

STATEMENT

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

Tbilisi, Georgia, May 6, 2019

On May 3, 2019, representatives of the Civic Solidarity Platform (CSP) observed the third session of the 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. The group of CSP observers included Albert Kuznetsov (Committee Against Torture, Russia), Alexandra Novitchkova (Public Alternative Foundation, Ukraine), and Svitlana Valko (Truth Hounds, Ukraine).

This is the first case in the history of Georgia when the murder case is qualified as a hate crime group murder. Establishing of truth and ruling a fair sentence can become a cornerstone for the development of preventive mechanisms for the hate crimes and violence on xenophobic grounds. That is why the presence of international observers and analysis of the judicial proceedings for the compliance with the international legal standards and right for a fair trial is important not only for the Georgian legal system that has committed to them but as well for the establishing of justice.

Two suspects, Giorgi Cokhadze, 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 109.2.4 of the Georgian Criminal Code. If convicted, the accused face a sentence of 13 to 17 years in prison. The accused did not admit guilt.

At the court room the judge Shorena Gungadze, the court secretary, the Prosecutor, the two accused, four defence lawyers, six guards and 39 interested observers (press, international observers, translators, friends and relatives of both parties) were present.

The second hearing on the merits has started with 20 minutes delay. Unlike the previous hearings, this one was held in a small room for 24 persons where 39 people managed to squeeze in. Approximately thirty persons couldn't get into the court room. The court hearing was open to public with the press present although the photo and video recording were prohibited.

During the court hearing on the 3rd of May, the four prosecution witnesses, which work at the public service establishments (bars) situated in the proximity to the crime scene or their regular attendee, gave their statements. Both parties were able to ask them questions. The monitors again have the impression that the defence is trying to delay the process; the judge has repeatedly dismissed the questions on the prosecutor's objection as the recurring ones and made remarks to the defence to choose their vocabulary properly.

Moreover, one of the accused, Giorgi Sokhadze, while asking his questions, was in the close proximity to the witnesses that gave their testimonies (less than 2 metres distance) that created psychological discomfort for the witnesses.

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 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 would 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. From the results of the preliminary (16 April) and the first (24 April) and the second (3 May) hearings on the merits, the monitors have a clear idea that the defence strategy is designed to delay the trial so that the court will not be able to give a verdict by the end of the maximum period of the pre-trial detention.

Our observation of this court hearing allows us to conclude with some reservations, as the behaviour of the accused Sokhadze, that international standards of a fair trial have been upheld by the court. The hearings were open to the public and the media. Unfortunately, the hearing was held in a very small room that did not allow all the interested to be present during the court session. However we understand the importance of the rapidity of the case consideration and express our expectations that the bigger spaces would be provided for the following hearings. The judge Shorena Guntsadze duly ensured the principle of equality of arms, providing the prosecution and the defence equal opportunities to question the witnesses. The court actions were taken according to the Georgian legislation. Both of the accused were present in the room and were able to present their positions directly and through their lawyers.

The next court sessions are scheduled at the following dates and times: 10 May at 15:00, 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>