

STATEMENT

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

Tbilisi, Georgia, June 17, 2019

The seventh, eighth, and ninth court hearings on the merits in the trial of two men accused of murdering Georgian human rights defender Vitali Safarov were held on May 28, June 7, and June 13, respectively. The representatives of Civic Solidarity Platform (CSP) attended at all three court hearings. Svitlana Valko (Truth Hounds, Ukraine) attended the hearing on May 28. Brigitte Dufour (IPHR, Belgium), Mushegh Yekmalyan (IPHR, Belgium), Sveltana Astrakhantseva (Moscow Helsinki Group, Russia), and Simon Papuashvili (IPHR, Belgium) attended the court hearing on June 28. Alexandra Novitchkova (Public Alternative Foundation, Ukraine) and Almakul Turdumambetova (Committee Against Torture, Kyrgyzstan) attended the court hearing on June 13. The trial is being held at the 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.

All three hearings began after short delays. TV and digital media representatives were present in the courtroom and were permitted to photograph and video-record the hearing.

The May 28 hearing was held in a 26-seat courtroom with 33 people. Among those testifying were: Giorgi Tsintsadze, a forensic expert, who concluded that a knife could have been the weapon used to murder Vitali Safarov; Shorena Kvitsaridze, who analyzed blood and DNA from the crime scene; and Irakli Pipia, one of Vitali Safarov's case investigators. Although the testimony of Giorgi Marjanishvili, Safarov's friend and colleague, was scheduled for this hearing, his testimony was delayed due to the lack of time.

The June 6 hearing was held in a 42-seat courtroom with 45 people. In addition to Giorgi

Marganishvili, two police investigators testified. One of them, Irakli Tsagunia, had interrogated the witness Morcheladze, the second, Anzor Jamirashvili, investigated one of the defendants, Sokhadze.

All the experts testified to only matters that they directly experienced and did not speculate when the lawyers asked questions that required value judgments.

The June 17 hearing was held in a 42-seat courtroom with 31 people. Among those testifying were: Tea Gogiberidze, a chemist who specialized in clothing fiber analysis; Manana Bregadze, a psychologist with expertise in analyzing crimes committed under irresistible impulse; and Akaki Tkemaladze, a psychiatrist who testified about mental capacity of the defendants. The testimonies of the psychologist and psychiatrist revealed that Kandelakishvili, apart from having not very stable mental state, did not have any mental deviations at the moment of the commission of the crime. Moreover, the court heard testimony from Otar Gelashvili, an individual who witnessed the crime, and his testimonies revealed that Vitali tried to avoid a physical confrontation and did not hit anybody. Additionally, Gelashvili testified that both of the defendants hit Safarov.

Over the course of the three hearings, the atmosphere in the courtroom became increasingly tense. During previous hearings, the judge had cautioned the lawyers about their use of inappropriate language and had called for order and silence in the courtroom. On the June 17 hearing, an individual who claimed to be a journalist was expelled from the courtroom for taking unauthorized photo- and video-recording of the trial and for walking freely around the courtroom. Additionally, after defendant Kandelakishvili had to leave the courtroom due to illness, the second defendant Sokhadze insulted one of the witnesses, Gelashvili, which caused significant disruption in the courtroom. The judge had to suspend the session for 10 minutes. The hearing resumed at the end of the suspension, but the number of bailiffs guarding the defendants was increased from two to six. The defendants were not placed in a cage or a glass cubicle.

At the end of the hearing, the defense lawyers made a motion for the defendants to be released on bail. They named the amount of 5000 Lari (around 1600 euro) for Sokhadze and 10000 Lari (around 3200 euro) for Kandelakishvili. The motion was denied by the judge.

The judge, Shorena Guntsadze, ensured that the trial respected the principle of equality of arms, providing the prosecution and the defense equal opportunities to question the witnesses. The court's rulings throughout the hearing—including the striking of several questions by the prosecutor and the defense lawyers—all had a basis in Georgian law. The judge constantly makes comments to Zurab Begiashvili, Avtandil Kandelakishvili's lawyer due to his ironic and patronizing attitude to the witnesses. Both of the accused were present in the room and were able to present their positions directly and through their lawyers.

Monitors would like to note that there are potential issues concerning professional misconduct on behalf of the defense lawyer, Zurab Begiashvili. Firstly, he has been repeatedly accused of facilitating the perjury of his witnesses. Secondly, Mr. Begiashvili has made questionable statements insulting

the intelligence, appearance, ethnic and racial origin of several of the witnesses as well as Vitali Safarov and his mother. Thirdly, Mr. Begiashvili on several occasions stated that the 'Georgia: No place for hate' campaign puts pressure on the investigation. In connection with these statements, Mr. Begiashvili called out the leader of the campaign, Giorgi Marjanishvili, who is a witness in this trial and Agit Mirzoev, who is a friend and a colleague of the murdered Vitali Safarov. Additionally, on June 7th Mr. Begiashvili speculated openly in court, without any factual support, that the victim, Vitali Safarov, used to go to the bars and look for a fight in order to receive financial grants for his work. Observers presume that the systematic violation of professional ethics by the lawyer Belagishvili should be the subject of consideration by the Georgian Bar Association for disciplinary action.

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.

Moreover, the monitors note, that the court has made all efforts to speed up the trial process. The hearing on June 13 lasted for four and a half hours to allow both sides time to question the witnesses. CSP expects that future hearings will be held in a bigger room, to allow all people who want to attend the hearing to be present.

The next court sessions are scheduled for the following dates and times: 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>