

Order №693

Of the Minister of Internal Affairs of Georgia

8.12.2016

On Approval of the Instruction on the Conditions of Accommodation of Starving Persons in Temporary Detention Isolators of the Ministry of Internal Affairs of Georgia

On the basis of the subparagraph “a” and “m” of the 2nd paragraph of the Article 5 of the Regulations approved under the #337 Resolution of December 13, 2013 of the Government of Georgia on “Approval of Regulations of the Ministry of Internal Affairs of Georgia” I hereby Order:

Article 1

Approve the Instruction on the Conditions of Accommodation of Starving Persons in Temporary Detention Isolators of the Ministry of Internal Affairs of Georgia in the edition attached thereto.

Article 2

The order shall enter into force immediately upon its signature.

Minister

Giorgi Mghebrishvili

Instruction

on the Conditions of Accommodation of Starving Persons in Temporary Detention Isolators of the Ministry of Internal Affairs of Georgia

Article 1. General provisions

1. The Instruction on the conditions of accommodation of starving persons (hereinafter the “Instruction”) in the Temporary Detention Isolators (hereinafter the “Isolator”) of the Ministry of Internal Affairs of Georgia (hereinafter the “Ministry”) regulates the conditions of accommodation and care in case a person accommodated in the isolator begins starving.
2. The present instruction applies only to the isolators in which the medical facility is operated. The staff of the isolator in which there is no medical facility is obliged to provide continuous medical assistance to the starving person through the emergency medical brigade.

Article 2. Terms definition

The terms used in this Instruction for the purpose of this Order shall have the following meanings:

- a) accommodated person – person accommodated in the isolator in accordance with the Criminal Procedure Code of Georgia, detained or sentences under the Code of Administrative Offenses of Georgia, as well as the foreigner detained for deportation from Georgia in cases envisaged by the Legislation Georgia;
- b) Starving - a condition when a person accommodated in the isolator consciously partially or completely refuses food taking;
- c) Time of starvation - time when the person either orally or in written declares about the onset of starvation;
- d) Time of stopping the starvation - time when a starving person expresses orally or in writing about the termination starving;
- e) Informed consent - the starving person's consent to medical treatment, including artificial feeding, after he was briefed regarding the medical services` essence, need and expected results, risks to health and life, alternative versions, possible risks and effects, as well as regarding the expected result in case of refusal to undergo medical treatment;

f) Family member - parent, child, wife, brother-in-law, grandfather and grandmother, grandchildren of a starving person.

Article 3. Measures to be taken at the onset of starvation

1. In case of beginning of starving, on the basis of oral or written information, the employee of the isolator (hereinafter the “employee”) in attendance of a doctor and a starving person shall draw up the minute on beginning the starvation (Annex #1) and the Head of the isolator shall be informed about the mentioned immediately. The date, time and requirement of starvation shall be indicated in the minute. Before drawing up the minute the rights and obligation as well as care conditions shall be explained to a starving person. Upon drawing up the minute the Head of the isolator shall immediately inform the Director of the Temporary Detention maintenance Department (hereinafter the “Department”), the relevant District Prosecutors` Office (hereinafter the “Prosecutors` Office”) of the Prosecutor’s Office of Georgia, the Office of Public Defender of Georgia (hereinafter the “Public Defender”) and taking into consideration the reason for starvation any relevant agency or/and organization (in case of existence such). In case of starving of a foreigner the Department shall be obliged to inform about the fact of starvation the diplomatic or consular representation.

2. If a person accommodated in the isolator did not declare about starvation, but for unknown reasons refuses to receive food for 24 hours, the employee shall immediately notify the doctor of the isolator about the mentioned (hereinafter the “Doctor”).

The doctor shall be obliged to provide general examination of health condition of such person.

The restriction of rights of a starving person established by the Legislation of Georgia is unacceptable.

Article 4. Duties and obligations of an employee

1. An employee shall immediately explain to a starving person the rule of treatment, accommodation conditions, his/her rights and obligations during the starvation.

2. An employee shall be obliged to find out the reason for starvation and immediately notify about the mentioned the Head of Isolator. The Head of Isolator shall be responsible to

immediately submit this information to the Director of the Department, Prosecutors' Office, Public Defender, relevant agency or/and organization (in case of existence such), the mentioned shall be indicated in the Minute on beginning the starvation. In case of starvation of a foreigner the Department shall notify the diplomatic or consular representation as well.

3. If the request of a starving person is lawful and is within the competence of the head of the isolator, he/she shall immediately act in accordance with the Legislation of Georgia and as far as possible satisfy the legitimate requirement and inform about the mentioned a starving person, doctor, Head of the Department, Prosecutors' Office and Public Defender, while in case of a foreigner – diplomatic or consular representation.

4. In case satisfaction of the requests of a starving person are beyond the competence of the Head of the Isolator, the employee shall inform a starving person and the Head of the Department about the activities carried out.

5. In case of beginning of starvation, information shall be provided to the family member or legal representative of a starving person on the basis of his/her written consent, while if a starving person is a juvenile without his/her consent. If as a result of starvation the health condition is worsened and the mentioned is confirmed by the doctor's conclusion, the employee shall immediately notify the family member or legal representative of a starving person.

6. In case of termination of starvation by a starving person, the employee of the Isolator shall be obliged to notify about the mentioned to the Head of the Isolator. The Head of the Isolator is responsible for providing this information to all the bodies and persons who were informed of beginning the starvation.

7. In case of identification of the fact of ill-treatment by the employee towards a starving person, as well as the facts of alleged violation of the rights provided for in this Instruction, the employee shall immediately notify the appropriate authorities envisaged by the Legislation of Georgia.

Article 5. Rule of treatment of a starving person and conditions for his/her accommodation

1. Forced treatment of the hunger is unacceptable. Medicare assistance during the starvation, including artificial feeding, is permissible only with the informed consent of a starving person, except the cases when the death of a starving person is unavoidable without

medical assistance, and the decision on which shall be confirmed by at least one other independent medical practitioner.

2. At the beginning of starvation and later the day after day, the doctor shall explain to a starving person the threats and risks that may affect his/her health condition and especially in case of the long-term starvation. The doctor shall draw up the relevant protocol or makes relevant notes signed by a starving person to make sure that a starving person is aware of the received information.

3. Taking into account the results of medical examination of a starving person, the doctor shall develop relevant recommendations and submit to the Head of the Isolator.

4. Not later than 6 hours after the starvation started general medical examination of health condition of a starving person shall be carried out, and the doctor shall evaluate the mental health condition, aimed to determine whether or not a starving person have any signs of mental disorder that may affect the decision-making ability. In case of detection of signs of such mental disorder, the Head of the Isolator as soon as possible shall ensure examination of a starving person by a psychiatrist.

5. In case of detection of mental disorder by physician-psychologist, on the basis of the relevant conclusion, it is not considered to be hunger and measures will be taken in compliance with the norms established by the legislation of Georgia.

6. Two days after the onset of starvation a starving person shall be subjected to doctor-psychiatrist` scheduled examination. During this period, if a person detained in accordance with the Criminal Procedure Code of Georgia who is starving, has been sentenced to imprisonment by the court and his/her diagnosis has not been carried out by the physician for the reasonable excuse in the isolator, the mentioned information shall be provided to the detention institution immediately after being escorted. In all other cases, the Head of the Isolator, based on the physician's decision, provides the inspection by a physician-psychologist in order to examine mental health of a starving person, which will be reflected in the outpatient card and the examination will be repeated based on the health condition of a starving person.

7. The starving person shall be under constant surveillance of a doctor and in the event of his/her consent he/she shall undergo daily medical examination and relevant notes shall be made in the outpatient card of a starving person.

8. The doctor shall be obliged to talk every day with a starving person and determine whether the prisoner wants to continue starvation and what measures may be taken when

he/she will not be able to make conscience decisions. The doctor makes a relevant entry in the outpatient card.

9. In case of a will of a starving person he/she shall be placed separately, while depending on health condition, on the basis of the doctor's conclusion the Head of the Isolator may take a decision on accommodation in the medical facility of the Isolator.

10. In the case of the need to transfer a starving person to the medical facility, based on his/her health condition and doctor`s decision, the Head of the Isolator shall be obliged to take all necessary measures to transfer the person to the medical facility. This information shall be immediately notified to the family member or legal representative of a starving person. Transfer of a starving person to a medical facility shall be convoyed. Convoying shall be provided during the entire period of accommodation in the medical facility, but not more than the whole term of accommodation.

11. The breakfast, dinner and supper according to the established norms and recommendations of the doctor shall be supplied to a starving person. During the each serving of food the employee of the isolator shall explain the need and necessity of taking food. In case of refusal to receive food, the employee of the isolator shall make relevant indication in the registration card of a starving person (Annex №2).

Article 6. Termination of starvation

1. In case of termination of starvation, the employee shall draw down minute on termination the starvation (Annex #3) in the presence of the starving person; the doctor, the Head of the Isolator and all persons, agency or/and organization informed about the beginning of starvation shall be immediately informed about its termination.

2. Materials related to starvation, except for the medical documents of a starving person, shall be attached to the personal file of a person.

The starving person was explained that the information regarding the starvation shall be provided to the Director of the Temporary Detention Department of the Ministry of Internal Affairs of Georgia, Chief Prosecutors` Office of Georgia and Public Defender of Georgia, also to any other at his/her will

The starving person was explained that he/she by the rule envisaged by the Legislation has the right to appeal any illegal decision taken against him/her. In spite of the above-mentioned the person (*name/surname*) _____ continues starvation.

The starving person was explained that upon his/her consent the employee of the Isolator shall inform his/her family member or legal representative about the fact of starvation; he/she declared his/her (consent, refusal).

The starving person was explained that during the starvation period he/she may be accommodated separately; he/she declared his/her (consent, refusal).

The Minute is drawn up by us in the presence of the persons listed above. All of us got acquainted with the Minute. The Minute is correct and in witness thereof we have signed it.

Employee of the Isolator

/Name, Surname/

Doctor of the of the Isolator

/Name, Surname/

/Signature of a starving person or note on refusal to signature/

Starving Person`s Feeding Registration Card

Nº	Breakfast			Dinner			Food delivered (time)	Food taken away (time)	Food delivered by (signature)
	Food delivered (time)	Food taken (time)	Food delivered by (signature)	Food delivered (time)	Food taken away (time)	Food delivered by (signature)			
Date									

Note: the card shall be attached to the personal file of a person.

Minute
on termination of starvation

(Place of drawing up the minute)

(Date and time)

We, the employee (name, surname) _____ of the Isolator #____ and a starving person accommodated in the cell # _____(name, surname)_____draw up and sign the present minute on the fact that on (date) _____the starvation declared by him/her was terminated.

Employee of the Isolator

/Name, Surname/

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/Signature of a starving person or note on refusal to signature/