



GYLA responds to a hate crime committed at the vegan café “Kiwi”

The Georgian Young Lawyers' Association (GYLA) is defending the interests of 2 individuals affected by a hate crime committed against the employees and the visitors on 29 May 2016 at the vegan café “Kiwi” in Tbilisi.

The vegan café “Kiwi” aims to protect animals and the environment, hold discussions on social issues and share information. Animal products may not be taken into and consumed in the café. This is a place where individuals of diverse appearance or sexual orientation and with diverse views, political and philosophical opinions gather. Some of the employees of the café have unusual appearance (for example, they are wearing piercings, dreads, have their hair dyed or have different hairstyles).

According to the victims, a group of 15-20 people of an extremist ideology attacked the café “Kiwi” on 29 May 2016. The group was headed by Giorgi Bakradze (nicknamed Bergman). They brought meat products (namely, barbecue and sausages) into the café with the purpose of insulting and abusing the ideology of the café and its employees. Despite the resistance of the employees, they threw pieces of meat into the visitors' plates with meal. They were using a derisive tone and offensive words with relation to the employees and the visitors.

According to the victims, this fact caused chaos and bobbery, as a result of which neighbours came to see what was happening. One of them had a knife with him.

Contrary to the expectations of the employees of the café, the neighbours supported the extremist group members and assaulted the employees and the visitors. For instance, the victims report that one of the neighbours beat the employee with a walking stick and injured his forehead near an eyebrow. Another employee was dragged to the floor by hair. Other violent acts were also committed.

The acts of the extremist group and neighbours caused fear and psychological torture of victims, and bodily injuries in the case of one victim. Disrespect was explicitly demonstrated towards the visitors, the working process of the café was obstructed, and the animated cartoon that was being shown was interrupted and the public order was grossly violated.

The employees of the vegan café called the police, though, according to the employees, the police did not respond to the case adequately. According to the victims, after having seen unusual appearance of the employees, one of the police officers told the employees that they would be initiators of the disturbance.

Notably, the extremist group “Bergman” was previously involved in a crime on a discriminatory ground.

We believe that because the number of facts of extremism and discrimination is increasing, it is fundamental that the government effectively responds to hate crimes and applies criminal sanctions to offenders.

The problem is that the investigation of this case is carried out in the light of Article 125 of the Criminal Code of Georgia (Battery), which does not include the adequate and comprehensive evaluation of all the circumstances occurred at the cafe “Kiwi” on 29 May. In particular, the acts of the extremist group may have elements of crime covered by other articles of the Criminal Code of Georgia (for example, Article 239 - Hooliganism), or may constitute an administrative offence (for example, Article 166 of the Administrative Offences Code of Georgia - Disorderly Conduct). **Otherwise, there is a risk that the acts of the members of the extremist group may be left without response that is provided for by law.**

In addition, unqualified response of one of the police officers and his stereotypic understanding of the case without having investigated the facts and of the guilt of the victims are of concern. We believe that this problem is of a cautionary nature and may point to institutional discrimination. If the latter is proved, the issue of the imposition

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of liability on the police officer should also be raised.

It is fundamental that investigation and prosecution bodies properly understand the seriousness of the facts of discrimination and possible threat for a democratic society and carry out the investigation in the light of a discriminatory ground, use Article 53.3¹ of the Criminal Code of Georgia, which aggravates the liability in the case of crimes committed on a discriminatory ground, **reveal all responsible persons** (members of the extremist group and the neighbours) and **impose on them liability corresponding to the crime committed**.

Improper response to hate crimes and those committed on a discriminatory ground and impunity facilitates the enhancement of extremist groups and the violation of fundamental human rights, especially the rights of minority groups.