



“NO TO PHOBIA!” CIVIL PLATFORM REQUESTS TO QUALIFY THE MURDER OF VITALY SAFAROV AS ORGANIZED CRIM

არა ფობიას! A civil platform echoes the fact of ruthless murder of the human rights defenders Vitaly Safarov, 25, and calls on the Prosecutor **არა** Office of Georgia to re-qualify the criminal case into an organized crime.

We believe that the accident of September 30, 2018 once again proved increasing tendency of the hate motivated crimes in the society, in response to what the state institutions fail to compressively and effectively elaborate preventive mechanisms for the identification of crime motives and adequate punishment of perpetrators.

Two persons were arrested for the murder of Safarov. Witness statements and the profile pages of the defendants in social networks allow us to assume that they are members of the Neo-Nazi group. One of the detainees was charged under the Article 376 of the Criminal Code of Georgia that refers to not reporting to police about the crime. It is noteworthy that there is evidence, which prove that the defendant participated in the murder **არა** he was beating the victim with so-called Kastet, so he actively participated in the committed crime. According to the information obtained by the lawyer, this allegation is proved by the testimonies of the eye-witnesses and the recordings of the surveillance cameras; it is also proved by the wounds on the

body of the victim, which were caused by two weapons. In this light, the abovementioned defendant shall be charged for the participation in the intentional murder instead not reporting about the crime.

Unfortunately, it is not the first criminal case in the recent period, when the investigation into the organized crimes is conducted with wrong qualification¹. This incorrect practice, on the one hand, may be connected with the low-qualification of the representatives of the investigative bodies, including the prosecutor [] office of Georgia, and on the other hand, it may be caused by the lack of state will to effectively fight against organized crime.

As for the second defendant, initially he was charged under Article 108 of the CCG [] intentional murder (without aggravating circumstances). The signatory organizations positively evaluate that the prosecutor [] office shared the [recommendation](#) of the human rights organizations and re-qualified the charge into the Article 109 Part II [] []A of the CCG; namely, the investigation added aggravating circumstances to the charge: intentional murder due to racial, religious, national or ethnic intolerance.

Fight against the hate motivated crimes is one of the key challenges of the state. Although the Ministry of Internal Affairs and prosecutor [] office commenced positive amendments for the identification of discriminative crimes and investigation, the investigation processes into complicated crimes or/and crimes with political context still fails to meet the standards of adequate and effective investigation. Moreover, the State does not have systemic policy to prevent discriminative crimes and only tries to react to incidents. Unfortunately, the Government is unable to support and strengthen the equality ideas even with statements. Weak policy of the state complicates construction of inclusive, equality-based and peace-oriented society.

It is essential that in the past years we observed empowerment and radicalization tendency of various ultra-nationalist political groups. Part of them openly demonstrate violent tactics or/and violent intensions. First of all, similar groups, of course, create threats for culturally non-dominant groups (religious, ethnic minorities, migrants, and LGBTI people) and with active propagandist tools increase their marginalization. The state policy is weak and superficial with regard these groups. The state does not research social and political reasons of the creation of these groups and at the same time, it does not have systemic preventive and legal policy to fight against violent groups. Murder of Vitaly Safarov was clear demonstration of this violence and threat.

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Unfortunately, Vitaly Safarov [] case did not become lesson learned for the law enforcement bodies and pre-condition for the adequate punishment of perpetrators.

Considering the abovementioned, the Platform calls on the Tbilisi Prosecutor [] Office to change the qualification of the criminal case over Vitaly Safarov [] intentional murder and charge both defendants for the organized crimes.

Implementation of fair justice over Vitaly Safarov [] case is critically important for the prevention of similar crimes, to maintain public trust towards law enforcement bodies and to protect equality and democracy ideas.

Human Rights Center (HRC)

Georgian Democracy Initiative (GDI)

Media Development Fund (MDF)

Tolerance and Diversity Institute (TDI)

Georgian Young Lawyers' Association (GYLA)

Article 42 of the Constitution

International Society for Fair Elections and Democracy (ISFED)

Institute for Democracy and Safe Development (IDSD)

Safari

Human Rights Education and Monitoring Center (EMC)

Equality Movement

Georgian Reforms Association (GRASS)

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[1] Evident example is the Khorava street teen-age murder case of December 1, 2017. This problem is raised in the conclusion of the Interim Fact-Finding Commission on Murder of Two Youngsters at Khorava Street on December 1, 2017 <http://www.parliament.ge/ge/ajax/downloadFile/101632/%E1%83%93%E1%83%90%E1%83%>