

The Center of Forensic Medicine of the Ministry of Labour, health and Social Protection	The form of Medical Documentation #170-87 Approved by the Ministry of Labour, health and Social Protection
Tbilisi, 9, Tsinandali Street	16.10.87 # 08-9/154

License

Expert Opinion # k/333

In accordance of The Ruling of Tbilisi District Court

On 18 May 2003

At the office of the Center of Forensic Medicine

The Experts of forensic medicine: A. Gejadze, the Deputy Head of the Center of Forensic Medicine having 23 years of working experience; T. Kamushadze, the expert of the Center of Forensic Medicine having 26 years of working experience; and G. MAgradze, the expert of the Center of Forensic Medicine having 5 years of working experience

Carried out the examination of the health condition of citizens Avtandil Tsulukiani, Ivane Jugeli, Otari Gureshidze and Tengiz Kamushadze.

I am familiarized with the competence of medical expert provided for in Article 97 of the Criminal Procedural Code of Georgia; I am warned that I shall be liable for refusal or avoiding to perform my obligations, or providing a deliberately false opinion established under Article 370 of the CPC.

Three signatures of the aforementioned experts.

The examination started on 7 August 2003

The examination finished on 17 September 2003

The Expert Opinion is given at the following pages.

The expertise is carried out to give the answers to the questions raised in the Ruling:

1. What kind of disease may be a consequence of hazardous substances (including heavy metals) exhausted from the chimneys of TEC, as well as of noise made by transformers, generators?
2. Could be the illness recorded in the file of plaintiffs caused by the hazardous substances, like TSP, CO₂, NO₂, CO, NOC, as well as by heavy metals and the noise?
3. Do these hazardous substances and factors entail gradually the acute illnesses and fatal outcome?

Case Circumstances:

As it is stated in the Ruling, Tbilisi District Court considers a civil motion of plaintiffs on compensation of pecuniary and non-pecuniary damage against the respondents “ITERA”, “SAQGASI”, “A-E-S TELASI”, “Tbilisi TBILELECTROCENTRAL”, Mayor’s Office of Tbilisi, The Ministry of Georgia of Fuel and Energy, the Ministry of Georgia of Environment and Natural Resources. The plaintiffs filed five motions to the Court on appointing the expertise. In particular, in the motion filed on 28 January 2002 they asked to carry out the following examinations: engineering-technical, chemo-technical, cytological, psycho-physiological, forensic medicine, forensic psychological. Through the additional motion the plaintiffs asked to carry out financial expertise and submitted the questions, which would have to be explained by the experts.

In another additional motion filed to the court on 4 March 2002 the plaintiffs submitted their opinion which expert bodies would have to examine each issue.

The collegium of Administrative Law and Tax Affairs of Tbilisi District Court, under its Ruling of 7 March 2002 satisfied the motion of plaintiffs and appointed four kinds of expertise. Namely, in the motivation part of the Ruling the following examinations are stated: 1. Engineering-technical and financial expertise, which would have to be conducted by the special forensic agency, namely by the Center of Expertise and Special Examination of the Ministry of Justice (Vazha Pshavela Ave., III Bloc, VIII building, director – Maia Nikoleishvili); 2. Chemo-technical, geological, and psycho-physiological expertise; the Ministry of Environment and Natural Resources was appointed to conduct them (75, I. Chavchavadze Ave.); 3. Psychiatric-psychological expertise, carried out by Assatiani Scientific-Research Institute of Psychiatry (10, Asatiani Street); 4. The Center of Forensic Medicine was entrusted to conduct the medical examination of plaintiffs.

The data provided in medical documentation:

On the basis of written instruction of 16 May by Tbilisi District Court, we examined at the polyclinic of Makhviladze Scientific-Research Institute of Labour Medicine and Ecology the health condition of the following citizens: Avtandil Tsulikiani (born in 1942); Ivane Jugeli (born in 1946); Otari Gureshidze (born in 1947); and Tengiz Kamushadze (born in 1949). On the basis of examination of the aforementioned citizens, as well as of the individual medical records provided by the relevant polyclinic, we observed the following:

1. Tsulukiani Avtandil, born on 2 April 1942, resident of 4, Uznadze Street, registered at the polyclinic #15 since March of 1985. From his Ambulatory Card #64 it is evident that in 1985 he was under treatment with the following diagnosis: fracture of surgical neck of a right shoulder connected with episode of the loss of consciousness. In 1989 he had received ambulatory treatment and at home for a month. He fell as a result of losing of consciousness. He was treated against the diagnosis: neck osteochondrosis, vertebral- basilar deficit, periodical anemia and vertebral- basilar crisis. As the Form 27, provided by the polyclinic shows, currently the patient is suffering with the following diseases: chronic bronchitis with asthmatic syndrome, dyspnoea of the 1st degree, vertebral- basilar deficit of the 1st degree, vertebral- basilar crisis, diminished hearing in the right ear, chronic catarrhal pharyngitis, double perceptive deafness, chronic gastritis, chronic cholecystitis. In December 2002 the citizen was examined at the polyclinic of the Scientific-Research Institute of Psychiatrics. He was diagnosed with: neurotic state, asthenic syndrome. The citizens finds that his diseases are resulted from the sanitary-hygienic conditions on the territory of his residence. In our Institute the citizen was consulted by the therapist, neuropathologist, oculist, otolaryngologist. In addition, the para-clinical examinations have been carried out (chest X-ray, audiometry, test on functioning of outer respiration, general blood test). After examination the following diagnosis was made: neurotic state, asthenic syndrome, chronic bronchitis with asthmatic component, dyspnoea of the 1st degree. The commission assumes that they may be caused by the lengthy influence of hazardous factors.
2. Jugeli Ivane, born on 13 January 1946, resident of 4, Uznadze Street. Form 27 sent by the joint-stock company "Mkurnali-99" shows that he has lost his ambulance card (Form 25), which has been destroyed as archive material and was opened from 1966. His individual record in polyclinic is formalized in 2002. Currently the citizen has the following diagnosis: obesity I-II, myocardiodystrophy, arterial hypertension of the 2nd degree with the frequent crisis. In December 2002 the citizen was examined at the polyclinic of the Scientific-Research Institute of Psychiatrics. After examination the following diagnosis was made: neurotic state, asthenopsychosis. In our Institute the citizen was consulted by the therapist, neuropathologist, oculist, otolaryngologist, cardiologist. The relevant para-clinical tests have been made (general blood test, ECG, audiometry). After examination the following diagnosis was made: essential hypertension with crises, myocardiodystrophy, obesity of the 2nd degree. He assumes that his diseases are linked with the adverse conditions on the territory of his apartment.
3. Otar Gureshidze, born on 1 April 1947, resident of 4, Uznadze Street. He is registered at the polyclinic #15 since 1984. According to his medical record (#90) he used to visit out-patient polyclinic for examination time by time. The echoscopy test of 2002 revealed: N/B dyskinesia and right-side renal calculus. In December of 2002 the citizen was examined at the polyclinic of the Scientific-Research Institute of Psychiatrics, where, after the relevant examination, the following diagnosis was made: neurotic state, asthenodepressive syndrome. In our Institute the citizen was consulted by the therapist, neuropathologist, oculist,

- oto- laryngologist. The relevant para-clinical tests have been made (general blood test, audiometry). The commission assumes that they may be caused by the lengthy influence of hazardous factors. The citizen thinks that his diseases are linked with the adverse sanitary-hygienic conditions on the territory of his apartment.
4. Tengiz Kamushadze, born in 1949, resident of 4, Uznadze Street, registered at the polyclinic #15 since 1998. The Medical Record (#927) shows that the citizen he used to visit out-patient polyclinic for examination time by time. In the record of 10 March 2003 the following diagnosis is stated: neurocirculatory dystonia, chronic vertebral- basilar deficit. In January 2003 the citizen was examined at the polyclinic of the Scientific-Research Institute of Psychiatrics, where, after the relevant examination, the following diagnosis was made: neurotic state with the clear signs of asthenodepressive syndrome. In our Institute the citizen was consulted by the therapist, neuropathologist, oculist, oto- laryngologist. The relevant para-clinical tests have been made (general blood test, audiometry). He was diagnosed with: vegetoasthenic syndrome. The commission assumes that this disease may be caused by the combined lengthy influence of hazardous factors. The following diseases are also revealed: chronic hypertrophic pharyngitis, hypermetropia in both eyes, presbyopia. The citizen thinks that his diseases are linked with the adverse sanitary-hygienic conditions on the territory of his apartment.

Reporter:

T. Kamushadze

Proceeding from the data provided in the medical documents, the expert commission has elaborated the following expert opinion to the questions raised in the court ruling: