

## STATEMENT

### **by international observers representing the Civic Solidarity Platform at the trial of suspects in the murder of human rights defender Vitali Safarov**

Tbilisi, Georgia, May 23, 2019

On 23 May 2019, observers, representing the Civic Solidarity Platform (CSP), Alexandra Novitchkova (Public Alternative Foundation, Ukraine) and Elena Pershakova (Public Verdict, Russia) attended the eighth court hearing (sixth 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 suspects, 23-year-old Giorgi Sokhadze, and 20-year-old Avtandil Kandelakishvili, alleged members of a neo-Nazi group, stand accused of premeditated group murder on grounds of racial, religious, national, and ethnic hate, in accordance with Article 109.2.d.e of the Georgian Criminal Code. If convicted, they face 13 to 17 years in prison. The two men have not pleaded guilty.

This case is the first in Georgian history in which group murder has been tried as a hate crime. As a result, the trial has received significant media and public attention. Representatives of the Civic Solidarity Platform, as well as other NGOs from Georgia and abroad believe that a fair judicial process held in accordance with international standards and the delivery of a fair verdict would set a precedent for the future prevention of and judicial protection from hate crimes as well as from the violent activities of far-right extremist groups in the country.

The hearing began at 11.10 am with a 10-minute delay. This time, it was held in a 26-seat courtroom with 36 members of the public present, including four members of the press. Several people had to remain outside the court room due to lack of space.

In the course of hearing on 23<sup>rd</sup> May four witnesses gave evidence, including an eye-witness and three police officers who had carried out the investigation.

The first witness to testify was Zurab Morcheladze who was at the crime scene and saw the murder. From his statement we learnt that he had been previously acquainted with one of the defendants, Giorgi Sokhadze, and met the other one, Avtandil Kandelakishvili, on the night of the murder. He knew Vitaly Safarov by sight and had greeted him on several occasions before, but only learnt his name on the night of his murder. Morcheladze's statement supported those of other witnesses that the defendants had repeatedly behaved violently towards persons of different ethnic and national origin, including people of Turkish and Indian ethnic origin.

The testimony of the witness helped to understand what had happened on that night more clearly. In particular, no doubt is left that Vitaly Safarov had not participated in any way in the verbal conflict between the defendants and three other men who are witnesses in this case – Nikoloz Shanava, Otar

Gelashvili and Irakli Beltadze. On the contrary, according to Morcheladze, Vitaly tried to persuade them to stop the conflict. However, the witness Nikoloz Shanava, an alleged member of a neo-Nazi group and minor at the time of the event, hit Vitaly in the face as a response. Morcheladze told the court that as he tried to stop Shanava hitting Vitaly once again by pushing him to the ground he noticed the defendant Kandelakishvili pull out a pointed object and stab Vitaly in the chest. Right after that, according to the witness, Giorgi Sokhadze grabbed Vitaly from behind and started to hit him. The subsequent events developed rapidly. Morcheladze explained that he couldn't see what object exactly Sokhadze was using for hitting. At the same time, the witness reported that he had seen Vitaly stabbed at least six times. According to him, the attackers shouted xenophobic insults about Safarov's Jewish origin. This once again confirms the hate motive in this crime.

The observers point out that in the course of interrogation of this witness the defence lawyers put pressure on him by asking provocative and aggressive questions and the judge repeatedly reprimanded them for this.

The law enforcement officials who took part in the interrogation told the court how they gathered evidence for this case. Answering questions from the defence about their treatment of the witnesses they stated that the witnesses were not subjected to any pressure. The defendant Sokhadze repeatedly expressed complaints that the law enforcement officials did not take his willingness to cooperate with the investigation into consideration and thus have violated his rights. However, the investigators explained that judging by the evidence in their possession, they had no grounds for proposing cooperation.

As in previous hearings, defence lawyers asked the same questions repeatedly which were rejected either by the judge herself or after objections from the prosecution. Moreover, the judge reprimanded the defence lawyers twice for using inappropriate language and raising their voices at the witnesses. Defence lawyer Begiashvili again tried to demonise representatives of the non-governmental organisations who provide legal assistance to the victim's family and who are participating in the public investigation into this crime and leading the campaign "Georgia: No Place for Violence". In particular, he negatively commented on the names of Aleko Tskhitishvili from the Human Rights Centre as well as Giorgi Marjanishvili and Agit Mirzoev from the Centre of Participation and Development and accused them in allegedly having influenced the investigation. The monitoring group is concerned by repeated attempts of the defence to prevent legitimate activities of civil society organisations.

As in previous hearings, the judge Shorena Guntsadze duly ensured the principle of equality of arms, providing the prosecution and the defense with equal opportunities to question the witnesses. Both of the accused were present in the room and were able to present their arguments directly and through their lawyers. The atmosphere in the courtroom was tense. The judge had to call for silence several times by striking the gavel.

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 taking place in quick succession, we remain concerned about whether the court will be able to process all the evidence for the case, forensic conclusions, and witnesses' statements in time.



If the court does not rule on the case before 30 June 2019, the accused will have to be released from detention, and could be able either to escape and/or to influence the witnesses' testimonies, which are very important for the process, or both.

The monitors express their expectation that the court will maintain a balance between the swift consideration of the case and the possibility for subsequent hearings to be held in larger court rooms able to accommodate all those who wish to be present at the hearings of the trial of suspects in the murder of Vitaly Safarov on the grounds of hatred.

The next court sessions are scheduled at the following dates and times: 28 May at 11:00, 31 May at 11:00, 7 June at 16:00, 13 June at 15:00, 17 June at 11:00, 19 June at 12:00, 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>*

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