

STATEMENT

by international observers representing the Civic Solidarity Platform at the trial of suspects in the murder of Vitali Safarov

Tbilisi, Georgia, May 16, 2019

On May 14, 2019, representatives of the Civic Solidarity Platform (CSP) Alexandra Novitchkova (Public Alternative Foundation, Ukraine) and Svitlana Valko (Truth Hounds, Ukraine) attended the fifth court hearing (third court hearing on the merits) in the case of suspects in the murder of Georgian human rights defender Vitali Safarov. The trial was held in Tbilisi City Court.

Two suspects, Giorgi Sokhadze, 23, and Avtandil Kandelakishvili, 20, alleged members of a neo-Nazi group, are accused of premeditated group murder on the basis of racial, religious, national, and ethnic hate, in accordance with Article 109.2.d.e of the Georgian Criminal Code. If convicted, the accused face a sentence of 13 to 17 years in prison. The accused have not admitted their guilt.

This is the first case in the history of Georgia in which the murder case is qualified as a hate crime group murder. For this reason, the court hearings are attracting great attention from the press and citizens who hold an active civic position. The representatives of the Civic Solidarity Platform and NGOs from Georgia and abroad are persuaded that fair judicial proceedings held according to international standards, establishing the truth, and a fair court ruling will form the base for further implementation of the mechanisms to prevent and avert hate crimes and the activities of far-right extremist groups.

The court hearing was scheduled for 11:00 and started after a 10-minutes delay. This time the hearing took place in the larger (in comparison with the last one) room with 36 seats, where 41 people managed to squeeze in, including five representatives of press and TV. Several people did not manage to get into the court room.

During the third court hearings on the merits two witnesses were interrogated. The interrogation of the one of the witnesses, which was planned for this day, was delayed since the interpreter who should have been translating the questions and the testimony was sick and she was provided with medical help. In relation to this fact the monitors would like to mention the stuffiness at the court room as well as in the corridors.

From the witnesses' statements, a picture of the crime has started to emerge. Moreover, the witnesses have confirmed not only the characteristics of the accused as supporters of radical far right ideology and actions but also the hate motive of the crime of which they are accused. The judge Shorena Guntsadze duly ensured the principle of equality of arms, providing the prosecution and the defense equal opportunities to question the witnesses. The court actions, including dismiss of several questions by the defense lawyers and the accused, were taken according to Georgian legislation.

Both of the accused were present in the room and were able to present their positions directly and through their lawyers.

The defense lawyers' actions, their condescending tone towards the witnesses, their choice of vocabulary, which could be interpreted ambiguously, their repeated questions as well as questions that had no relation to this judicial process, supported the monitors' assumptions made earlier about the defense strategy to delay the process. The atmosphere in the court room was nervous. During the hearing the judge had to appeal for order in her court room four times, both to the audience and to the defense lawyers.

We would like to remind you that, in accordance with the Criminal Procedure Code of Georgia, the limit for holding suspects in pre-trial detention is nine months. Despite the fact that the court hearings are appointed with short time intervals, the monitors are still expressing concerns about whether the court will be able to process all the evidence for the case, forensic conclusions, and witnesses' statements. If the court does not rule on the case in the remaining period, the accused will have to be released and could be able either to escape or to influence the witnesses' testimonies, which are very important for the process, or both.

The monitors express their expectation that the court will be able to keep the balance between the speed of the case consideration and the possibility for the following hearings to be held in larger court rooms so that all those who are interested are able to be present at the hearings on the case of the Vitaly Safarov hate crime murder.

The next court sessions are scheduled at the following dates and times: 17 May at 13:00, 20 May at 11:00, 23 May at 11:00, 28 May at 11:00, and 31 May at 11:00. The CSP will continue monitoring the trial.

The Civic Solidarity Platform is a network of independent civic groups from across the OSCE region, bringing together non-governmental organizations, activists and experts committed to improving the situation with human rights, rule of law, and democratic institutions in Europe, Eurasia and North America. Its aim is to serve as a conduit through which civic activists can build alliances, strengthen mutual support and solidarity, and improve their influence on national and international human rights policy. For more information, please visit <http://civicsolidarity.org>