

by the police; three members of the police were arrested in connection with the incident.

The SR expressed concern at the number of allegations of deaths in custody and called upon the government to safeguard the right to life of detainees and to bring conditions of detention into conformity with the Standard Minimum Rules for the Treatment of Prisoners.

#### **Independence of judges and lawyers, Special**

**Rapporteur on the:** (E/CN.4/1998/39, paras. 17, 19, 70–73)

In September 1997, the Special Rapporteur (SR) sent a communication to the government expressing concern about allegations of interference of the executive in political and criminal trials and politically sensitive trials. It was also reported that judges practise self-restraint in order to retain their jobs, and that sentences in politically sensitive cases are handed down by the Supreme Court acting as a court of first instance. According to information received, the sentences of this Court are considered final and the right of appeal to a higher court is denied. The SR was also informed that the April 1995 amendments to the Criminal Code substantially restricted the rights of lawyers in defending their clients through, for example, limiting a defence lawyer's access to important documents.

In its reply, the government referred to the Constitution adopted in August 1995 and the July 1997 adoption of the Basic Law on courts of general jurisdiction. The government stated that the Basic Law completely transformed the status of the courts in the country regarding their relations with other bodies of authority, and noted that the UN High Commissioner for Human Rights had been invited to comment on the Basic Law.

The SR noted that Georgia is going through a period of transformation from the previous Soviet system to democracy, and that the government had admitted that under the previous system there were many ways to influence the courts.

#### **Religious intolerance, Special Rapporteur on:**

(E/CN.4/1998/6, paras. 48, 50, 59, 60, 63, 64, 94)

The report refers to violations of freedom of religion and belief against Christianity and Jehovah's Witnesses and the refusal to grant official recognition to certain religious groups and communities. The report refers to information indicating that the national Orthodox Church is trying to restrict the activities of other Christian organizations as well as those of other religious groups and communities. The Special Rapporteur also noted: the problem of restitution of goods and religious properties confiscated under the former regime has been raised; information indicated that Armenian Orthodox churches were closed; and that there have been incidents in which Jehovah's Witnesses literature has been confiscated.

**Torture, Special Rapporteur on:** (E/CN.4/1998/38, paras. 98–101; E/CN.4/1998/38/Add.1, paras. 134–136)

The Special Rapporteur (SR) transmitted to the government concerns related to reports indicating that most persons detained for political reasons, and some persons detained in ordinary criminal cases, were subjected to torture or other ill treatment during detention and interrogation. Information indicated that torture and ill treatment were used to obtain "confessions" or extract other information from detainees, and included such methods as: hanging upside down; scalding with hot water; extraction of fingernails or toenails; application of electric shocks; systematic beating, sometimes resulting in fractured bones or broken teeth; and threats that members of the detainee's family would be killed or tortured. Courts were said generally to refuse to exclude evidence, including "confessions", repudiated by defendants as having been obtained through torture, and to fail to investigate such claims of torture.

The report also refers to abusive conditions in prisons and detention centres, including severe overcrowding, lack of sanitation, widespread presence of contagious diseases such as tuberculosis and dysentery, and lack of adequate food and medical treatment.

The cases of seven persons were transmitted to the government. One case concerned six individuals, all members of the National Guard loyal to the Parliament ousted in 1992, who were reportedly convicted in June 1996 on charges of murder, banditry, and high treason, following lengthy pre-trial detention during which they were allegedly tortured until they confessed to the charges.

A separate case involved the arrest of one person who was charged with attempting to blow up the Vakhusti bridge, who was severely beaten at the police station. Information indicated that the individual attempted suicide during interrogation and received treatment in hospital; he was then transferred to an isolation cell in Tbilisi police department — apparently against the advice of doctors — where further beatings occurred; he was forced to sign a confession and was moved to a temporary detention cell at the Ministry of Internal Affairs, where he began a hunger strike; whereupon he was transferred to a Tbilisi investigation detention cell, where he again attempted suicide; and he made a third suicide attempt by cutting his own throat.

**Toxic wastes and products, Special Rapporteur on:** (E/CN.4/1998/10, para. 73)

The report notes that Georgia is among the countries that have become targets for the illicit movement and dumping of toxic wastes and products.

### **FIELD OPERATIONS**

The Office was established on 10 December 1996 following Security Council resolution 1077 (1996) of 22 October 1996. The Office is jointly staffed by the OHCHR and the Organization on Security and Cooperation in