

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Won another Court Case Taken to ECHR

On February 15, 2011 the European Court of Human Rights rendered its judgment in **Tsintsabadze v Georgia (case #35403/06)**. The court held that there had been a violation of Article 2 of the European Convention on Human Rights by the State (Georgia), as the investigation into the death of Zurab Tsintsabadze in prison in 2005 had not been independent, objective and effective.



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Zurab Tsintsabadze was sentenced to three years of imprisonment and since July 6, 2005, he had been serving the sentence in Khoni Prison N9. He was discovered hanged in prison storeroom on September 30, 2005.

The investigation considered that Z. Tsintsabadze committed a suicide, although mother of the deceased Tsintsabadze claimed that he was killed over a debt.

The Court noted that although investigation into the death of Z. Tsintsabadze was launched immediately and a number of investigative measures were taken, there were a number of procedural shortcomings which left many obvious questions about the death unanswered.

The investigation was conducted by the department that is under the direct supervision of the Ministry of Justice, which raised legitimate doubts as to the independence of the investigation.

The court emphasized the following shortcomings of the investigation:

“[...] the prison staff – who, [...] should logically have been implicated by the sinister discovery – were allowed to remove the shoes from the deceased, to go through his pockets and even to remove from the site such extremely important pieces of evidence as the chairs and the rope made from a quilt, with which the prisoner had allegedly committed suicide.”

The alternative autopsy report established that along with the strangulation mark on the deceased's neck there was another lesion, caused by a blunt object. In deciding to rely on the State expert's oral explanations only, the investigator acted one-sidedly in the Court's opinion.

The love letter allegedly written by the deceased and addressed to his former wife that the investigation relied on as a motive for suicide was dated almost a month after the date of the prisoner's death. Furthermore, the letter was addressed to a certain Nino, whereas the name of his former wife was Maka. Furthermore, the letter was found in morgue, one month after Z. Tsintsabadze's death. With regard to the noted evidence the court considered that “the credibility of that piece of evidence cannot resist even the slightest criticism”.

The investigating authorities failed to investigate version of Z. Tsintsabadze's murder

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notwithstanding the fact that the applicant maintained that her son was experiencing problems because of the money that he owed to the so-called “kitty” (obshiak). He had asked his family members to send him money to settle his contribution to the “kitty”. The investigating authorities also failed to investigate the testimony of Z.Tsintsabadze’s fellow prisoner, stating that due to his debts the deceased was experiencing problems with other influential prisoners.

The Court held that Georgia was to pay the applicant - Zurab Tsintsabadze’s mother - 15,000 euros. The applicant’s interests in the Court were represented by the Georgian Young Lawyers’ Association (GYLA) and the European Human Rights Advocacy Center (EHRAC).