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For immediate release

European Court: Georgian authorities' finding of suicide in prison 'does not hold up'

Today, in the case of *Tsintsabadze v Georgia* (No. 35403/06), the European Court of Human Rights found Georgia in breach of the right to life (Article 2 of the European Convention on Human Rights) for having failed to conduct an independent, objective and effective investigation into Zurab Tsintsabadze's death in prison in 2005. The applicant, Zurab's mother (Svetlana Tsintsabadze) was awarded 15,000 euros in damages. She was represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Georgian NGO, the Georgian Young Lawyers' Association.

Zurab began a three-year prison sentence on 6 July 2005, in Khoni no. 9 prison in Georgia. On 30 September 2005, Zurab was discovered hanged in the prison storeroom. The official investigation returned a finding of suicide, but Svetlana believed that her son was murdered, possibly due to debts he owed to the 'kitty', an unlawful common prisoners' fund.

The Court noted that although the domestic investigation into Zurab's death commenced promptly and took a number of urgent and relevant measures, *"there were serious inconsistencies and deficiencies in the manner in which those measures were conducted,"* leaving many questions about the suspicious death unanswered.

The main investigative measures were conducted by a department falling under the same ministry as that directly supervising the prison raising doubts as to the independence of the investigation. Among the many serious omissions in the investigation noted by the European Court was the fact that:

"... 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."

An alternative autopsy report revealed not only the strangulation mark on Zurab's neck identified by the official autopsy report, but also another lesion caused by a blunt object. However, the investigator acted 'one-sidedly' in relying solely on the official report.

A letter allegedly written by Zurab from which the authorities deduced the motive for his suicide (passion towards his former wife) was dated nearly a month after his death, was addressed to a 'Nino', whereas his former wife's name was 'Maka' and apparently remained unnoticed in the refrigerator of the morgue for more than a month, leading the Court to consider *"that the credibility of that piece of evidence cannot resist even the slightest criticism."*

Furthermore, the authorities failed to adequately explore the possibility of murder despite the applicant having consistently suggested this to the domestic authorities with specific reference to her son having been anxious about his contributions to the 'kitty' and having made constant demands to his relatives to send him money for that purpose. Nor did the investigation follow up on information from a prison inmate about Zurab's debt and his harassment by influential prisoners on account of this.

EHRAC-Memorial HRC lawyer, Natia Katsitadze described the moment she communicated the judgment Svetlana Tsintsabadze:

".....it was very emotional. We both cried. She could hardly speak. She said the judgment will not get her son back, but she was extremely pleased that justice prevailed."

Human Rights Priority, Chair, Lia Mukhashavria commented on the judgment:

"For Georgian civil society judgement on the case Tsintsabadze is remarkable event, as there are so many victims. It can be said, that entire Georgian society had been terrorised due to news shown on TV on police operations of publicly chasing and shooting of so called criminals broadcast on air."

"Unfortunately, there are few cases of article 2 submitted to the European Court and each and every judgement in favour of the applicant may bring to place real guarantees to right to life for the country and its citizens, as there is wide spread public opinion, that only European Court is able to bring the offenders to justice."

EHRAC's Director, Prof. Philip Leach, said that:

"This is a shocking indictment of the system for the investigation of deaths in Georgian prisons. It needs a thorough review to ensure that investigations which are undertaken are both independent and effective."