

# AMNESTY INTERNATIONAL

## Public Statement

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### Georgia: Russia and de facto authorities must investigate death of a detainee in South Ossetia/Tskhinvali Region and ensure the body is returned to his family

Russia and the de facto authorities in Georgia's disputed South Ossetia/Tskhinvali Region must ensure a thorough, prompt and impartial investigation into the death of a Georgian detainee, Archil Tatumashvili; and his body should be returned to his family as soon as possible.

35-year-old Archil Tatumashvili was detained on 22 February 2018 in South Ossetia/Tskhinvali Region. According to local Ossetian media he was accused of "cooperating with Georgian law enforcement officers and participating in the Russia-Georgia war in 2008". Tatumashvili's family told Georgian media that Archil Tatumashvili was visiting his house in South Ossetia/Tskhinvali Region.

Tatumashvili died in custody later that day. The de facto authorities claim that his death resulted from a fall after a fight with police during his transfer to a detention facility. They say he had attempted to grab a guard's weapon and then stumbled, falling down a staircase and sustaining fatal injuries.

The de facto authorities in South Ossetia/Tskhinvali Region have not returned Tatumashvili's body to his family in Georgia.

It is a fundamental rule of international human rights law that no-one may be arbitrarily deprived of his or her life.<sup>1</sup> This provision of international human rights law can never be suspended or otherwise derogated from.

Under international standards, "a death of any type in custody should be regarded as *prima facie* a summary or arbitrary execution and there should be a thorough, prompt and impartial investigation to confirm or rebut the presumption."<sup>2</sup> A failure to respect the duty to effectively investigate Archil Tatumashvili's death would itself amount to a breach of the right to life.<sup>3</sup>

Families of the deceased have rights under international law and standards. They should be entitled to have a representative present during the autopsy. Upon completion of the necessary investigative procedures, the body should be returned to the family, allowing them to hold funeral rites for the deceased according to their beliefs.

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<sup>1</sup> Article 6(1) of the International Covenant on Civil and Political Rights

<sup>2</sup> United Nations, Human Rights Committee, *Eshonov v Uzbekistan*, Communication 1225/2003, 22 July 2010, para 9.2.

<sup>3</sup> UN, Human Rights Committee, General Comment No. 31, para. 15.

## Background Information

Georgia and a large part of the international community consider South Ossetia/Tskhinvali Region to be the Russian occupied territory of Georgia. Parts of South Ossetia/Tskhinvali Region broke away from Georgia in early 1990s. Russian armed forces have occupied South Ossetia/Tskhinvali Region since the Russian-Georgian armed conflict in 2008. Russia recognised the independence of South Ossetia shortly after the 2008 armed conflict. Russia maintains a large military presence in the region and funds most of the budget of the de facto authorities.

Public Document

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