.”

Under Article 12 of the Annex to the Instructions for Medical Services for Persons Placed in the TDIs of the Ministry of Internal Affairs of Georgia approved by Order no. 691 of the Ministry of Internal Affairs of Georgia of 8 December 2016, “in case of a reasoned request, a person placed in a TDI, with the permission of a TDI can call in a personal doctor.”

[\[1\]](#) Letter no. MIA 8 19 01790150, dated 4 September 2019 and Letter no. MIA 6 20 00965423, dated 1 May 2020.

Activity 3.1.1.3. Continually enhancing qualification of the medical staff

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity: 100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

Within the Council of Europe project, in the period of June-September 2018, medical personnel to be employed (46 doctors) were retrained in three stages. According to the agency, apart from the doctors to be employed, in spring 2018, the employed medical personnel was also retrained. In April 2018, medical personnel employed within the Medical Service of the Department of Temporary Detention Isolation of the Ministry of Internal Affairs of Georgia was retrained in two groups (25 doctors) on the topics of mental health and recording injuries identified on persons placed in TDIs.

In 2019, within the Council of Europe project, 20 physicians employed in TDIs were retrained on documenting injuries in accordance with the Istanbul Protocol and the topics of mental health, suicide and self-harm as well as infectious disease prevention. At the same time, in the same year, in collaboration with the Council of Europe, a new project was launched, which provided TOT for physicians that will provide training for future employees and practicing doctors in documenting injuries. As a result of these trainings, nine doctors were selected, whose training was completed in February 2020.

Activity 3.1.1.4. Continually enhancing qualification of non-medical staff

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity:
100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs, in March 2018, The LEPL Academy of the Ministry of Internal Affairs of Georgia, resumed the study programme of training and retraining of TDI personnel. In 2018, each staff member of TDIs who had not been retrained previously followed the study programme in the Academy of the Ministry of Internal Affairs (in total, 10 groups, 200 participants). According to the information provided by the same department in a letter dated 1 May 2020, ^[1] in 2018-2019, within the renewed personnel training and retraining programme, all the employees of the isolators were sent to the Academy of the Ministry of Internal Affairs.

[1] Letter no. MIA 6 20 00965423, dated 1 May 2020.

Objective 3.1.2. Providing persons held in custody with adequate living, sanitary and other conditions

The progress of the implementation of the Objective: 52.5%

Indicator: Periodic reports of intra-agency monitoring;

Living, sanitary, hygienic, nutritional and other material conditions ensured, according to independent monitoring (including the Public Defender) reports

Assessment:

The efforts of the Ministry of Internal Affairs towards improving the material, sanitary and other conditions in TDIs are commendable. As a result of renovations, the living conditions considerably improved in several TDIs in the reporting period. However, both the Public Defender of Georgia and the CPT point out a number of problems persisting in some TDIs.

It is noteworthy that both monitoring bodies emphasise that the living conditions of TDIs are not suitable for administrative detention.

In the reporting period, similar to the previous years, there was no progress regarding the quality of the food supplied by TDIs. According to the agency, the Department of Temporary Detention Isolation is working towards making changes in terms of the existing practice of providing dried meals to persons placed in TDIs. We hope the problems related to the quality of the food will be resolved as well.

Activity 3.1.2.1. Smooth functioning of pre-trial detention cells in compliance with the international standards to provide adequate living, sanitary, hygienic, nutritional and other material conditions

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Periodic reports of intra-agency monitoring;
living, sanitary, hygienic, nutritional and other material conditions ensured, according to independent monitoring (including the Public Defender) reports

Status: Mostly completed

The progress of the implementation of the Activity:
75%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

“In Spring 2018, 3 TDIs (in Chkhorotsku, Tsalka and Akhalkalaki) were renovated and medical units were arranged in 10 TDIs. The Mtskheta TDI was also renovated; in particular, additional cells were arranged.

In September 2018, within the United Nations project (funded by the European Union), a cell and an investigative office accommodated to the needs of juveniles were arranged in the Kvemo Kartli Regional TDI (the City of Rustavi) of the Ministry of Internal Affairs of Georgia.

At the same time, in December 2018, renovation began in TDIs of Poti, Kobuleti, and Samtredia. Renovation of Poti and Samtredia TDIs was completed in February 2019. Renovation included arrangement of medical units.

Construction of new TDIs in Tbilisi and Bakuriani as well as an administrative detention facility started in 2018.”^[1]

According to the information provided in 2020,^[2] by the end of 2019, the repair works were completed in Poti, Samtredia and Kobuleti TDIs; the TDIs in Baghdati, Tchiatura, Senaki, Lanchkhuti and Signaghi were repaired. At the same time, the construction of a new isolator and an administrative detention facility was completed in Tbilisi.

The Public Defender of Georgia, in the 2018 report, welcomed renovation conducted to improve infrastructure and material conditions of TDIs. However, the Public Defender observes that adequate living conditions are still lacking in a number of TDIs: “A number of Isolators are not provided with adequate systems of natural and artificial ventilation or light; sanitation and hygiene are not satisfactory; privacy of WCs in cells is not properly ensured. This is particularly problematic in multiple-occupancy cells where an arrested person attends to nature call in the presence of another person/s.”^[3]

“As a result of visits carried out in 2019,^[4] it was revealed that some TDIs are not adequately equipped with natural^[5] and artificial ventilation^[6] or light; some of them need basic renovation.^[7] Besides, none of the TDIs inspected by the Special Preventive Group in 2019 offered reasonable accommodation for persons with disabilities. Apart from the abovementioned, toilets in many TDIs are semi-isolated. This is particularly problematic in multiple-occupancy cells where an arrested person attends to nature call in the presence of another person/s. There are problems related to standards of hygiene.”^[8]

The 2019 report of the National Prevention Mechanism also addresses other sanitation and -hygiene problems in TDIs:

“It is noteworthy that flushing device are absent in the toilets in the cells, instead a water pipe a few centimetres above the sewer hole in the cells is used. Unfortunately, this pipe is also used by some detainees to collect drinking water. This is unhygienic due to the pipe’s location and causes legitimate dissatisfaction among detainees.”^[9]

The CPT also points out that material conditions of detention in the TDIs visited were on the whole acceptable for the intended purpose and maximum permitted period of police custody (i.e. 72 hours). The cells were generally adequately lit and ventilated, clean and in a satisfactory state of repair; detainees were provided with mattresses and blankets for the night. However, according to the CPT, several deficiencies remained: the 4m² norm was not yet fully and systematically implemented in practice (if one took into account the number of beds per cell) and in-cell toilets were generally only partially screened. Furthermore, criminal suspects had still no access to a shower and outdoor exercise; there is no outdoor exercise yard at Dusheti TDI.^[10]

Regarding provision of persons placed in TDIs with personal space, it should be noted that under Article 26.2 of the Regulations of TDIs of the Ministry of Internal Affairs of Georgia that was approved by Order no. 423 of the Minister of Internal Affairs of Georgia of 2 August 2016 on Approving the Model Statute and Regulations of the Temporary Detention Isolators of the Ministry of Internal Affairs of Georgia, a person placed in a TDI shall have a minimum living space of 4 m². The CPT’s finding about the lack of personal space in TDIs takes into account the number of beds per cell. According to the agency, the minimum space of 4 m² is strictly observed and the excessive number of beds is explained by those situations where due to the number of arrested individuals, it is impossible to transfer them to the nearest TDI.

^[1] Letter no. MIA 8 19 01790150 of the Ministry of Internal Affairs of Georgia, dated 9 July 2019.

[2] Letter no. MIA 6 20 00965423 of the Ministry of Internal Affairs of Georgia, dated 1 May 2020.

[3] The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p. 84.

[4] In TDIs located in the following regions: Kakheti, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti, Ajara and Guria.

[5] There is a problem of natural light and ventilation, due to small windows in the cells of Ajara and Guria Regional TDI, Tchiatura, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti Regional TDIs, Samtredia, Zestaponi, Baghdati, Sagarejo, Kakheti Regional TDIs, Kvareli and Lanchkhuti TDIs.

[6] Artificial ventilation in cells is not adequate in Ajara and Guria Regional TDI and in Baghdati TDI.

[7] There are patches of removed paint and traces of dampness and dirt on the walls of the cells in Ajara and Guria Regional TDI, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti Regional TDIs and Sagarejo TDI.

[8] The 2019 Report of the NPM. p.116.

[9] Ibid. pp. 116-117.

[10] Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018, Strasbourg, 10 May 2019, para 28.

Activity 3.1.2.2. Ensuring nutritional condition in pre-trial detention cells according to international standards

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Periodic reports of intra-agency monitoring; living, sanitary, hygienic, nutritional and other material conditions ensured, according to independent monitoring (including the Public Defender) reports

Status: Mostly incompleted

The progress of the implementation of the Activity:
30%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

The meals to be provided for the persons placed in TDIs are determined by Order no. 457 of the Minister of Internal Affairs of Georgia of 5 May 2005.

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the

Ministry of Internal Affairs, except for the Tbilisi TDI, in all other TDIs in the country, arrested persons are provided with ready-made dried meals, whereas food is served from a local canteen in the Tbilisi TDI.

According to the same source, “the Department of Temporary Detention Isolation is working towards making changes in terms of the established practice of providing dried meals to persons placed in TDIs. It is planned to introduce serving cooked food instead of dried meals in at least four TDIs by the end of 2019. In this process, the respective recommendations made by the United Nations Food and Agriculture Organisation (FAO) and World Health Organisation (WHO) will be taken into account.”^[1]

In the TDIs, the current situation in terms of nutrition related conditions of 2018 was maintained in 2019 as well. According to the information provided by the department, “except for the Tbilisi Temporary Detention Isolator, all other isolators across the country are provided with ready-made dry food rations, whereas the Tbilisi Isolator is supplied with food from a local canteen. According to the agency, cooked meals will also be provided in the new isolator in Tbilisi and in the administrative detention facility.”

The Ministry of Internal Affairs confirms, “by the end of 2019, it was planned to introduce cooked meals in at least four isolators, which has not been done at this stage.”^[2]

According to the 2019 report of the NPM, “in the TDIs inspected in 2019, detainees are provided with only dry (canned beef, canned soup, pâté and bread) meals, which is incomplete food. Unfortunately, the detainees have to have this food for up to 15 days, which can be detrimental to their health. Lack of quality food is also a problem for persons placed in an isolator.”

[1] Letter no. MIA 1 19 02342906, dated 4 September 2019.

[2] Letter no. MIA 6 20 00965423, dated 1 May 2020.

Goal 3.2. Ensure high standard of human rights protection

The progress of the implementation of the Goal: 73.3333%

Objective 3.2.1. Ensuring compliance with the principle of exceptionality and proportionality in applying coercive measures

The progress of the implementation of the Objective: 35%

Indicator: Periodic reports of intra-agency monitoring; applying coercive measures are in compliance with the principle of exceptionality and proportionality according to independent monitoring (including the Public Defender) reports

Increasing number of retained police officers

Assessment:

For preventing the use of excessive use of force, the Action Plan determines ensuring the adequate use of body cameras as well as raising awareness among police officers and their vocational training. Certain measures were implemented in both respects in the reporting period. However, the use of body

cameras during interactions with citizens still depends on the will of a police officer. This does not ensure implementation of the sought objective. As regards the number of retrained police officers, at this stage, it cannot fully ensure the fulfilment of the objective determined by the Action Plan.

In 2019, the use of coercive measures (physical force, special means) by the police became especially problematic. Amid numerous protests, the Ministry of Internal Affairs has used coercive measures repeatedly and with greater intensity. The scale and reality of the problem is demonstrated by the answer given by the Department of Human Rights Protection and the Quality of the Investigation of the Ministry of Internal Affairs to our questions (how many times and what kind of coercive measures were used during the reporting period, how many complaints were received about them and what was the response to each complaint?). The agency did not provide the data for the following reason: “it needs to be clarified specifically what type of coercive measure is implied.”^[1]

The events of 20-21 June 2019, which have not been investigated comprehensively for more than a year, as well as the Public Defender’s 2019 report on the use of excessive force by police, clearly show that, at this stage, adhering to the principle of proportionality in the use of force remains a serious problem.

^[1] Letter no. MIA 6 20 00965423, dated 1 May 2020.

Activity 3.2.1.1. Elaborating and implanting rules for the use of shoulder camera

Responsible agency:	
• Ministry of Internal Affairs of Georgia	
Indicator:	
Periodic reports of intra-agency monitoring ; applying coercive measures are in compliance with the principle of exceptionality and proportionality according to independent monitoring (including the Public Defender) reports retrained police officers	
Increasing number of	
Status: Mostly incompleted	The progress of the implementation of the Activity: 50%
Start date: 2018-01-01	Deadline: 2020-12-31

Assessment

Order no. 1310 of the Minister of Internal Affairs of Georgia of 15 December 2005 Approving the Instructions on Patrolling Rules by the Patrol Police Service of the Ministry of Internal Affairs of Georgia was amended on 5 July 2013.^[1] Subparagraph g) was added to Article 12.1 determining a body camera as a part of a patrol officer’s equipment. Under the same amendment, a patrol officer has the right to “make audio and video recording with the use of technical means for comprehensive, full and objective

enquiry, with due respect for the rights of the citizen and the police officer, when responding to a breach of public order and an offence...”^[2]

According to the 2018 report of the Public Defender, “for years, the Public Defender has been recommending the Ministry of Internal Affairs to determine statutorily the duty of police officers to record interactions with citizens as well as the procedure and terms of storing the recordings. This recommendation has been partially fulfilled” since “equipment of police officers with body cameras and conducting video recording of interactions with citizens is a significant safeguard against ill-treatment.”^[3]

On 26 December 2018, Order no. 1310 of the Minister of Internal Affairs of Georgia was amended again and it approved the procedure for storing and processing the data obtained through body cameras. According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs: “With the initiative of the ministry’s unit in charge of the supervision of personal data protection, in accordance with the Law of Georgia on Police, an amendment to Order no. 1310 of the Minister of Internal Affairs of Georgia of 15 December Approving the Instructions on Patrolling Rules by the Patrol Police Service of the Ministry of Internal Affairs of Georgia was drafted. The draft amendment was approved by Order no. 139 of the Minister of Internal Affairs of Georgia of 26 December 2018. It concerns the procedure of storage and use of video recordings made by a body camera attached to the uniform for the protection of public safety. Under the order, a patrol officer is obliged to place the recordings obtained through a body camera attached to the uniform on the special server where the recordings will be stored for 30 days. The information is sent to the server to the patrol inspector in charge of the body camera. This data will be stored for 30 days. The data obtained through body cameras will be processed in accordance with the procedure established by law.”

As in previous years, in 2019, the Ministry of Internal Affairs of Georgia did not fulfil the recommendations of the Public Defender of Georgia on drafting and improving the rules for the use of body cameras by the police when communicating with citizens. According to the 2019 annual parliamentary report of the Public Defender, “like in the previous years, the practice of using body cameras by police officers remains problematic. Under the legislation in force, a patrol officer is obliged to place the recordings obtained through body camera attached to the uniform on the special server where the recordings will be stored for 30 days. As regards the obligation to make audio and video recording of patrol officers’ communications with citizens, there is no such statutory duty and making audio and video recording in such cases depends on a patrolling police officer’s discretion. It should be noted that, apart from patrol officers, officers of the Central Criminal Police Department and territorial agencies also have communication with citizens as a part of their official duties. However, they do not have the duty to record their communication with citizens (this falls within the discretion of an officer). Besides, there are no provisions governing the procedure and terms of storing recordings in this case either. Against the background of such legislative regulation, body cameras are seldom used in practice.^[4] Even when they are used, there are few cases when a short video is recorded by a body camera and depicting communication of police officers with citizens (not showing the full picture but only being in favour of police officers) are admitted as evidence.^[5] Besides, according to police officers, poor technical specifications of body cameras are also problematic.^[6] Therefore, it is imperative to gradually replace body cameras of poor quality with new cameras of better specifications.”^[7]

The amendment of 26 December regulated one (undoubtedly important) aspect of the use of body cameras, which is adequate storage and use of the video recordings made by body cameras. However, the following issues remain debatable: what are the criteria to be used by a police officer and what are the circumstances when a body camera must be used. In this regard, the agency should have accepted fully the Public Defender’s recommendation and determined it as obligatory for patrol officers to use body cameras in their interactions with citizens. This change will be important in terms of identifying and documenting ill-treatment and protecting police officers from wrong allegations.

[1] Order no. 509 of the Minister of Internal Affairs of Georgia of 5 July 2013 on amending Order no. 1310 of the Minister of Internal Affairs of Georgia of 15 December Approving the Instructions on Patrolling Rules by the Patrol Police Service of the Ministry of Internal Affairs of Georgia.

[2] Order no. 1310 of the Minister of Internal Affairs of Georgia of 15 December on Approving the Instructions on Patrolling Rules by the Patrol Police Service of the Ministry of Internal Affairs of Georgia, Article 14.1.e).

[3] The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p 24.

[4] Out of 38 arrested persons interviewed by the Special Preventive Group, only two stated that body cameras had been used during the arrests.

[5] According to the results of interviews with lawyers practising in the regions, 65.4% of lawyers interviewed online stated that body camera recordings would have had a great impact on proceedings as evidence had they been available.

[6] During the monitoring carried out by the Special Preventive Group in regions, officers of police divisions and departments stated that they had been equipped with malfunctioning cameras and those with low capacity, which creates obstacles for them.

[7] The Public Defender's 2019 report, p. 92.

Activity 3.2.1.2. Continuous educating police officers on human rights and regarding coercive measures standards and technique of use

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Periodic reports of intra-agency monitoring ; applying
coercive measures are in compliance with the principle of exceptionality and proportionality
according to independent monitoring (including the Public Defender)
reports Increasing number of retained police
officers

Status: Mostly incompleted

The progress of the implementation of the Activity:
20%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

“The LEPL Academy of the Ministry of Internal Affairs of Georgia (hereinafter the “Academy”) implements continuously the awareness-raising policy among the personnel of the ministry in terms of teaching human rights. The programme includes the following topics:

- Right to life;
- Prohibition of torture;
- Right to liberty and security;
- Right to a fair trial;
- Right to respect for private life;
- Freedom of thought, conscience and religion;
- Free speech and freedom of expression;
- Prohibition of discrimination;
- Right to assembly and demonstration;
- Freedom of movement;
- Right to property.

The methods of the use of force are taught in the Academy in several disciplines within the vocational training and retraining programmes/courses; among them, the theoretical component is taught in relation to human rights, the Law of Georgia on Police and tactical training; the practical component is taught within the tactical training and special technique of the use of physical coercion.

From 1 January to 31 December 2018 to 31 December 2019, the following were trained/retrained on the above topics:

1. Special Vocational Training Program for Patrol Inspectors – in 2018, 5 groups, 63 participants, in 2019, 50 participants;
2. Special Vocational Training Program for the Land Border Defence Department of the Border Police – in 2018, 6 groups, 90 participants, in 2019, 88 participants;
3. Special Vocational Educational Programme of the Basic Training of the Patrol Police Department’s Tourist Safety Infantry Patrol Police Officers – in 2018, 7 groups, 123 participants;
4. Special Vocational Educational Programme for District Inspectors – in 2018, 5 groups, 65 participants, in 2019, 32 participants;
5. Special Vocational Educational Programme for Border Control Officers – in 2018, 4 groups, 73 participants, in 2019, 30 participants;
6. Special Vocational Educational Programme for Detective Investigators – in 2018, 4 groups, 75 participants;
7. Vocational Educational Programme for Legal Order Officers of the Territorial Units of the Criminal Police Department of the Ministry of Internal Affairs of Georgia – in 2019, 62 participants;
8. Special Vocational Educational Programme of the Basic Training of Police Officers – in 2019, 256 participants;
9. Special Vocational Educational Programme for Detective Investigators – in 2019, 19 participants;
10. Special Training Course for the employees of the Ministry of Internal Affairs to hold the position of Patrol Inspector - 138 participants;
11. Training Course for Investigators – in 2019, 8 participants;
12. Special Training Programme for Conscripts and Junior Police Lieutenants – 313 participants;
13. The Special Training Course and the Special Training Program for the Rank of Junior Lieutenant of the Police, for Police Recruits and Recruited Conscripts – in 2018, 10 groups, 176 participants;
14. Retraining Course for Legal Order Officers of the Territorial Units of the Criminal Police Department of the Ministry of Internal Affairs of Georgia – in 2018, 4 groups, 66 participants;
15. Special Retraining Course for Career Advancement of Officers of the Territorial Units and the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia – in 2018, 3 groups, 55 participants;
16. Study Programme of the Special Retraining Course for Career Advancement of Officers of the Patrol Police Department of the Ministry of Internal Affairs of Georgia – in 2018, 4 groups, 68

- participants;
17. Special Training Course on the Use of Firearms and Special Means for the Personnel of the LEPL Security Police Department – in 2018, 12 groups, 222 participants, in 2019, 276 participants;
 18. Promoting Human Rights and Healthy Lifestyle among Adolescents – in 2018, 1 group, 20 participants;
 19. ToT on legal assessment of 112 incidents – in 2018, 1 group, 6 participants;
 20. Qualification Training for the Personnel of the Migration Department of the Ministry of Internal Affairs of Georgia – in 2018, 1 group, 11 participants;
 21. Special Training Course on the Use of Firearms and Special Means (semi-e-learning method) – in 2018, 12 groups, 201 participants, in 2019, 57 participants;
 22. Training-retraining programme for TDI personnel – in 2018, 8 groups, 119 participants, in 2019, 46 participants.”

Despite the efforts made in terms of the vocational training of police officers, the use of excessive force and ill-treatment by police officers remains a problem. According to the Public Defender’s 2019 report, “the data processed by the Special Preventive Group and results of questioning of arrested persons show that use of excessive force by police during arrests, physical and psychological violence after arrests as well as incomprehensive documentation of bodily injuries and use of force remain to be problematic. Furthermore, it should be noted that there are cases, especially juvenile cases that are currently examined by the Public Defender’s Office that concern alleged torture and other cruel, inhuman and degrading treatment of arrested persons by police in 2019.”^[1]

The events of 20-21 June 2019 are especially noteworthy in terms of the legitimate use of coercive measures:

On 20 June 2019, a large protest rally was held in front of the parliament in Tbilisi. Citizens protested against the visit of Sergei Gavrilov, a member of the Duma of the Russian Federation, to the Georgian Parliament, in particular, against the fact that Gavrilov took the seat of the President of the Parliament of Georgia and opened the session in Russian. Late that night, police used tear gas and rubber bullets to disperse protesters.

The violent dispersal of the rally had serious consequences. According to official data, on 20-21 June, there were 275 victims, among them, 187 civilians, 15 journalists,^[2] 73 employees of the Ministry of Internal Affairs who received health injuries of varying severity. Due to the injuries, 28 people needed surgery; eight underwent ophthalmic surgery and four underwent neurosurgery. It has been confirmed that two civilians lost an eye as a result of the injuries.^[3] In a special report, the Public Defender focuses on a number of cases where allegations of ill-treatment by law-enforcement officers have been identified. In particular, “representatives of the Public Defender also visited 116 persons arrested in administrative proceedings. The Public Defender’s Office requested the prosecutor’s office to follow up on the cases of seven arrested persons regarding their alleged ill-treatment.”^[4]

Despite the above consequences, the pending investigation is still considerably flawed. The Public Defender’s special report for 2020 maintains that the ongoing investigation into the events of 20-21 June by the prosecutor’s office, despite numerous investigative actions, is still far from creating a complete picture of the case. Despite the separation of three counts of charges, the indictment of three persons and the recognition of eight persons as victims, at this stage the investigation is still focused on ordinary police officers and is not aimed at revealing the alleged criminal actions of the police chiefs.^[5] According to the statement of the Georgian Charter of Journalistic Ethics made on 20 June 2020, “to this day, the media representatives injured at the rally have not been granted the status of a victim and the case has not been investigated. Because of this, three journalists appealed to the Strasbourg Court of Human Rights, whose cases have already been registered.”^[6]

[1] The Report of the Public Defender of Georgia on the Situation of the Protection of Human Rights and Freedoms in Georgia, 2019, p. 87.

[2] In the address of 21 June 2019 made by the journalists to the Government of Georgia, the Minister of Internal Affairs and the Diplomatic Corps, 39 injured journalists were mentioned, available at: <https://www.qartia.ge/ka/siakhleebi/article/73244>.

[3] Available at: <https://www.amerikiskhma.com/a/mako-gomuri-and-others-case/5189883.html>.

[4] The Special Report of the Public Defender of Georgia: An Interim Report on the Investigation of the 20-21 June Events, 2020, p. 3.

[5] The Special Report of the Public Defender of Georgia: An Interim Report on the Investigation of the 20-21 June Events, 2020, p. 39.

[6] Available at: <https://www.qartia.ge/ka/siakhleebi/article/83176>.

Objective 3.2.2. Ensuring transparency of police actions – the Ministry of Internal Affairs

The progress of the implementation of the Objective: 50%

Indicator: Number of police stations, where surveillance cameras are installed/amount of installed cameras

Assessment:

As of today, there are CCTV systems installed on each police building; however, the rules of their functioning have not been determined to this day.

Activity 3.2.2.1. Installing surveillance cameras at every police station and defining functioning rule

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of police stations, where surveillance cameras are installed/amount of installed cameras

Elaborated united form of journal

Status: Mostly incompleted

The progress of the implementation of the Activity:
50%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

“In 2018, the CCTV systems of police departments and their structural units in Tbilisi, Shida Kartli, Kvemo Kartli, Mtskheta-Mtianeti and Kakheti have been updated; in the first quarters of 2019, updating and standardisation of the CCTV systems in the rest of the police departments and their structural units were finalised.”

As of 2019, “video surveillance cameras are installed on the administrative buildings of Tbilisi, Adjara, Mtskheta-Mtianeti, Shida Kartli, Kvemo Kartli, Kakheti, Samtskhe-Javakheti, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti, Guria, and Samegrelo-Zemo Svaneti police departments.”^[1]

No activities in terms of determining the rules of functioning of CCTV systems were carried out in the reporting period.

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs,

In 2018, “the unit in charge of supervising personal data protection within the ministry’s administration initiated the draft amendments to be moved into Order no. 53 of the Minister of Internal Affairs of Georgia of 23 January 2015 on Determining the Terms of Storage of File Systems of the Ministry of Internal Affairs and the Data Therein. The proposed amendments concern determination of the terms of storing recordings obtained from video cameras installed on the internal and outside premises of the ministry’s administrative buildings.” On 25 April 2019, by ministerial order no. 1/198 amendments were made to Order no. 53 of the Minister of Internal Affairs of Georgia of 23 January 2015 on Determining the Terms of Storage of File Systems of the Ministry of Internal Affairs and the Data Therein. The amendments, taking into consideration the recommendation of the Public Defender, determined 14 days as the minimum period for storing video recordings on the inner and outer perimeters of the administrative buildings of the ministry.”

The Public Defender of Georgia, in the 2019 Parliamentary Annual Report, welcomed the implementation of the recommendation - setting a minimum period of 14 days for the storage of video surveillance system records in police departments, divisions and units.

Despite these changes, in 2019, the Public Defender still considers the lack of surveillance cameras in areas where police departments, detainees, witnesses, and volunteers have to be interviewed is problematic. The ombudsman calls on the Ministry of Internal Affairs, as in previous years, to eliminate this problem.

^[1] Letter no. MIA 6 20 00965423 of 1 May 2020.

Objective 3.2.3. Effective reaction and eradication to misdemeanours in law-enforcement bodies

The progress of the implementation of the Objective: 65%

Indicator: Interrelationship between complaints concerning misdemeanours committed by law-enforcement officers and reaction to them.

Assessment:

The 2018 statistics supplied by the Ministry of Internal Affairs of Georgia on disciplinary proceedings instituted by the agency's General Inspection is rather impressive. Furthermore, in most cases, disciplinary proceedings have been instituted by the General Inspection on its own motion. In the same period, the General Inspection of the ministry was restructured.

It is also noteworthy that the number of disciplinary sanctions imposed as a result of proactive inspections in 2019 is considerably reduced – 1,714 disciplinary sanctions were imposed in 2018, and only 18 disciplinary sanctions in 2019, which is probably due to the reduction in the number of internal inspections.

Activity 3.2.3.1. Practical reveal of misdemeanour committed by law-enforcement officers

Responsible agency:

- Ministry of Corrections of Georgia; Ministry of Internal Affairs

Indicator:

interrelationship between complaints concerning misdemeanours committed by law-enforcement officers and reaction to them.

Status: Mostly completed

The progress of the implementation of the Activity:
60%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

"In 2018, the General Inspection of the Ministry of Internal Affairs of Georgia instituted disciplinary proceedings in 13,842 cases; among them, 7,852 applications/complaints filed by citizens served as the basis for instituting proceedings.

In 2018, 1,550 disciplinary penalties were imposed based on disciplinary proceedings conducted by the General Inspection of the Ministry of Internal Affairs of Georgia, in particular:

Dismissal - 151

Demotion - 8

Sever Reprimand - 384

Reprimand - 342

Reproach - 665

In 382 cases a recommendation card was issued."[\[1\]](#)

According to the same agency, in 2019, the General Inspectorate of the Ministry of Internal Affairs of

Georgia received 6068 complaints /applications, including:

- In 3,946 cases - as a result of the official inspection, the incident of misconduct by the ministry's employee was not confirmed;
 - In 109 cases - the service inspection initiated based on the complaint/application was terminated due to insufficient evidence; and
 - In 1,070 cases - the citizen did not file a claim and was provided with the requested consultation.
- In total, 1,447 disciplinary sanctions were imposed during the aforementioned period (as a result of official inspections based on complaints/applications, information received from the ministry's units).

Some notifications were forwarded according to jurisdiction.

As regards practical response to violations, "in 2018, the General Inspection conducted scheduled and preventive inspections of the ministry's units. As a result of conducted official inspections, in 2018, 1,714 penalties were imposed in accordance with the disciplinary and military statutes; in 374 cases, a recommendation card was issued for less serious violations." ^[1] In 2019, as a result of inspections carried out by the ministry's units to reveal proactively financial violations, disciplinary and other misconduct, the agency imposed 18 fines on the respective persons and issued 31 letters of recommendation.

It is noteworthy that in 2019, compared to 2018, the number of responses to proactively detected violations is considerably reduced.

[1] Letter no. MIA 1 19 02342906, dated 4 September 2019.

[2] Letter no. MIA 6 20 00965423, dated 1 May 2020.

Activity 3.2.3.2. Developing mechanism of reaction to misdemeanours committed by law-enforcement officers

Responsible agency:	
• Ministry of Corrections of Georgia; Ministry of Internal Affairs	
Indicator:	
interrelationship between complaints concerning misdemeanours committed by law-enforcement officers and reaction to them.	
Status: Mostly completed	The progress of the implementation of the Activity: 70%
Start date: 2018-01-01	Deadline: 2019-12-31

Assessment

As regards the internal control mechanisms, according to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

“In 2018, within the reforms implemented in the Ministry of Internal Affairs of Georgia, reforms were carried out in the General Inspection as well. As a result of the structural reform of the General Inspection, the following activities were carried out:

- Bureaucratic hurdles reduced; terms of references among units clearly defined; the unit – examining citizens’ complaints/applications and conducting official inspections on disciplinary violations in each unit of the ministry – set up; the unit – inspecting the departments of Special Tasks, Facility Protection, Strategic Pipelines Protection and other special units – set up. This unit is in charge of inspecting the paramilitary-type units; analysing regulatory framework and plans; monitoring the readiness, level of training and discipline; an additional unit in Western Georgia set up. As a result of the changes, the General Inspection’s performance and response to violations became more effective and flexible.

Furthermore, activities have been conducted to research vocational development of the officers of the General Inspection and relevant international practice.

- On 19-22 June 2018, the EU4Justice supported a visit of officials of the General Inspection to Lithuania. During the visit, representatives of the General Inspection met with the General Inspector of the Ministry of Internal Affairs of Lithuania; the heads of the monitoring bodies (the Immunity Board) of the National Police, Border Police and the Financial Crime Fighting Unit. During the meetings, the parties discussed the existing practice of supervising policing; disciplinary proceedings, existing challenges, regulatory framework and the plans for future bilateral cooperation; the importance of the public trust in policing for the successful activities of the monitoring bodies and Lithuanian experience of cooperation with civil society.
- On 24 July 2018, officials of the General Inspection of the Ministry of Internal Affairs of Georgia participated in the training session delivered by experts of an international organisation, Geneva Centre for Security Sector Governance (DCAF). The activity was conducted with the support of an NGO, the Civil Council on Defence and Security (CCDS). The training session covered the following issues: principles of supervising policing; best international practices of monitoring policing. Furthermore, the existing situation and challenges were discussed.”

According to the agency, in 2019, a working group was set up in the General Inspectorate to search for and implementing best practices in disciplinary proceedings. In February of the same year, a field meeting was held with the involvement of foreign experts. The practice of disciplinary proceedings on the example of European countries was discussed at the meeting.

Objective 3.2.4. Strengthening human rights protection mechanism in MIA

The progress of the implementation of the Objective: 100%

Indicator: Reports on conducted activity in terms of human rights protection

Assessment:

It is undoubtedly commendable that the Ministry of Internal Affairs of Georgia managed to set up an institutional mechanism in the form of the Department of Monitoring Human Rights Protection and Quality of Investigation. The plans communicated by the ministry in response to our letter are to be positively mentioned. This concerns, in particular, identifying shortcomings as a result of monitoring pending administrative procedure and investigation of the following categories of crimes: domestic violence, violence against women, crimes committed based on discrimination grounds and hate crimes,

human trafficking, and offences committed by and against juveniles as well as developing corresponding recommendations to follow up on these findings and implementing them. Such an approach will drastically improve the quality of investigation and increase public trust in investigative authorities.

Activity 3.2.4.1. Creating human rights protection department in MIA

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

reports on conducted activity in terms of human rights protection

Status: Fully completed

The progress of the implementation of the Activity:

100%

Start date: 2018-01-01

Deadline: 2021-03-16

Assessment

In January 2018, an institutional mechanism – the Department of Monitoring Human Rights Protection and Quality of Investigation was set up within the Ministry of Internal Affairs. The department carries out monitoring of administrative procedure and investigation of the following categories of crimes: domestic violence, violence against women, crimes committed based on discrimination grounds and hate crimes, human trafficking, and offences committed by and against juveniles. The department also works towards identification of shortcomings as a result of monitoring pending administrative procedure and investigation, development of corresponding recommendations to follow up on these findings and their implementation.

In 2019, the mandate of the Department of Human Rights and the Quality of Investigation Monitoring was expanded to include the monitoring of the quality of investigation of other crimes against life and health as well as criminal policy priorities throughout Georgia. ^[1]

[1] Order no. 11 of the Minister of Internal Affairs of Georgia of 4 February 2019.