

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Persons in administrative detention are held in inhumane conditions

In GYLA's view, Merab Chikashvili, Akaki Chikovani and Giorgi Kharabadze in administrative detention at N2 temporary detention isolator of MIA are held in conditions that violate applicable legislation of Georgia and amount to inhumane and derogatory treatment.

Having sentenced to administrative punishment by Tbilisi City Court, Merab Chikashvili, Giorgi Kharabadze and Akaki Chikovani detained during the March 25, 2011 rally were transferred to N2 temporary detention isolator of MIA. After serving

the ten-day term of imprisonment, Akaki Chikovani was released on April 4, 2011 at 17:40; Merab Chikashvili and Giorgi Kharabadze remain in detention till April 14, 2011.

During the administrative imprisonment, their opportunity to realize even minimum rights guaranteed by the Georgian legislation for persons in administrative detention is limited.

Rights of persons held in temporary detention isolators in compliance with administrative procedure are defined by Typical Regulations, Routine and Additional Instruction Regulations the Temporary Detention Isolators adopted by N106 order of the Minister of Interior Affairs, dated February 1, 2010.

Namely, according to the Routine of a Temporary Detention Isolator, a detained person has the right to, inter alia, have and keep a set of clothes, a toothpowder, a toothbrush, a toilet and a washing soap, a plastic soap box, a comb, books and magazines, standard cup and spoon (Article 2) in his/her cell; persons in detention should be provided with medical service (typical statute of a temporary detention isolator, Article 4). According to the Additional Instruction Regulations, persons in administrative detention whose term of administrative detention exceeds 15 days have the right to take at least an hour-long walk (Article 9).

Persons under GYLA's legal protection could not exercise any of the noted rights. They have not yet been provided with clothes, toothpowder and a toothbrush, books and magazines. They are not allowed to take a walk and their right to visit a doctor is limited.

Despite a number of statements of GYLA sent to head of N2 temporary detention isolator Valeri Kakauridze, as well as head of the main unit for human rights protection and monitoring of MIA Giorgi Kiknadze, violations of law on part of the administration of N2 temporary detention isolator persist.

In our view, persons sentenced to administrative detention should be entitled to all the rights that are guaranteed for convicts. Namely, they should have the right to meet with family members and use phone, observe hygiene (including, right to use the toilet alone) and freedom to practice religion. Detention conditions shall not degrade human dignity or honor.

Therefore, we believe that in addition to the fact that violation of Order N108 of the Minister of Interior Affairs by the administration of N2 temporary detention isolator is

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evident, due to their detention conditions Giorgi Kharebadze and Akaki Chikovani have been subject to inhumane and degrading treatment.

GYLA demands the administration of N2 temporary detention isolator to ensure access of Merab Chikashvili and Giorgi Kharabadze to rights guaranteed by the Georgian law.

GYLA calls on the Ministry of Interior Affairs to undertake legal, administrative and all necessary measures to ensure absolute protection of rights of persons in administrative detention.