

STATEMENT

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

Tbilisi, Georgia, May 20, 2019

On May 20, 2019, four representatives of the Civic Solidarity Platform (CSP) attended the seventh court hearing (the fifth hearing on the merits) in the criminal trial of 23-year-old Giorgi Sokhadze and 20-year-old Avtandil Kandelakishvili, who both stand accused of murdering the Georgian human rights defender Vitali Safarov. The CSP representatives in attendance were Abubakar Yangulbaev and Albert Kuznetsov (Committee Against Torture, Russia), Alexandra Novitchkova (Public Alternative Foundation, Ukraine), and Elena Pershakova (Public Verdict, Russia). The trial is being held at the Tbilisi City Court.

The two defendants, who are allegedly affiliated with a neo-Nazi group, Giorgi Sokhadze, 23, and Avtandil Kandelakishvili, 20, 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 hearing on May 20th was scheduled to begin at 11:00 but started after a 20-minute delay. The hearing took place in a 24-seat courtroom in which 33 people managed to fit. Four members of the press as well as all interested members of the public were able to attend.

Over the course of the hearing, five witnesses were questioned, four of which were forensic experts and one was the police investigator who was first to the scene of the crime.

One forensic expert testified that the victim, Vitaly Safarov, received eight stab-wounds: four of which were fatal. The victim's stab-wounds indicated that he was stabbed both from the front and the back. During the questioning, the defense lawyers sought to determine whether there could have been alternative cause of the victim's wounds, specifically whether the victim's wounds could have been caused by falling upon a sharp object.

Moreover, the defense lawyers questioned the expert about the victim's level of his alcohol intoxication, seeking to establish a correlation between the alcoholic intoxication and the speed at which the victim bled to death. In response to the defense lawyer's questioning, the expert stated that while she could not assess the victim's intoxication, she could testify as to his blood-alcohol level.

Additionally, defense lawyers questioned the expert about whether inappropriate first-aid might have been the true cause of death. The expert replied that the standard protocol for administering first aid is to begin treatment as soon as possible, and that in this case, it was administered correctly. The expert explained that the four fatal wounds sustained by the victim made the administration of first aid inconsequential with respect to the cause of death.

The next expert that took the stand had conducted a medical examination of Irakli Beltadze, a witness of the crime. The expert explained that she found light injuries, such as cuts and scratch marks, on Mr. Beltadze. The expert testified that these injuries were consistent with Mr. Beltadze claims that he attempted to prevent the alleged attacks of the accused.

The following two experts to take the stand had made physical examinations of the accused. The defense lawyers questioned the experts about whether they had found any evidence of injury on the accused that would suggest a third-party, such as Mr. Beltadze, had attempted to forcibly prevent them from committing the allegations.

During the interrogation of the police investigator, who had drafted the initial police report from the scene of crime, the defense lawyers attempted to determine whether the investigating officer exerted undue influence upon the eye witnesses. During the questioning, the judge cautioned defense lawyer, Avtandil Kandelakishvili, for failing to ask questions according to the appropriate procedure and asked that Mr. Kandelakishvili to reformulate his questions appropriately.

During the trial, one of the accused, Giorgi Sokhadze, declared that his rights were violated on the grounds that the investigation had not allowed him the possibility of cooperating with investigators.

During the defense's examination of the police investigator, the prosecutor attempted to feed the investigator responses to the defense attorney's questions. However, the defense team objected, and on two occasions the judge reprimanded the prosecution for assisting the police investigator.

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, the defense lawyers, and the accused—all had a basis in Georgian law. Furthermore, the judge cautioned the defense lawyer, Avtandil Kandelakishvili, for using ironic and patronizing tone towards witnesses. Both of the accused were present in the room and were able to present their positions directly and through their lawyers. The judge repeatedly called for order within the courtroom and issued reprimands to attorneys on both sides. Moreover, the judge asked two attendees to leave the court

room.

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.

The monitors also express their expectation that the court will mind the pace of the trial and will attempt to hold hearings in sufficiently large courtrooms to accommodate all those interested in attending.

The next court sessions are scheduled at the following dates and times: 23 May at 11:00, 28 May at 11:00, and 31 May at 11:00. The Civic Solidarity Platform will continue to monitor 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>