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Item 3

Statement by
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Geneva, 7 March 2012
Madame President,

I would like to thank the Chair Rapporteur for his report and the constructive cooperation of the Working Group in the conduct of the country visit to Georgia and in the follow-up.

I would like highlight a few issues that the Government of Georgia also submitted through official communication to the Working Group and are included in the Addendum to the report.

The Report notes that the Working Group had hoped to have the opportunity to visit the regions of Abkhazia and the Tskhinvali region/South Ossetia and regrets not having been able to do so. The Government of Georgia would like to stress that it had expressly requested the Working group to visit the named regions and offered all necessary assistance to that end. However, given that these two regions of Georgia are under foreign military occupation, the proxy regimes were unwilling to grant to the Working Group access to the regions. While Georgia considers itself to be under the positive obligation to take all possible measures for the protection of human rights throughout its entire territory, including in the occupied regions, the military occupation deprives the Government of Georgia of the ability to provide any international human rights monitoring access to the regions.

In response to concerns on low acquittal rates, I would like to state that of all cases considered by courts on merits in 2011, 4.6% ended up in acquittal or terminated by the courts, and an additional 3.8% percent were terminated at the investigation stage, before the merits stage.

On prison overcrowding, the Government of Georgia has noted that this challenge has been the consequence of the zero tolerance policy aimed at combating the high crime rates afflicting Georgia up until its recent past. The Government was careful in implementing public safety measures through a balancing of security considerations vis-à-vis prison population growth. Today, crime rates have been significantly reduced, with Tbilisi having become one of the safest capitals in fact. This has allowed our Government to move to a liberalization process, which has included the introduction of alternative sanctions in justice administration. As a result, for the first time since the Government came to power in 2004, prison population deceased in 2011, a trend we are committed to.

Regarding the qualification and trust in Legal Aid Service Lawyers, public opinion research results have indicated that almost 80% of all respondents evaluate the level of professionalism of the lawyers as higher than average. The Criminal Justice Reform Strategy for the period 2009 - 2013 identifies high quality of legal aid as one of its priority areas and the Government will continue to ensure that not only awareness and access continue to grow, but also that the quality of the service provided is continuously improved.

As per information regarding lawyers in detention, I would like to stress that the Government is implementing stringent policies against corruption and fraud, especially in regards to sectors providing services to citizens. Therefore, statistical data referring to lawyers should be read in line with similar measures taken with regard to public officials in general.
Regarding plea bargaining and concerns about detainees feeling pressured to agree to a plea bargain, I would like to note that specific procedural safeguards are envisioned in the law to ensure that plea bargain agreements are achieved on a voluntary basis. Recently, the Criminal Code of Georgia was amended to further strengthen the involvement of judges in reviewing that plea bargain agreements were concluded fairly and voluntarily, as well as in respect of principle of proportionality, including in regards to sentencing ranges.

A recent review of the Code on Administrative Offenses aims specifically at addressing two recommendations contained in the report: (1) improvement of procedural safeguards for persons from the moment of arrest through the end of court-proceedings (2) improvement of treatment/living conditions of administrative detainees in temporary detention isolators. The Statute on Temporary Detention Isolators was amended to ensure that same safeguards exist in TDIs as in detention centers.

Finally, as it regards the detention of protesters in Tbilisi, I would like to note, that all individuals were visited by an attorney speedily before being brought before a judge within 12 hours as prescribed by the law. A court examined each and every case and decided on the measures of constraint accordingly.

I would like to end my intervention by thanking the Chair Rapporteur of the Working Group and its members once again for their report and their commitment to carrying out their important work with independence and objectivity as we all continue to work for a reality where no deprivation of liberty is arbitrary.

Thank you Madame President.