

To illustrate the Public defender's role and experience in terms of defending human rights in terrorism related cases, there are four recent examples, which reflect the engagement of the ombudsman at the stage of the arrest/detention of the terrorist suspects, as well as, at the stage of the court proceedings:

- **Alleged preparation of an attack on the US ambassador of Georgia**

On April 14, 2016, the Prosecutor's Office of Georgia filed charges against S. Ts. under paragraph 2 of article 326 of the Criminal Code of Georgia, pertaining to an attack on a person protected by international guard. S. Ts. posted on the internet (he opened a topic on [www.forum.ge](http://www.forum.ge)) a brief description of a possible attack on the US ambassador to Georgia. On April 15, the court ordered a two-month pretrial detention for S. Ts. on the basis of the motion of the Prosecutor's Office.

The Public Defender studied the abovementioned issue on his own initiative. On April 19, representatives of the Public Defender visited prison №8 of the Ministry of Corrections and met with the defendant, who provided them with information about the circumstances of the case. The defendant does not plead guilty. In addition, S. Ts. has not expressed any complaints about the prison administration.

On May 8, 2016 the court annulled the pretrial detention order and S. Ts was released on bail from the courtroom. The Public Defender's Office continues to study the case, including monitoring of relevant trials.

- **Alleged Ill Treatment of B. B. who is Charged with Terrorism**

According to the State Security Service, seven citizens of Georgia were arrested on 22 August 2016 on different charges in connection with planning a terror attack.

According to media reports, a family member of one of the detainees stated that **B. B.** was subjected to ill treatment during the detention, due to which he later pleaded guilty.

For comprehensive examination of the case, Ombudsman's authorized representatives arrived at the hospital on 22 August, though they were unable to see the detainees for about an hour. The hospital staff named absence of permission from the security service as the motive of the above mentioned. Unfortunately, that day detainee could not talk to the representatives due to physical weakness as he had undergone surgery.

Ombudsman's representatives visited and talked to **B. B.** on 23 August and they also obtained his medical documentation from the hospital as well as from the detention center No 1. According to the

detainee, he was subjected to ill treatment during the detention, namely his forehead bone was broken with a baton, as a result of which he lost consciousness and he cannot remember when his fingers were broken. In addition, according to **B. B.**, his detention took place at about 12:00 on 20 August and despite the open wounds in his head and left hand, he was not provided with any medical assistance till 23:00.

The medical documents show that **B. B.** was brought to the temporary detention center at about 23:00, though the center refused to admit him due to his numerous injuries. The detainee was taken to the medical facilities twice, where finally he was operated on.

Consequently, Public Defender's Office may presume that **B. B.** was ill treated by law enforcers and he was not provided with medical assistance for 11 hours despite his wounds, which also may refer to ill treatment.

Given all this, Ombudsman demanded the Prosecutor's Office of Georgia to immediately launch investigative actions in order to identify the individuals who allegedly committed ill treatment against Beka Bekauri.

On September 19 the Prosecutor's Office of Georgia launched the investigation which is currently ongoing. The Prosecutor's Office of Georgia informed the Public Defender's Office that the medical expertise regarding the injuries suffered by **B. B.** has not been concluded, no charges have been filed and **B. B.** has not been identified as a victim yet.

### 3. The case of A.B.

A.B. was found guilty of recruiting a person as a member of a terrorist organization for carrying out terrorist activities and of being an associate of a terrorist organization. A.B. case was mentioned in the 2015 parliamentary report of the Public Defender. The Public Defender's Office monitored the court proceedings during which the members of Pankisi community (mostly neighbors and friends of A.B.) were excluded from attending the trials without a proper legal justification. Currently the Public Defender's Office is in the process of studying the files of this criminal case.

Moreover, A.B. faced various problems in the penitentiary facilities N7 and N6 where he had been located during the trials. The Public Defender's Office demanded the abovementioned facilities to provide A.B. with a daily ration that did not include pork not to contradict his religious beliefs. With our help A.B. has been further provided with the subsequent products in the facility shops, Moreover the Public Defender's Office made certain that A.B. received an adequate medical care.

### 4. The case of T.B.

T.B. and I.L. were arrested in 2013 for allegedly carrying illegal weapons, illegally crossing the state border and resistance to the police officers. They were found guilty in all charges by the Kutaisi Appeal Court in 2015.

The Public Defender's Office addressed the Public Prosecutor's Office of Georgia in 2013 about the alleged ill treatment suffered by the defendants during the arrest procedure. However the Public Prosecutor's Office did not find a violation committed by the state representatives.

Moreover, the Public Defender's Office assisted T.B. and Mr.Ts to realize their religious beliefs in the penitentiary facility N14. After the relevant letters issued to the director of the abovementioned facility the Public Defender's Office ensured that the applicants receive the items to pray according to their religion.