

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA demands an effective investigation into the case of the 8th Penitentiary Establishment

According to the information disseminated through media, it has become known that on February 10, an inmate Ch.N. of the 8th Penitentiary Establishment with his throat cut was found by other inmates in the bathroom. [1] According to the Ministry of Corrections of Georgia, presumably the convict self-inflicted the injuries with a single use shaver. [2] The investigation has been initiated in accordance with Article 115 of the Criminal Code of Georgia (Incitement to suicide). The prisoner's health condition is

critical at this moment. [3]

In connection with the incident occurred in the 8th Penitentiary Establishment, it is important to pay attention to one significant circumstance in the media. In particular, according to the convict [] lawyer, the crime weapon was not detected in the crime scene. [4] Logically this fact creates a suspicion of developing the events in a different direction especially when the severe injury of the inmate, with high probability, excludes the possibility that the inmate got rid of the weapon by himself.

Taking into consideration the above circumstance, the fact of launching the investigation under Article 115, especially when this Article may create certain obstacles in the use of individual investigative activities (for example, in case of incitement to a suicide, a less serious offense, no secret investigative actions are conducted, withdrawal of computer data, etc.) requires additional substantiation.

Considering the systemic violations detected in the recent history of the penitentiary system, high interest and distrust of the public towards such cases is quite natural. Consequently, it is important that the investigation be conducted in an expedient manner, efficiently and the truth on the fact be established.

In addition, regardless of the results of the investigation of the criminal case, we believe an adequate attention should be paid to keeping inmates under effective control of the state and, in general, the necessity of provision of a safe environment in a penitentiary establishment. Consequently, on the basis of an appropriate investigation, it is necessary to clearly identify all those legislative, practical and other types of failure that prove ineffective in avoiding the above cases.