**Jasinskis v. Latvia**

**Application No:** 45744/08

**Judgment:** 21.12.2010

**Subject -** Death of a deaf and mute man in police custody due to inadequate medical treatment

**Facts –** After a night of drinking with friends, the applicant’s son, who was deaf and mute, fell down a flight of stairs, injuring his head and losing consciousness for several minutes. The police called to the scene were informed of the events and of the son’s sensory disabilities. They took him to the police station to sober up, without waiting for an ambulance which had also meanwhile been called. The police officer on duty noted a graze on the son’s face, but when the ambulance crew contacted the police they were informed that no medical examination was needed since the son was simply intoxicated. After being locked up in a cell, the son knocked on the doors and walls for a while, but to no avail. He had no means of communicating with the police officers since none of them appeared to understand sign language and the notepad which he normally used to communicate had been taken away from him. The following morning, seven hours after taking him into custody, the police officers unsuccessfully tried to wake the applicant’s son up, but although he managed to open his eyes he was otherwise unresponsive. Another seven hours later, after finding that the son had been “sleeping for too long”, the police called an ambulance and he was finally taken to hospital only after repeated requests by the applicant. He died several hours later and a subsequent autopsy confirmed multiple injuries to the head and brain as the cause of death.

**ECtHR's assessment -**  The Court noted that persons with disabilities were particularly vulnerable when in custody and that the police had been properly informed of the applicant’s son’s sensory disabilities and of his injury. However, they had not had him medically examined when they took into custody, as they were specifically required to do by the standards of the European Committee for the Prevention of Torture (CPT). Nor had they given him any opportunity to provide information about his state of health, even after he kept knocking on the doors and the walls of the sobering-up cell. Taking into account that he was deaf and mute, the police had a clear obligation under the domestic legislation and international standards, including the United Nations Convention on the Rights of Persons with Disabilities, to at least provide him with a pen and paper to enable him to communicate his concerns. Finally, it was of particular concern that almost seven hours had passed between the son’s “refusing to wake up” and an ambulance being called. Not getting up for some fourteen hours could hardly be explained by simple drunkenness. In conclusion, given their failure to seek a medical opinion or to call an ambulance for almost seven hours after failing to awake the victim, the police had failed to fulfill their duty to safeguard his life.

**Conclusion:** violation (unanimously).