

**THIS FINDING IS SUBJECT TO PROHIBITIONS AND RESTRICTIONS ON
PUBLICATION UNDER SECTION 74 OF THE CORONERS ACT 2006**

**IN THE CORONERS COURT
AT DUNEDIN
(IN-CHAMBERS)**

CSU-2019-CCH-279

**I TE KŌTI KAITIROTIRO MATEWHAWHATI
KI ŌTEPOTI
(I TE TARI)**

UNDER

THE CORONERS ACT 2006

AND

IN THE MATTER OF

**An inquiry into the death of
ALEKSANDR TSYGANKOV**

Date of Findings: 2 December 2021

FINDINGS OF CORONER MCKENZIE

Introduction

[1] Aleksandr Tsygankov was 40 years old and lived in Christchurch. He was a keen and technically competent tramp and mountaineer.

[2] On 13 April 2019 Mr Tsygankov went tramping in the Arthurs Pass National Park with two others, David Hegan and Edmond Allaway. The route included Mt Guinevere and Mt Lancelot and involved technical terrain with exposed ridges and bluffs.

[3] The group became separated and Mr Hegan went on ahead. Messrs Hegan and Allaway returned to the Crow Hut, separately, only to realise that Mr Tsygankov was not

with either of them. They looked for Mr Tsygankov and activated a personal locator beacon at 5.55pm when darkness fell and they had not found him. An aerial search began at about 8pm using infrared technology. The search continued the following morning, both aerial and on land.

[4] Mr Tsygankov was found at approximately 3.15pm on 14 April 2019 by the Alpine Cliff Rescue Team. He had fallen and died of his injuries.

Condolences

[5] I extend my condolences to Mr Tsygankov's family and friends for their loss. I acknowledge too the impact his passing will have had on the mountaineering community.

Issues

[6] Section 57 of the Coroners Act 2006 (**Act**) relevantly provides that a coroner opens and conducts an inquiry to establish, so far as is possible, that a person has died, the person's identity, when and where the person died, the causes of the death, and the circumstances of the death.¹ An inquiry is not to determine civil, criminal, or disciplinary liability.²

[7] A coroner may make recommendations or comments in relation to a death for the purpose of reducing the chances of further deaths occurring in similar circumstances.³

[8] I am concluding this inquiry by conducting a hearing on the papers and giving a chambers finding. This follows my due consideration of whether or not an inquest hearing is necessary or desirable and having complied with the requirements of ss 77 and 80 of the Act.

[9] The primary issues to be determined in this inquiry are the cause and circumstances of Mr Tsygankov's death. I have also considered whether any recommendations or comments are appropriate and, as I later detail, I have endorsed the comments made by the Mountain Safety Council (**MSC**).

¹ Coroners Act 2006, ss 57(1) and (2).

² Coroners Act 2006, s 57(1).

³ Coroners Act 2006, ss 57(3) and 57A.

[10] In particular, the MSC and Mr Hegan engaged substantively with this inquiry. I thank these parties for their evidence and for the various reports or information they have provided.

Cause of death

[11] Forensic Pathologist Dr Sage did an external post-mortem examination on 16 April 2019. In Dr Sage's opinion, Mr Tsygankov died from high energy impact injuries to his head, spine, pelvis, and limbs due to a tumbling fall from a height. Dr Sage also observed moderate ketosis "most likely as a result of prolonged exercise with modest food intake." Dr Sage noted that many people can tolerate moderate mild ketosis, particularly in the context of habituation, although severe ketosis is likely to result in significant functional deficit, even death.

[12] Using the standard World Health Organisation (**WHO**) format for recording a cause of death, Dr Sage recorded Mr Tsygankov's cause of death as follows:

Cause of Death (WHO Format)

- Part 1a. High energy impact injuries
1b. Tumbling fall from a height.
1c. Alpine climbing mishap.
Part 2 2. Moderate ketosis.

[13] Samples were sent to the Institute of Environmental Science and Research (**ESR**) for toxicological analysis. The ESR report recorded no relevant toxicology beyond an elevated acetone level which Dr Sage effectively addressed when addressing ketosis so I do not further detail the ESR's findings.

[14] I accept this evidence. I find that Mr Tsygankov died as a result of high energy impact injuries due to a tumbling fall from a height.

Circumstances of death

[15] This section sets out:

- (a). The events of 13 and 14 April 2019 and

(b).Mr Tsygankov's relevant background.

The events of 13 and 14 April 2019

[16] In April 2019 Mr Hegan posted an upcoming trip on the website of a group called Christchurch Climbing, Mountaineering & Adventure. Mr Hegan regularly organises trips around Canterbury to which people could sign up and attend. The trip was posted as:

Overnight trip. Climbing Mt Lancelot via the Crow Valley and then traversing Jellicoe Ridge to Mt Guinevere. This is a Grade 2 climb so not for beginners. Involves steep rock scrambling and traversing with exposure.

[17] The trip link included links to the route on ClimbNZ, the topographical map, and links to a photo of a similar trip done in December 2017. The group was to leave Christchurch early, tramp to the Crow Hut where they would leave their overnight gear, proceed up the Crow Valley, climb Mt Lancelot, traverse from its summit south to the summit of Mr Guinevere along the Jellicoe Ridge, and drop back down into the Crow Valley to stay at the Crow Hut.

[18] Mr Hegan had done trips with Messrs Tsygankov and Allaway before and was confident of their skill level to do the trip. Mr Tsygankov was described as a very competent and safe climber. He was known to be technically good as well as able to recognise when he should not carry on. For example, he was known to stop just below the summit on occasion rather than press on. Some days Mr Tsygankov would be a conservative climber but on others though he could seem fearless.

[19] At 4am on Saturday 13 April 2019 Mr Hegan, Mr Tsygankov, and Mr Allaway met to drive from Christchurch to Klondyke Corner in the Arthurs Pass National Park. Mr Tsygankov was very quiet in the car. To Mr Hegan, he seemed to have things on his mind or was just keeping to himself and somewhat withdrawn. Mr Hegan said that Mr Tsygankov "had a lot of problems in his personal life" and therefore was not surprised that he was quiet. He described Mr Tsygankov as "glaring into space, he wasn't happy at all, he seemed to be in another place."

[20] The group arrived at Klondyke Corner at about 6am and started the 10.4km tramp to the Crow Hut up the Waimakariri and Crow Rivers. Mr Hegan anticipated they would need about nine hours to make the planned trip given the daylight hours available to them.

Mr Tsygankov remained quiet on the walk to the Hut. Mr Hegan described Mr Tsygankov as “moody and angry ... he gets like that though.”

[21] By the time the group reached the Crow Hut, it was clear to Mr Hegan that Messrs Allaway and Tsygankov were struggling to maintain the pace they would need to in order to complete the trip in daylight. They reached the Crow Hut at 9.50am and left it at 10.15am.

[22] Mr Allaway realised his fitness was not up to scratch and he told Mr Hegan he would head up the Crow Valley but would turn back if he did not feel up to the trip. Mr Hegan told Mr Allaway that it was okay if he did not wish to do the climb, in which case he (Mr Allaway) could relax in the valley and the three could meet up at the Crow Hut later. Neither Mr Hegan nor Mr Allaway could remember if Mr Tsygankov heard the discussion, though he was nearby. Mr Hegan asked Mr Tsygankov what his intentions were after they left the Crow Hut but Mr Tsygankov did not reply and “instead just gave me a funny look.” Mr Hegan thought that Mr Tsygankov was not keen on climbing and knew they had to be fast.

[23] Messrs Tsygankov and Allaway stuck together once they left Crow Hut. Mr Hegan started to break away as he was feeling pressure to complete the climb before dark. To Mr Hegan, neither Mr Tsygankov nor Mr Allaway seemed like they wanted to do to the climb. They knew Mr Hegan would be travelling fast.

[24] When Mr Hegan reached the foot of some bluffs at about 10.54am,⁴ he saw the other two about 15 minutes behind him and not moving with urgency. Mr Hegan was unsure about what to do as it did not look to him like they were going to do the climb and he would be on his own. Mr Hegan said that “with hindsight I should have stopped at the foot of the bluffs and allowed them to catch me up, then we could have all clarified what we were doing.”

[25] Mr Hegan decided to climb to the top of the bluffs and wait to see if anyone followed him. He thought that if Mr Tsygankov climbed the bluffs, he would be in visual contact in a short amount of time as he was a very good climber. Mr Hegan reached the

⁴ Mr Hegan was able to tell the time he was in certain locations due to the time stamps on his photographs.

top of the first set of bluffs at about 11.02am and sat and waited to see if Mr Tsygankov followed him up. When Mr Tsygankov did not arrive, Mr Hegan scrambled up to the second set of bluffs where he arrived at about 11.11am. He still saw no sign of the others, including via photos he took looking down and zooming in.

[26] Mr Hegan had been up and over the bluffs for about 40 minutes with a clear view of the route below and there was no sign of Messrs Tsygankov or Allaway. He felt pressured to make a decision. He felt confident that the other two had turned back and that he could continue with his trip and meet them back at the Crow Hut. Mr Hegan decided to continue on his own, taking the route he had used when advertising the trip.

[27] Mr Allaway said that he and Mr Tsygankov decided to proceed up the bluffs and that Mr Tsygankov was slightly ahead. They lost sight of Mr Hegan once he crested the first bluff. Not long after they started to climb the bluffs, Mr Tsygankov dislodged some rocks that fell on Mr Allaway, one of which hit him on the head. Mr Allaway decided to return to the Crow Hut. He yelled out to Mr Tsygankov who was about 10m higher and continuing to climb. Mr Tsygankov turned around and gave Mr Allaway a nod and a thumbs up. Mr Allaway was therefore confident Mr Tsygankov heard what he had said and knew he was turning back to the Crow Hut.

[28] When Mr Allaway reached the bottom of the bluff he looked up and saw Mr Tsygankov crest the bluff and go over the top. He assumed Mr Tsygankov had seen Mr Hegan ahead and was pushing to join him as they both crested the bluff in the same location. He did not see Mr Tsygankov again after that. Mr Allaway slowly made his way back to the Crow Hut. He looked back a few times but did not see Mr Tsygankov or Mr Hegan.

[29] While on the Jellicoe Ridge Mr Hegan looked down to see if he could see the others, but could not. He reached the summit of Mt Lancelot and then carried on towards Mt Guinevere. He continued to look to see if anyone had followed him, including by taking photos and zooming in, but could not see anyone. He had a clear view of the entire ridge back to Mt Lancelot.

[30] Mr Hegan travelled south down Jellicoe Ridge from Mt Lancelot and dropped down into the tarn below Mr Guinevere just before the 1872m point on the ridge, north of

Mt Guinevere. The time was about 2.50pm. From there Mr Hegan made his way down through the bluffs following a commonly taken route to Crow Hut. This was the group's intended route and was in the trip's description when it had been posted.

[31] When Mr Hegan reached the Crow Hut at about 4.30pm, he was surprised not to find Mr Tsygankov there. Mr Allaway was there, but he thought Mr Tsygankov had been with Mr Hegan. The men started walking up the valley shouting to Mr Tsygankov, but there was no sign of him. They returned to the Crow Hut and set off Mr Hegan's personal locator beacon (**PLB**).

[32] The Police Rescue Coordination Centre dispatched a helicopter from Greymouth to the Crow Hut and began searching along the Jellicoe Ridge from about 8pm using an infrared camera which can detect body heat. This did not find Mr Tsygankov and the Christchurch Alpine Cliff Rescue (**ACR**) Team was organised to respond the next day.

[33] The ACR Team undertook a search with multiple people, including five ACR Team members and 12 Land Search and Rescue volunteers. They found Mr Tsygankov at the base of a large waterfall at approximately 3.15pm on 14 April. Next to him in a pool they found his head torch, switched on, and beanie. They found Mr Tsygankov's ice axe several metres away.

[34] Police attended the scene. In addition to other matters referred to, in the day pack Mr Tsygankov was carrying they found a grey sweater, silver water bladder, old food, and a bag of figs in the main compartment; and sunglasses and a broken cell phone in the closed top zip pocket. The straps on the backpack were intact. There was no map.

[35] Mr Tsygankov's gear that he had left at the Crow Hut included his main warm jacket, a puffer jacket, some other clothing, and most of his food. Mr Allaway was therefore not sure of how much warm gear Mr Tsygankov had with him on his tramp.

[36] This inquiry received a report from the Mountain Safety Council, to which I later return. After examining various scenarios, the MSC considers the following to have been most likely:

- (a). Mr Tsygankov continued to climb the bluffs after leaving Mr Allaway. Mr Hegan did not see him as he was much slower. Once Mr Tsygankov reached

the ridgeline, he turned left (heading south) and traversed over Mt Lancelot along the north ridge. After summiting, he descended the south-east ridge towards spot-height 2020 in accordance with the group's original plan but much slower than Mr Hegan.

- (b). The terrain along the traverse would probably have taken several hours to get through. It is at times steep and exposed and some parties might use a rope. For experienced climbers though it is generally scrambling terrain with steeper sections interspersed amongst it. It requires care to move through due to its steepness, exposure, and loose unstable rock.
- (c). At some point on the traverse, Mr Tsygankov either realised he did not have much daylight left so descended to the Crow Valley earlier than planned, or believed that he was at Mt Guinevere and erroneously started to descend (he did not have a map with him). His descent is likely to have started at either the saddle between Lancelot and spot-height 2020 or from spot height 2020. Or, Mr Tsygankov could have traversed below Mt Lancelot before deciding to return to the Crow Valley, however this is considered less likely given the terrain and that it was unlikely to have been dark before Mr Tsygankov chose to descend. The MSC considers it more likely that Mr Tsygankov started his descent at the saddle between Mt Lancelot and spot height 2020.
- (d). Mr Tsygankov's descent took a general eastwards direction following spurs and potentially some scree sliding. He would have based his descent route on what he could see as he did not have a map with him. At the top of his descent he would not have been able to see the steep 300m high bluffs which drop quickly from around 1500m to 1200m at the headwaters of the Crow River where his body was later found.
- (e). At some point on his descent towards the Crow Valley, Mr Tsygankov needed his head torch. It would have become almost impossible to accurately judge the terrain beyond his immediate torch beam. Mr Tsygankov slipped and fell in the vicinity of a steep water course.

(f). The MSC considers it likely that Mr Tsygankov fell between sunset at 6.05pm and 8.00pm the evening of 13 April. The rescue helicopter flew directly over his location sometime after 8pm and was using infrared technology. If Mr Tsygankov was still alive, the MSC believes the infrared technology would have found him when the helicopter flew directly over his location.

[37] Police have advised this inquiry that they have completed their investigation. In the absence of further information indicating otherwise, they are satisfied that there was no criminal liability or suspicious circumstances surrounding Mr Tsygankov's death.

Mr Tsygankov's relevant background

[38] Mr Tsygankov came to New Zealand from Russia with his then wife Olga and two children. He and his wife divorced in 2017 but it appears Ms Tsygankov might have returned to Russia before this. At the time of his death, Mr Tsygankov was living in central Christchurch in a caravan parked close to a group of inner-city flats, at one of which his friend Mr Gallagher lived. He reportedly worked as a steel fabricator.

[39] Mr Tsygankov was very well liked in the group of flats and was "always happy" according to Mr Gallagher. Mr Hegan, by comparison, described Mr Tsygankov as "very moody and going through a few things emotionally." Mr Hegan said that Mr Tsygankov's wife had returned to Russia after about a year in New Zealand, and they were divorced. Mr Tsygankov was not known to have any family in New Zealand.

[40] Mr Hegan said that Mr Tsygankov told him about a week before the incident that he was "really depressed" and that this also came through in his "reckless behaviour." Mr Hegan had been irritated when Mr Tsygankov had "just walked off and [done] his own thing" on previous trips. A few times Mr Hegan had wondered where he was and would see him climbing up a cliff with no ropes. Mr Hegan said he often yelled at Mr Tsygankov.

The Mountain Safety Council report

[41] As I have referred to, this inquiry received a report from the MSC. The MSC report was authored by three people with extensive experience in the industry. The report was based on evidence including statements made to police by Messrs Hegan and Allaway and

other police materials. Mr Hegan was given an opportunity to comment on the MSC report, he did so, the MSC was forwarded Mr Hegan's responses, and the MSC then factored these in and issued a revised report. The content I refer to in these findings is drawn from the second, revised MSC report.

[42] I am grateful to the MSC and to Mr Hegan for their detailed involvement with this inquiry and the evidence they have given. As the MSC materials record, no one witnessed Mr Tsygankov's fall or final hours tramping and it can be a challenge to determine the what in fact occurred.

[43] In addition to matters already referred to, the MSC revised report relevantly recorded the points below.

[44] The MSC considered the following factors significantly contributed to the fatality:

- (a). Separation of group members with the combined failure to effectively communicate changes in plans or individual decisions with all party members.
- (b). Goal focussed heuristic trap.
- (c). Time pressure to complete the traverse within the daylight available.
- (d). Mr Tsygankov's lack of a map or navigation aid resulted in a poor choice of route to descent off Jellicoe Ridge.
- (e). Loss of daylight making it difficult for Mr Tsygankov to identify a safe route down to the Crow Valley even using his head torch.
- (f). Loss of balance. Slip on loose rocks in high consequence terrain.

[45] There is not sufficient evidence to determine which route Mr Tsygankov took after starting his climb off Mt Lancelot, although likely scenarios can be suggested. I have set out the scenario the MSC considers to have been most likely, but I record, as did the MSC, that there is no definitive evidence as to the route Mr Tsygankov in fact took.

[46] Mr Tsygankov's body was found at the bottom of the southern-most waterfall. He had gone radically off route and fallen in difficult terrain later in the evening. The MSC can "only assume" that Mr Tsygankov took "much longer to climb the bluffs than Mr Hegan anticipated. He then either took a different route out of the line of vision of Mr Hegan or continued on the planned route but much later."

[47] It was "highly likely" that the ice axe fell off from the outside of Mr Tsygankov's pack. From earlier photos taken on the day, he was not wearing his headtorch so it is presumed it was in his pack until he took it out to use it. The MSC considered whether the head torch could have fallen from his pocket instead, but considered it unlikely it would have switched itself on given the model and pressure required to turn it on. Further, the headtorch was found next to Mr Tsygankov's beanie indicating the items were together before he fell. If Mr Tsygankov had been descending during the day, he would have seen there was no way down and that it was better to traverse northwards to the bluffs he had climbed up. MSC believes that the most likely scenario was that it was dark when Mr Tsygankov fell, he could not see well into the distance, and would have been wearing his head torch over his beanie when he fell.

[48] 'Goal focus' is a common contributing factor to outdoor recreation incidents. The MSC recorded in a 2018 report that this was found to be a causation factor in at least 38% of tramping fatalities. Both Mr Hegan and Mr Tsygankov appear to have been highly motivated to complete the trip.

[49] The daylight hours may have contributed to Mr Hegan's feeling of the need to hurry. Poor weather had impacted earlier attempts to do the trip and daylight savings had ended a week previously.

[50] The group split up into three solo units due to a combination of time pressure and goal focus. It appears that this was not a group decision but a form of discussion made on the move at the Crow Hut between Mr Hegan and Mr Allaway.

[51] The MSC believes it is safest if groups stay together throughout a trip so that all abilities can be catered for, group gear is available to all, and others can help if someone encounters difficulty. Any decision to split up needs to be carefully considered and

discussed with all members of the group actively participating so it is a “clear and conscious choice.”

[52] Decisions such as who will stay and who will go need to be considered thoroughly, and decisions need to be made about who carries any group equipment which might be shared such as maps, communication devices, first aid kits, and emergency shelters.

[53] In this particular instance, sticking together would have also helped the group navigate through the challenging terrain such as what would have been encountered on the ridge and descent to the valley floor.

[54] In organised groups it is the role of the group leader to ensure the safety of everyone in the group, including ensuring that such discussions take place and that communication is clear.

[55] In this particular instance, the MSC recognised that the trip might be considered an informal group and that as such Mr Hegan would not have had the same level of accountability as he would have if he were leading an officially organised group, club outing, or operating under the Health and Safety at Work Act 2015.

[56] Mr Tsygankov was not carrying his own map or navigational aid. This meant he could not accurately plot his way down to the Crow Valley and was confined to taking a route he could visually see. From the ridge line he would have seen the broad, lower angle scree and bench below Mr Lancelot between 1700 and 1500m, but would not have been able to see that this ended in steep bluffs. When he reached the bluffs, he may have felt that he would be able to down-climb them as the terrain was initially similar to the waterfall face 500m to the north he had climbed earlier in the day. If he had a map with him and was able to navigate with it, Mr Tsygankov would have seen there were steep bluffs below him and could have navigated 500m northwards to the route he had climbed up.

[57] The route was a difficult undertaking with terrain that is highly challenging to navigate, especially without a map. It is also very steep, exposed to significant heights, and involves a great deal of physical effort. There is little room for error and a slip could result in a significant fall.

[58] The MSC commented:

Mountaineering, even in summer conditions, is an inherently risky recreational pursuit, and it is often this balance between risk and reward that attracts and motivates climbers, or if not, climbers are at least aware of this fine balance. It is impossible to remove all the risks from mountaineering. The MSC encourages those with the relevant skills, experience, and knowledge to undertake outdoor recreation activities, including mountaineering, and in no way suggests people should not get involved in the pursuit.

[59] The MSC encouraged all mountaineers to consider the following points:

- (a). Stick together. When setting off to move as a group, travel together for the entire journey, especially in technical terrain. Decisions to separate should only be made in an emergency situation, and even then, the risks should be evaluated and mitigated.
- (b). Group equipment such as maps must be available to all members to access and use if required. Carry multiple copies.
- (c). Always be prepared to turn back or change plans if things do not go as expected (planned). Have a Plan B organised before you leave and regularly stop and evaluate your progress.
- (d). Stay in constant communication with each other. Decisions about a change of plans should be made as a group and agreed to by all group members, ensuring everyone understands the potential implications.
- (e). Any decision to try and move faster due to a lack of remaining time is frequently the wrong decision, particularly when identified early in the day. If the group's pace is not quick enough to achieve the objective within the time available, then the objective needs to change, not the group speed or group composition i.e. splitting up.
- (f). Finally, if you are not confident in your location, or cannot see your way out of high-consequence terrain, stop and consider your options. Stay warm by applying spare clothing, try to identify where you are if you are not certain,

and use your emergency communication device to call for help. It is better to spend a few hours waiting in the cold than to risk serious injury or death.

[60] I endorse these points which I consider to be analogous to recommendations.

Discussion

[61] Mr Tsygankov was a technically competent and keen tramper and mountaineer. Sometimes he was observed to have been reckless in that on previous trips he had walked off and done his own thing.

[62] Mr Tsygankov signed up for a trip in the Arthurs Pass National Park for 13 and 14 April 2019 with Messrs Hegan and Allaway. By the time the group reached the Crow Hut just before 10am on 13 April, it was clear that Messrs Tsygankov and Allaway were tramping slower than Mr Hegan. The group had a total of about nine hours in which to do the trip before they lost daylight. Mr Hegan was very conscious of this time pressure if they were to complete the trip. Earlier that morning, Mr Tsygankov had seemed quiet and moody.

[63] By the time the group reached the Crow Hut, Mr Allaway felt that his fitness was not up to scratch. He told Mr Hegan he would see whether he would continue up or turn back. Mr Hegan asked Mr Tsygankov his intentions but did not receive a clear answer. Soon after the three left the Crow Hut at about 10.15am, Mr Hegan had got ahead. Messrs Alaway and Tsygankov started climbing the bluffs behind Mr Hegan but Mr Allaway decided to return to the Crow Hut when he was hit by a rock dislodged by Mr Tsygankov who was a little ahead of him. Mr Allaway communicated his intention to Mr Tsygankov and believed that Mr Tsygankov received the message as he nodded at him and gave him a thumbs up.

[64] Messrs Hegan and Allaway separately continued their days and eventually met at the Crow Hut when Mr Hegan arrived back at about 4.30pm. Each was surprised that Mr Tsygankov was not with the other. They looked for him and activated Mr Hegan's PLB when they could not find him. Aerial and land searches ensued. The ACR Team found Mr Tsygankov at about 3.15pm on 14 April.

[65] Mr Tsygankov's movements from when Mr Allaway lost sight of him to when he was found by the ACR Team cannot be known with any certainty on the available evidence before me. There is a missing period from the time he left Mr Allaway's sight until after he fell and sustained fatal injuries that cannot be detailed with certainty. There is not evidence to accurately establish which route Mr Tsygankov took after starting his climb of Mt Lancelot.

[66] I have detailed the scenario that the MSC considers most likely. In reaching its view MSC weighed up the evidence it had before it, including from the initial police statements made by Messrs Hegan and Allaway, and it also applied human decision-making models as they apply to this environment. The MSC factored in the responses of Mr Hegan to its first report and provided a revised report. It is from the revised report that I have drawn material in these findings.

[67] For completeness, I note that I have turned my mind to whether I need to assess whether Mr Tsygankov died in circumstances amounting to suicide. This is because Mr Hegan described Mr Tsygankov as quiet and moody on the trip (but stated that this could occur from time to time). Mr Hegan said that he was "glaring into space, he wasn't happy at all, he seemed to be in another place." He said Mr Tsygankov had told him about a week before that he was "really depressed" and said that he was "going through a few things emotionally."

[68] A person dies by suicide if their death was intentionally self-inflicted, knowing the probable consequences of the actions taken to effect death.⁵

[69] The standard of proof, or threshold, that needs to be met before a coroner can be satisfied that something has been proved is the balance of probabilities. This is the civil standard. This civil standard is applied flexibly "because it accommodates serious allegations through the natural tendency to require stronger evidence before being satisfied to the balance of probabilities standard."⁶ To justify a finding of suicide, the act of intentional self-harm requires a degree of proof in keeping with the seriousness of the allegation of suicide. This is consistent with the principle that the graver the allegation, the clearer, more cogent, and more exacting the evidence must be.

⁵ *Re Sutherland (Deceased)* [1994] 2 NZLR 242 (HC) at 250.

⁶ *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [102].

[70] Accordingly, I must be satisfied that there is clear evidence from which an intention to end life can be inferred. The fact that an accident is not established does not mean that suicide is established, and suicide must not be presumed merely because it seems to be a likely explanation. Suicide must be affirmatively proven to justify the finding.

[71] In the circumstances of this case, there certainly is not clear evidence from which an intention to end life can be inferred on the known facts of the events of 13 and 14 April. Someone being withdrawn and telling a friend they were really depressed does not equate to an evidential foundation for suicide where the circumstances of death are not clearly consistent with this (for example, clearly consistent circumstances would include someone dying in a manner typical of suicide or leaving a note). Accordingly, I have not sought to further inquire into what might have been on Mr Tsygankov's mind because this would appear an unnecessary intrusion into his privacy when I could not make a finding of suicide on the evidence before me.

Recommendations or comments

[72] I have considered whether it is appropriate to make any recommendations in this matter. Pursuant to s 57A of the Act I may make recommendations or comments in the course of, or as part of the findings of, an inquiry into a death. Recommendations may be made only for the purpose of reducing the chances of further deaths occurring in circumstances similar to those in which the death occurred. Recommendations or comments must:

- (a). Be clearly linked to the factors that contributed to the death to which the inquiry relates; and
- (b). Be based on evidence considered during the inquiry; and
- (c). Be accompanied by an explanation of how the recommendation or comment may, if drawn to public attention, reduce the chances of further deaths occurring in similar circumstances.

[73] In assessing the need for recommendations, I have kept in mind the points made in the MSC report which I consider are akin to recommendations, even though not specifically framed as such. The MSC encourages mountaineers to:

- (a). Stick together. When setting off to move as a group, travel together for the entire journey, especially in technical terrain. Decisions to separate should only be made in an emergency situation, and even then, the risks should be evaluated and mitigated.
- (b). Group equipment such as maps must be available to all members to access and use if required. Carry multiple copies.
- (c). Always be prepared to turn back or change plans if things do not go as expected (planned). Have a Plan B organised before you leave and regularly stop and evaluate your progress.
- (d). Stay in constant communication with each other. Decisions about a change of plans should be made as a group and agreed to by all group members, ensuring everyone understands the potential implications.
- (e). Any decision to try and move faster due to a lack of remaining time is frequently the wrong decision, particularly when identified early in the day. If the group's pace is not quick enough to achieve the objective within the time available, then the objective needs to change, not the group speed or group composition i.e. splitting up.
- (f). Finally, if you are not confident in your location, or cannot see your way out of high-consequence terrain, stop and consider your options. Stay warm by applying spare clothing, try to identify where you are if you are not certain, and use your emergency communication device to call for help. It is better to spend a few hours waiting in the cold than to risk serious injury or death.

[74] In the particular circumstances of this case, and bearing in mind that Mr Tsygankov's movements after Mr Allaway lost sight of him cannot necessarily be precisely ascertained, I can do no better in terms of recommendations than the advice already given by the MSC above.

[75] I put the relevant parties on notice of my intention to endorse the MSC's advice above and provided an opportunity for them to comment. I received no substantive comments in response.

[76] Accordingly, I do not make any formal recommendations in this matter. I do however endorse the advice of the MSC.

Findings

[77] I find that Aleksandr Tsygankov, late of 7/465 Hereford Street, Christchurch, New Zealand, died at Mount Lancelot, Arthur's Pass National Park, New Zealand between 13 April 2019 and 14 April 2019. The cause of death was high energy impact injuries due to a tumbling fall from a height.

Restrictions on publication

[78] Pursuant to s 74 of the Act, I am satisfied it is in the interests of decency or personal privacy to prohibit the making public of photographs of Aleksandr Tsygankov entered into evidence. I am satisfied that such interests outweigh the public interest (if any) in the publication of those images.

Condolences

[79] Again, I extend my condolences to Mr Tsygankov's family and friends for their loss.

H. MCKENZIE

Coroner H F McKenzie