

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **GYLA demands effective investigation into the facts of deceased prisoners in penitentiary institutions**

GYLA is concerned with Zurab Delianidze and Tengiz Belkania's death facts in prison hospital No. 18 and conveys its sincere condolences to their families.

On May 3, 2012 mass media disseminated information on Zurab Davlianidze's death fact in prison hospital No.18, whilst on May 4, 2012 T. Belkania's death fact was

reported.

GYLA considers that notwithstanding various proposed versions on the causes of prisoners' death, it is necessary to conduct effective investigation into each death case by independent investigative body.

GYLA welcomes the [statement](#) of the Ministry of Corrections and Legal Assistance of Georgia made on May 4, 2012 according to which investigation of Z. Davlianidze's death case was passed to the General Prosecutor's Office and expects that investigation will be conducted in an unbiased, effective and transparent manner. In addition, GYLA makes reference to the official [statement](#) of the Ministry made on May 3, 2012 mentioning the high public interest towards the issue and calls on the investigative bodies to submit to public periodic information on the investigation process and its outcomes.

Moreover, GYLA thinks that for observance of objectivity, effectiveness and transparency principle family members of the deceased individuals should be granted a victim status.

Even though at this stage, official reasons of Z.Delianidze and T.Belkania's death is unknown (for absence of forensic expertise's responses) it is not disputed that both of the deceased persons had health problems. According to the official statement of the Ministry of Corrections and Legal Assistance of Georgia, on March 7, 2012 Z. Davlianidze was moved to prison hospital No.18 for deterioration of the health condition. According to the [statement](#) of T.Belkania's lawyer, for the last month Belkania was in comatose state in resuscitation-critical care department of the medical institution.

GYLA would like to remind investigative bodies that according to human rights' international standards provision of inadequate and delayed medical treatment is equated to ill-treatment, which is punishable as per article 1443 of the Penal Code of Georgia.

Therefore, apart from investigating existence or non-existence of instances of torture in terms of deceased prisoners, provision of timely and due medical treatment to Z. Delianidze and T. Belkania in penitentiary institution, should also be examined in details.

T. Belkania's case is also added to the facts brought in GYLA's [statement](#) (April 20, 2012) concerning operation of the joint standing commission of the Ministry of Corrections and Legal Assistance of Georgia and the Ministry of Health, Labor and Social Affairs in terms of postponing the sentence.

GYLA is deeply concerned with operation of court and a joint commission in terms of postponing the sentence and considers that activities of common courts as well as of a joint commission in that direction, is ineffective.

According to the statement of T.Belkania's lawyer, although his defendant was in comatose state for the last month and according to the report of Samkharauli Bureau of Forensic Expertise, his health condition was critical, the court considered that Belkania was capable to serve the sentence. According to lawyer's [statement](#) he applied to the commission with a request to postpone his sentence seven month ago, yet no answer followed so far, whilst T. Belkania died on May 4, 2012.

GYLA considers, that activities of the court and the joint commission needs to be reviewed and amended significantly in terms of postponing the sentence, otherwise their operation is meaningless.

GYLA reminds the relevant agencies, that since the prisoners have died in penitentiary institutions, the burden of proof that the lethal result was not reasoned by state officials, rests on the state itself.