

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA reacts on the fact of prisoner L.K.'s death

GYLA is extremely concerned with the prisoner L.K.'s death and expresses its condolences to the family of the diseased.

As it became known to the society, on May 12, 2013 the convicted, in critical health conditions, suffering numerous bodily injuries was transferred from Geguti No.14 penitentiary to Z.Tskhakaia National Center of Intervention Medicine of Western Georgia, where he died on May 23.

As reported, there was a conflict in Geguti No.14 penitentiary among inmates and one

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prisoner was damaged as a result. The official positions of the Ministry of Corrections and Legal Assistance of Georgia and the Minister has changed several times. Initially, on May 15, 2013 the [Minister reported at the meeting with journalists that](#), allegedly, the prisoner has rolled down on the stairs, however, there was “some incident” before. Later on, in the program “[Subjective View](#)” he mentioned that according to preliminary information there was a conflict among the prisoners and one convicted was beaten seriously. The Minister excluded the initial version regarding the incident at the stairs; however, he reported that such fact might have also taken place with someone’s assistance.

Notwithstanding the comment of the Minister, the Ministry of Corrections and Legal Assistance of Georgia, in its official statement of May 23, 2013 mentions the incident at the stairs as reason for received injuries:

“After distribution of prisoners in buildings, allegedly, **the convicted has fall down on the stairs while walking up in the building no 6 and after numerous falls, has sustained serious injuries, especially in the area of head**”.

Afterwards, without any explanations, the position of the Ministry has [changed radically](#) on the same day when the initial statement was released. It was specified that the convicted had sustained various bodily injuries, especially in the area of head, when being taken to prison building. The statement also provided that according to initial information **the prisoner had sustained damages as a result of conflict among inmates**.

The family of the deceased does not accept the official versions of the Ministry and allege that a prisoner has been tortured by prison administration.
(<http://www.interpressnews.ge/ge/samartali/240815-gardacvlili-patimris-ojaksi-sozar-subars-cru-informaciis-gavrcelebashi-adanashaulebs.html>)

Disseminated contradictory versions and inconsistent official statements make the case even more obscure and raise many questions. It is necessary to conduct comprehensive and objective investigation that will define the reasons for bringing the convicted to death and will determine offenders. With a view to conduct an investigation in an unbiased manner, we think necessary involvement of the general prosecutor’s office in the case, rather than of an investigative department of the

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Ministry. In the case *Tsintsabadze vs. Georgia*, the European Court of Human Rights stated that intensive ties between investigators and target of investigation raise legitimate doubts in terms of independence of investigation process. We take into account the issue and mention once again that legislative amendments are necessary with a view to exclude competence of the investigative body of the Ministry of Corrections with regard to the incident that took place on the territory of penitentiary institution.

Furthermore, we would like to add, that the happened alarming fact and inconsistency of the Ministry indicate that the situation is still problematic in the penitentiary system.

Physical abuse of prisoners is unacceptable and impermissible both from the side of penitentiary representatives, as well as from other inmates. Penitentiary administration is equally responsible for protection of prisoner's rights and for ensuring order and security within the institution. To this end, we apply to the Ministry of Corrections and legal assistance of Georgia for detailed examination of the incident and for taking adequate measures. In addition, we call on the Ministry to analyze the causes of the happened and to carry out systemic activities for eradication of further occurrence of such facts.