

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Statement on the Condition of the Convict, Imprisoned at the Prison #7

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The convicts from the Facility #7 of the Law-Enforcement Department - A.S., R.B., M.G., G.Ch. and mother of the convict B.P. who has tuberculosis, have addressed the Georgian Young Lawyers' Association with the joint statement. The convicted individuals have been on hunger strike since September 18/2014 and up to date, requesting the state to ensure such conditions that would be adequate for the human dignity.

GYLA was informed that the convicted individual – B.D. became ill because of the hunger strike and was placed to the Ghudushauri National Medical Center on October 15 due to the worsening of the health condition. GYLA lawyer has visited B.D. at the Medical Center; on October 17, B.D. was returned to the Facility #7.

As a result of the monitoring, conducted by the Public Defender/Ombudsman of Georgia it was revealed that the prisoners in the Facility #7 are living in the degrading living conditions. On February 26, 2014, the Ombudsman has addressed the Minister of the Law-Enforcement and Probation with the recommendation, in which he mentions that: there is no proper ventilation and light in the cells of the Facility #7; the natural light does not reach even the walk locations, therefore, the prisoners are constantly in lack of the air; the space of a number of the cells does not meet the established standards; there is no infrastructure for the long-term visits; the prisoners have to wash and to dry the clothes inside the cell, since there is no laundry room; the hygiene is still a problem and there is the risk of spreading a disease. The cell is cold, dark, airless, humid and dirty. In the statement addressed to us, the, the convicted individuals also mention that the restrooms do not have water system nor the ventilation system (the restroom is located inside the cell).

Based on the joint statement submitted by the convicted individuals, explanations and the monitoring conclusions by the Public Ombudsman's Office, we consider that the prisoners' rights are being grossly violated in the Facility #7. Those rights are guaranteed under the national legislation and the European Convention on the Human Rights Protection.

The Article 3 of the European Convention in any case, imposes positive obligation upon the states to ensure proper living conditions for the prisoners during their imprisonment. In a number of decisions against Georgia, the European Court has addressed the state that despite the logistic and financial problems, the state is

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obliged to arrange its penitentiary system so that the respect towards the dignity of the prisoners is ensured (see Ghavtadze against Georgia, p. 76-77; Poghosyan against Georgia, p. 48; Alyev against Georgia, p. 71; Gorgiladze against Georgia, p. 41).

We would like to underline that for the prisoners with tuberculosis, the infrastructure, proper ventilation and natural light is vital.

GYLA expresses its willingness to provide legal assistance and represent the interests of the convicted individuals from the Facility #7 both on the national as well as before the European Court of Human Rights.