

## 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 19 and 21 June 2019 observers from the Civic Solidarity Platform (CSP) attended the thirteenth and fourteenth court hearings (eleventh and twelfth court hearings on the merits) in the trial of two men accused of murdering Georgian human rights defender Vitali Safarov in September last year. Alexandra Novitchkova (Public Alternative Foundation, Ukraine) and Svitlana Valko (Truth Hounds, Ukraine) attended the hearings on 19 and 21 June they were joined by Nataliya Taubina (Public Verdict, Russia) on 21 June. The trials are being held in Tbilisi City Court.

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

This case is the first in Georgian history in which a group murder has been tried as a hate crime. As a result, the trial has received significant media and public attention. Given the historic nature of this trial, 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 set a legal precedent for prevention and judicial protection from hate crimes and the violent activities of far-right extremist groups.

Both hearings started approximately 20 minutes late. On 19 June the hearing took place in a 50-seat court room with 33 people present, including three journalists and one camera operator. The hearing on 21 June was held in a 28-seat court room with 24 people present. One person who had been expelled from the court room on 17 June for breaking the rules of conduct in the courtroom, was not allowed to attend either hearing. All others who wished to attend were allowed to do so.

Defendant Giorgi Sokhadze was questioned on 19 June and defendant Avtandil Kandelakishvili on 21 June. Both defendants took a religious oath. The prosecutor also gave his summing up speech on 21 June.

Answering questions from the prosecution and defence, Giorgi Sokhadze described in detail the events of the night of 29 to 30 September. Sokhadze told the court that he is not a member of any pro-Nazi organization, does not support Nazi ideology, the tattoos on his body (including the three sixes) are quotations from the musical group "Slayer" and he considers himself a religious person. He rejected the evidence given in numerous testimonies at previous hearings about him mistreating

foreign nationals and insisted he is innocent, reiterating that he had sought to resolve the conflict peacefully, and had not initiated the fight. Sokhadze claimed that during the altercation which led to Vitaly Safarov's assassination he had not beaten anyone and had only tried to separate the fighters. He also claimed that Safarov had sat on witness Nikoloz Shanava and beaten him. Sokhadze's evidence also suggested that he did not see who injured Safarov. Sokhadze claimed that the testimonies of witnesses Beldalze, Gelashvili, Morcheladze and Shanawa, were all false and argued that the witnesses had been coached by the prosecutor in order to persuade them to testify against him. He stated that he wanted to cooperate with the investigation, but his willingness had not been taken into account.

Defendant Kandelakishvili claimed he is not guilty of murdering Vitaly Safarov. He told the court that Vitaly Safarov had instigated the fight and had beaten witness Shanava as he lay on the ground, as well as landing a few blows on Kandelakishvili himself. Kandelakishvili alleged that after unsuccessfully trying to separate the fighters, he was left with no choice but to take out a knife and stab Safarov in the thigh in order, as he said, "to save myself." Kandelakishvili said the assassination of Safarov was the result of a random coincidence of circumstances. Kandelakishvili also said that due to poor visibility that night he could not exclude the possibility that one of the other participants in the fight might have had another knife.

In his closing speech, prosecutor Mikheil Chkheidze, commenting on numerous remarks from the defence about changes in witnesses testimonies, emphasised that the defendants had also changed their testimonies during the investigation and the hearings and that defendants' testimonies given in court contradicted those of witnesses Beltadze, Gelashvili, Morcheladze and Shanawa. Moreover, the defendants' testimonies also contradict each other on some details. It should be noted that the court testimonies of the four witnesses are confirmed by material and forensic evidence.

Both, Kandelakishvili and his defence lawyer Zurab Begiashvili (Kandelakishvili's uncle) have accused the press and civil society of posing a threat to Georgian society and being anti-Georgian. However, Begiashvili has several times made unfounded and derogatory remarks about civil society activists' motivations in their public campaign "Georgia: no place for hate" and the trial monitoring on social networks, in interviews with the press and in the court.

In his closing statement, the Prosecutor reiterated the facts of the case, establishing a logically consistent picture of the crime based on the witness testimonies, the video recordings from surveillance cameras and the results of forensic tests. The Prosecutor emphasised that the defence had not provided any evidence to contradict the sequence of events leading to the crime established by the prosecution, apart from character witness statements from their schools and the gym. The Prosecutor demanded the defendants be given close to the maximum sentence under the Article 109.2, paragraphs d and e of the Georgian Criminal Code.

The judge, Shorena Guntsadze, ensured that the trial respected the principle of equality of arms, providing the prosecution and the defence with equal opportunities to question witnesses. An



additional hearing was scheduled in order to allow the defence lawyers to make their closing statements, to grant the defendants a final word and to conclude other discussions.

The additional court hearing is scheduled for 26 June at 12:00 and the last hearing, during which the sentence will be announced, is scheduled for 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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