

STATEMENT

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

Tbilisi, Georgia, 19 June 2019

On 17 June 2019, observers, representing the Civic Solidarity Platform (CSP), Alexandra Novitchkova (Public Alternative Foundation, Ukraine) and Svitlana Valko (Truth Hounds, Ukraine) attended the twelfth court hearing (tenth court hearing on the merits) in the trial of two men accused of murdering Georgian human rights defender Vitali Safarov. The trial was held in Tbilisi City Court.

The two defendants are 23-year-old Giorgi Sokhadze and 20-year-old Avtandil Kandelakishvili. Sokhadze and Kandelakishvili, who are allegedly affiliated with a neo-Nazi group, have been charged with the crime of premeditated group murder on the basis of racial, religious, national, and ethnic hate, under Article 109.2.d.e of the Georgian Criminal Code. If convicted, the defendants face a sentence of 13 to 17 years in prison. The defendants have pled not guilty.

This case is the first in Georgian history in which a group murder has been charged as a hate crime. As a result, the trial has received significant media and public attention. Given the historic nature of this trial, the representatives of the Civic Solidarity Platform, as well as other NGOs from Georgia and abroad, emphasize that a fair judicial process in this trial is necessary to form the basis for future prevention and judicial protection from hate crimes and from the violent activities of far-right extremist groups.

The court started with a half-hour delay. The hearing was held in a 26-seat court room with 29 members of the public, three journalists among them. All interested persons are allowed attend the hearing. The judge noted that since the court had not received any applications for the photo and video record prior the hearing it was prohibited to make any photo and video records. The person who was expelled from the courtroom during the previous hearing was not allowed to remain in the court room for this hearing. The defendants were in a glass cubicle. Four defense lawyers, the prosecutor, the judge, the secretary to the court and five bailiffs were also present in the court room.

During this this hearing video recordings of surveillance cameras from the scene of the crime and its surroundings were examined – four video recordings of a cumulative duration of about one hour. According to the prosecutor and the conclusion of the investigators, as a result of studying the video recordings No. 1, 2 and 3, one can accurately determine the time the crime was committed and the people who were present at the crime scene. In addition, one can observe a fuzzy image of the crime itself (video recording No. 3) and a clear image of the accused Kandelakishvili and Sokhadze as well as the witness Shanava leaving the crime scene (video recording No. 4). On the video recording No. 1 there is a visible object in defendant Sokhadze's hand that the prosecution has identified as brass

knuckles. On the video recording No. 4 one can see a visible dark object in the hand of defendant Kandelakishvili that the prosecution has identified as a knife. The monitors did not have the opportunity to clearly review the video footage, but they have no reason to doubt the prosecution's conclusions. The judge did not reject these allegations by the prosecutor and the lawyers did not object to them.

After showing the video recordings, the prosecutor read out the indictment: all the materials attached to the case (three volumes) were announced and the physical evidence was provided to the court. At this stage the prosecutor did not name the term of punishment requested by the prosecution for the defendants. The judge rejected the defense witnesses, namely school teachers, sports coaches and neighbors of the defendants since they are not witnesses to the crime. The trial lasted more than three and a half hours.

At the next court hearing the interrogation of the defendants will begin. The final defense statement and the last word of the accused are scheduled for June 27th. After that, the sentence is to be announced, but the judge has not set the date for the announcement.

In accordance with the Criminal Procedure Code of Georgia, suspects may not be held in pre-trial detention for longer than nine months. Given the current pace of the trial and the amount of remaining evidence, the court may be unable to complete the trial before the period for lawful pre-trial detention concludes. The Civil Solidarity Platform expresses concern that if the accused are released, there is a possibility that the accused will flee the country or influence the witnesses' testimonies.

In addition, observers would like to state that the court is doing everything possible to maintain the pace of the case consideration. Sessions are intensive, with small intervals. In addition, observers notice that it is very cool inside the court; it is well air conditioned and there is enough air, unlike the first court sessions.

The next court sessions are scheduled for the following dates and times: 21 June at 11:00 and 27 June at 11:00. The Civic Solidarity Platform 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>