

Table of Contents

- [Religious minorities still second-class faiths?](#)
 - [Alternative report for the UN Committee](#)
 - [on the Elimination of Racial Discrimination](#)
 - [Legal improvements but little practical improvement](#)
 - [Two leaders or religious violence finally sentenced but what about the others?](#)
 - [Attacks on religious minorities unpunished](#)
 - [Only 'very small percentage' of attacks in trial charges](#)
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Religious minorities still second-class faiths?

by Felix Corley

Forum 18 (25.11.2005) / HRWF Int. (28.11.2005) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - Seven months after non-Orthodox religious communities in Georgia were permitted to gain legal status, Gia Gogiberidze, head of the Justice Ministry department that deals with legal registration, has confirmed to Forum 18 News Service that only two in-country religious organisations have received registration. These are the Mormons on 4 September 2005 and the Congress of Georgian Muslims on 2 September.

The Jehovah's Witnesses were able to register the Watchtower Society in November 2003, but only as a branch of their US-based headquarters.

Without legal status, religious communities cannot own property communally, run communal bank accounts, or go to court as a community. This leads to some strange anomalies. "It is completely unacceptable that the Armenian Apostolic cathedral in Tbilisi is owned personally by the archbishop," a priest of the Armenian Church told Forum 18 from the church headquarters at Echmiadzin in Armenia on 21 November. "We want legal status as a fully-fledged religious community. It is only right and proper."

Registration of religious organisations became possible – for the first time in 15 years - after parliament on 6 April 2005 approved amendments to the Civil Code, allowing religious communities to register with the Ministry of Justice. President Mikheil Saakashvili signed the amendments into law on 27 April. However, religious organisations gain registration only as non-commercial entities, a status that some religious communities – among them the Armenian Apostolic Church, the Catholic Church and the Muslims - regard as demeaning.

These communities want to have status as public legal personalities, a status granted only to the Georgian Orthodox Patriarchate in a controversial 2002 Concordat between the Orthodox Church and the state. The Concordat not only granted the Orthodox Patriarchate legal status, but also numerous privileges denied to all other religious communities. When the Vatican and the Georgian state were on the point of signing a concordat in September 2003, which would have granted the Catholic Church legal status, huge Orthodox-led street demonstrations led to the abrupt cancelling of the signing ceremony.

The first Protestant church to apply for legal status as a non-commercial organisation - a Pentecostal church in the capital Tbilisi [T'bilisi] - is still waiting for registration after a state notary refused to authorise the application. However, the Justice Ministry's Gia Gogiberidze pledges that the obstruction by the notary has been resolved. "There can't be such obstructions," he told Forum 18 from Tbilisi on 24 November. "All notaries must sign registration applications – and if they refuse, applicants can go to any other notary. If one won't do it another will."

Lack of legal status for non-Orthodox communities reflects deep-rooted public hostility to them, which has seeped into official attitudes, and has given hostile officials one excuse for refusing such communities permission to engage in high-profile public religious activity and build or regain places of worship.

Despite the end of the reign of terror against religious minorities - which saw more than a hundred physical and often brutal attacks on Protestants, Catholics and Jehovah's Witnesses - since the fall of former president Eduard Shevardnadze in November 2003, mob attacks on religious minorities still occur.

Beka Mindiashvili, head of the Equality Department at the Human Rights Ombudsperson's office, told Forum 18 that, after the Jehovah's Witnesses bought a house in June in the centre of Kutaisi [Kut'ai'si] in central western Georgia, a 50-strong mob spent the next few weeks besieging the house, attacking individual Jehovah's Witnesses and damaging the property. "Even now they can't carry out any repairs to turn the building into a prayer house," he told Forum 18 from Tbilisi on 24 November.

It also remains unknown whether religious minorities can now build places of worship after years of a de facto ban by the Georgian Orthodox Patriarchate (see forthcoming F18News article).

The Madli (Grace) Pentecostal church in the Tbilisi suburb of Gldani lodged its application with the notary, Mzia Arsenishvili, in September 2005, but she refused to sign it, claiming that only the Orthodox Church exists throughout the world and that she would not process applications by other faiths.

But the church's pastor Zaal Tkeshelashvili told Forum 18 that after his church complained to the Ombudsperson's Office, the Justice Ministry removed Arsenishvili from office for one year. "They confirmed this in a 16 November letter to me," he told Forum 18 from Tbilisi the following day. "They said I should go to another notary for the required signature." Tkeshelashvili said his church now has to start the documentation from scratch.

Gogiberidze from the Justice Ministry confirmed Arsenishvili's removal from her post, for refusing to sign the Madli church's documents. "We were very worried about this obstruction to its registration," he told Forum 18. "The justice minister too was concerned." He pledged that if the church submits its documents again it will receive legal status.

Ombudsperson Sozar Subari believes the registration problem is now resolved. "This was a problem of one official," he told Forum 18 from Tbilisi on 24 November. "After we took up the issue with the Justice Ministry they resolved it." But he pledged to keep watching applications by other religious communities. "I will get involved if other problems arise."

Other Protestant communities told Forum 18 they were waiting to see if the Madli church's application is successful before lodging their own applications. But Fr Gela Aroshvili, a priest of the True Orthodox Church under the jurisdiction of Metropolitan Ephraim Spanos of Boston, says his communities are not hurrying to register. "We've suffered many obstructions over the years and this won't give us any status. We don't need it," he told Forum 18 from Tbilisi on 24 November.

Mindiashvili of the Ombudsperson's Office believes that registering religious communities as non-commercial organisations is a "more or less liberal solution" to the lack of legal status, but admits it is not ideal. "Of course it is discrimination that one religion – the Georgian Orthodox Church – has a higher status than others." He said that while he has detected little discontent with the new registration terms from Protestants and other minorities, the Catholics and Armenians have been public about their objections.

Gogiberidze of the Justice Ministry said he was aware of some communities' unhappiness about the lowly legal status offered and conceded this could be regarded as discrimination, but insisted he was an official who merely carried out the law. He also assured Forum 18 that no specific denominations are banned from registration.

Religious minorities have also been concerned about enforced instruction in the Georgian Orthodox faith in state schools, with parents unable to gain exemption for their children from being given such instruction and taken from school to pray in Orthodox churches. Ombudsperson Subari told Forum 18 that the amendment to the Education Law in April, which banned such practices, has led to some improvement. "The problems are not at the same level as before, but our office will be conducting monitoring on this issue early in 2006."

He said his Office is now in the middle of a one-month monitoring of children's homes in Tbilisi. "In some cases children were being baptised by Orthodox priests on the initiative of a teacher, or the home's director, and the child's parents – if there are any – were not being asked for their permission for the baptism," Subari told Forum 18.

Source: <http://www.forum18.org>

Alternative report for the UN Committee on the Elimination of Racial Discrimination

The alternative report for the UN Committee on the Elimination of Racial Discrimination and the concluding observations of the UN Committee on the Elimination of Racial Discrimination were prepared by the Human Rights Information and Documentation Center (HRIDC) in cooperation with the International Federation for Human Rights (FIDH). The representative of the HRIDC Nino Gvedashvili presented the report to the CERD in August, 2005. Here is an excerpt dealing with freedom of thought, conscience and religion.

Article 5 d vi) The right to freedom of thought, conscience and religion

The official status of religious minorities continued to be a problematic issue in Georgia in 2004. There is no law specifically detailing the rights of minority religious groups, although the government does have a formal concordat with the Georgian Orthodox Church signed in 2002. In 2004 the issue of minority rights centered a great deal upon organizational and building rights. It remained virtually impossible for non-Orthodox religious groups to build places of worship, either because they were refused permits by secular authorities claiming that the 2002 concordat gives the Orthodox Church the right to veto applications by other religious bodies, or because of strong resistance and the threat of violence from local populations. Many minority leaders believe that the only solution to such restrictions and to ensure the freedom of religion guaranteed in the Constitution is to enact a law explicitly authorizing them to organize as legal entities like other NGO's with institutional rights of property ownership and financial operations.^[1] Religious minority communities (e.g. Jehovah's Witnesses, Baptists and Lutherans) continued to suffer low-level violence such as vandalism of their church buildings.

The problems of discrimination against religious minorities have been addressed by the Special Rapporteur on freedom of religion and belief after a visit in Georgia in August Septempbre 2003 (see E/CN/2004/63/add.1) and by some international NGOs²[2]

HRIDC wants to stress the following points

According to the Constitutional agreement between the State and the Orthodox Church, the orthodox church has a privileged position by comparison to other religion. It should be mentioned for example that the Orthodox Church is free from taxes unlike the other confessions.

There were numerous cases of religious extremisms in the previous year, and the government did nothing to prevent it (for example, police did not take appropriate measures)

Although the new government took some steps to suppress the religious extremism (like, the arrest of the extremist priest Basil Mkalavishvili), it was done with brutal methods. In an open Letter to the EU / CFSP mission to Georgia, FIDH and HRIDC express concern towards the excessive violence used in the arrest of Old Calendarist Priest, Basil Mkalavishvili. His detention on March 12, 2004, also illustrates this phenomenon. The Human Rights Information and Documentation Center, although admitting the necessity to sanction Basil Mkalavishvili and other religious extremists, condemned the way the police stormed the church and beat approximately 30 people.

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Statement of the Human Rights Information and Documentation Center

The Human Rights Information and Documentation Center (HRIDC) expresses its grave concern regarding the recent increase in the number of human rights violations.

On the morning of March 12, 2004, riot police dispersed a meeting of supporters of renounced priest Basil Mkalavishvili by using force. The meeting took place in Tbilisi. Approximately 30 people were severely beaten, mostly women, and the temple was attacked. The police operation took place before television cameras.

The Human Rights Information and Documentation Center supports the detention of Basil Mkalavishvili and other religious extremists, and hopes that the religious intolerance will be punished and eliminated in Georgia.

However, we condemn the violence and are concerned with the fact that Mkalavishvili had not been detained a day earlier, when he was holding a press-conference in the center of the city with the presence of the police, where he could have been detained without any excesses.

This indicates either the non-professionalism of the police and the ignorance of fundamental human rights, or the government's attempt to build an atmosphere of fear in Georgia, and to terrify the society with these kinds of measures.

Human Rights Information and Documentation Center condemns these Soviet-style methods of government and violence and the creation of an atmosphere of fear. We call for the protection of the fundamental rights and freedoms. The Center advocates the punishment of the religious extremists as well as the leaders and the participants of this police action.

Although the new government does not support the religious extremists, it doesn't act to solve the problem. This issue seems more concealed now, but there still have been some cases in the previous months.

Danger of Religious Extremism³[3] (2004)

NGO Civil Council for the Defense of Fundamental Rights and Freedoms organized a press-conference to discuss religious extremism in the country and protest the violent attempt against Father Giorgi Chachava, the orthodox priest of Santa Panteleimon church.

On June 4 this year (2004), Father Giorgi Chachava, the priest of Santa Panteleimon church was attacked by the orthodox priest of Santa Nino church – Father Davit Kvlividze.

The members of the Civil Council applied to the President of Georgia. In their statement they pointed out the positive changes regarding the religious extremism in post-revolution Georgia, but they condemned the aforementioned fact and reported that “there are some forces in Georgia that wish to show Georgia as a wild and uncivilized country in which only fundamentalism and fascism can find home.” The danger of religious extremism was emphasized in the address and the members of the Civil Council demanded the lawful estimation of criminal actions and defense of human rights.

Today, the first panel of judges of the Constitutional Court of Georgia has finished the hearing of the case of a Rustavi former judge and a Georgian Public Defender versus the Parliament of Georgia.

The claimants alleged the violation of the Articles 42 and 29 of the Constitution. The allegations say that the Disciplinary Council constitutes an institution operating as a court and its decisions are final and should be executed immediately. So, the Disciplinary Council appears to be the punitive body of judges.

The Constitutional Court of Georgia will announce a decision on June 22.

A small Baptist congregation in Velitskikhe faced fierce opposition in November (2004) from local residents as they tried to erect a home for their deacon. The Gurjaani district governor reportedly arrived in the middle of a demonstration on 8 November and reportedly told the Baptists that, although he respected them, the authorities could not go against the will of the people, despite the fact that the Baptists have official permission to build. As of early 2005, the Baptists were unable to continue building because of continuing threats whenever they attempt to begin.⁴[4]

Strikes on Jehovah's Witnesses Becoming Frequent

Tbilisi.13.07.05.Media News. According to the information provided by the Public Defenders Office in Kutaisi on 26 June, a group of 50-60 people gathered in front of the house at 44, Tabidze Street and demanded that the repairs going on inside be stopped or they would burn down the house and physically assault the owners of the property.

The new owners, members of the Jehovah's Witnesses religious group, were afraid of confrontation and so called for the police patrol.

According to the words of the Public Defender, Mr Sozar Subar, the police patrol took into custody two Jehovah's Witnesses, Mr X. Norakidze and Mr T. Chogidze, to the first office of Kutaisi Internal Affairs Police Department whereupon they confiscated their driving licenses and identity cards and where they also were offended by the inspector, Mr Shamil Robakidze.

According to the statement of the Public Defenders Office, this type of action towards Jehovah's Witnesses has been going on everyday and has mostly been promoted and guided by the Orthodox priest, Father Zosime.

The violence towards the Jehovah's Witnesses was repeated on 5 July when the Public Defenders representatives arrived in Kutaisi in order to obtain more information about the above mentioned situation.

"On the same night, a couple of persons threw bricks at the people inside the house and shouting at them for daring to ask the Public Defender for help. There were injuries and windows were broken as well" said Mr Subar. No single person has been arrested from amongst the group of offenders and the criminal court case is open only on incident from 5 July.

Religious Extremism Continues (5)[5]

At first look, it appears that the discrimination of people on the basis of religion has not occurred since the new government came to power. The facts, however, about the hidden problems from the side of the government, speak differently. The facts showing an increase in discrimination of the religious minorities has grown with the number of complaints increasing from three last year to 12 in the first three months of 2005 in the Public Defenders Office. In spite of the many efforts by Public Defender and his representatives, the majority of the complaints was left without response by

the police and Office of Public Prosecutor showing, all too well, the apathy and partial action of some leaders of law enforcement bodies.

On 29 June 2005 in Kutaisi, an incident took place involving Goderdzi Kvaratskhelia, Khvicha Norakidze and Teimuraz Chogovadze who were threatened with the seizure of property and torching the house were working on despite the building having been legally purchased. The new owners, it must be said, were "Jehovah's Witnesses" who called the patrol police for help but were left without any response. Instead the "Jehovah's Witnesses" were apprehended and taken to the office of the Kutaisi Internal Affairs Police Department where their ID cards and driving licenses were confiscated and where they were also subjected to verbal offence. Further offenses were made to those left at home. This type of action towards the representatives of this religious minority has continued almost every day with the congregation having gathered in their yard with the encouragement of a local Orthodox priest.

The arrival of the representatives of the Public Defender's office in order to obtain more information of the situation became one more reason for provocation with some members of the local community throwing bricks at the house.

At this time the repair works have stopped and no one has been arrested.

Similar acts of discrimination on the basis of religious affiliation have also manifested themselves in the district of Akhmeta.

In 2003 Nanuli Javakhishvili, a resident of the village of Khodasheni, legally bought a building to set Baptist church in motion. Repair works are on going in this building but two Akhmetians, the former owners of the building, took away the key from Ms. Javakhishvili by force at the beginning of June and gave it to Mr Akaki Bibilashvili, the Gamgebeli (the local government) of Khodasheni, who will not return the key but intends to pass this building to the office of National Movement.

[Back to the Table of Contents](#)

Legal improvements but little practical improvement

by Felix Corley

Forum 18 News Service (24.05.2005) / HRWF Int. (25.05.2005) - Email info@hrwf.net - Website <http://www.hrwf.net> - "Definite improvements for religious minorities have taken place in the legal field, but on the ground little real improvement has taken place," Levan Ramishvili, of the Liberty Institute told Forum 18 News Service. He was commenting on changes to laws covering religious communities' legal and tax status, as well as a new law affecting school religious education.

These de jure changes have been broadly welcomed by minority religious communities, but some are unhappy at being treated as NGOs or private legal persons. But de facto the changes have yet to make a significant impact. Fr Gabriel Bragantini of the Catholic Church commented on education that "In Tbilisi it may be better, but elsewhere it's still as it was before."

Emil Adelkhanov, of the Caucasus Institute for Peace, Democracy and Development, stressed that religious minorities must exercise their rights and noted that religious freedom improvements could be reversed. He cited the results of a survey which found that nearly 47 per cent would support destroying the literature of religious minorities such as Baptists and Jehovah's Witnesses

"Definite improvements for religious minorities have taken place in the legal field, but on the ground little real improvement has taken place," Levan Ramishvili, head of the Tbilisi-based Liberty Institute human rights group, told Forum 18 News Service from the Georgian capital on 18 May. After long discussion of how religious communities should be offered the possibility to gain legal status as religious organisations,

parliament on 6 April approved amendments to the civil code, allowing them to register with the Ministry of Justice. President Mikheil Saakashvili signed the amendments into law on 27 April.

Also in April 2005, parliament removed Article 199 of the Administrative Violations Code, a Soviet-era article which allowed religious communities to be fined for activities such as not being registered and organising youth meetings. "Religious organisations will be put on an equal footing with secular non-profit groups – registration will be voluntary and not mandatory, as the Administrative Violations Code used to require," Ramishvili told Forum 18. "They will be able to register as a union or a foundation."

But some religious communities are unhappy with the status that registering under the civil code will provide. Sozar Subari, the human rights ombudsperson, told Forum 18 that the Catholics, Muslims and Armenian Apostolic Church particularly opposed the idea of registering as if they were non-governmental organisations. "They want the civil code to be changed again to allow them to register as public religious organisations," he told Forum 18 from Tbilisi on 2 May.

Levon Isakhanyan, spokesperson for the Armenian Apostolic diocese of Georgia, describes the possibility of registering the diocese as a private legal person as "unacceptable". "It is unacceptable for the Armenian, Catholic, Muslim and other traditional faiths," he told Forum 18 from Tbilisi on 18 May. He said the issue was raised in April, when a delegation from the Church headquarters in Echmiadzin, Armenia, visited Georgian government and Orthodox Church representatives in Tbilisi.

Since gaining independence from the Soviet Union in 1991, no religious community had any form of legal status until a controversial 2002 concordat between the Orthodox Church and the state granted the Orthodox Patriarchate legal status and numerous privileges denied to all other religious communities. When the Vatican and the Georgian state were on the point of signing a concordat in September 2003, which would have granted the Catholic Church legal status, huge Orthodox-led street demonstrations led to the abrupt cancelling of the signing ceremony

A new Law on General Education, which separates state schools and religion teaching, was also adopted. This narrows the interpretation of article 5.1 of the state concordat with the Orthodox Church, which allowed teaching of Orthodoxy as an elective part of the school curriculum, also giving the Orthodox Church control of the curriculum, and appointments and dismissals of teachers. The new law states that such Orthodox teaching may only take place after school hours and cannot be controlled by the school or teachers. Also, outsiders, including clergy, cannot regularly attend or direct students' extracurricular activity or students' clubs or their meetings.

Religious minorities have broadly welcomed the changes to school religious education. In recent years, many had been unhappy that such religious education took the form of narrow Orthodox education and compulsory prayers in the local Orthodox Church (see F18News 19 November 2003 http://www.forum18.org/Archive.php?article_id=189). However, as human rights activists and religious minority leaders point out, practice has not always kept pace with the law. "The education law has been adopted and the legal framework changed, but this has not yet been implemented," Ramishvili of the Liberty Institute told Forum 18.

Fr Gabriel Bragantini, who heads the Catholic diocese of Kutaisi [Kut'ai'si] in western Georgia, complains that school religion lessons in his area are still Orthodox denominational lessons. "Teachers speak only of the Georgian Orthodox Church," he told Forum 18 from Kutaisi on 18 May. "All children have to go to the lessons. In Tbilisi it may be better, but elsewhere it's still as it was before."

These legal moves follow a new Tax Code adopted by parliament last December, which grants certain tax exemptions to religious organisations. "However, the Patriarchate has more privileges than other religious organisations," Ramishvili of the Liberty Institute noted.

Despite these legal changes - which come after nearly a decade of discrimination against religious minorities and a five year reign of terror against Protestants, True Orthodox, Catholics and Jehovah's Witnesses from 1999-2003 - religious minorities still face intermittent threats, obstruction to their right to

meet for worship and a de facto ban on building new places of worship (see forthcoming F18News article).

Emil Adelkhanov, of the Tbilisi-based Caucasus Institute for Peace, Democracy and Development, welcomes the possibility for religious communities to gain legal status. But he stresses that they themselves have to take the initiative to exercise their rights. "The problem is that such a law works if not only minorities want it to work," he told Forum 18 on 17 May. Many religious minority leaders told Forum 18 they were unaware of the changes to the civil code which make registration possible.

Adelkhanov believes that the government has the incentive to "please Europe" at the moment. "But our experience has shown that Europe can be indulgent, and the authorities know that quite well." He fears that slow improvements in the religious freedom climate could be reversed. "As long as the mentality of the general population remains the same, there is no guarantee that the story won't recur after the incentive given by Europe is gone - after the immediate goals have been achieved."

He points to the depth of popular hostility to religious minorities and cites a 2004 survey carried out by the Tbilisi-based International Centre on Conflict and Negotiation. Nearly 47 per cent of respondents said they would support destroying religious minorities' literature, while only 10 per cent would defend religious minority rights.

Nearly 44 per cent of respondents believed that were Georgia to adopt a religion law, it should ban the activity of "sects", such as the Baptists and Jehovah's Witnesses, with a further 34 per cent believing it should restrict their activities. More than 20 per cent of the population believed such a law should ban the activities of Catholics, Muslims and other faiths regarded as more traditional, with a further 38 per cent believing it should restrict their activity. Only 25 per cent believed such "traditional" faiths should be fully protected with only just over 6 per cent believing that "sects" should also be fully protected.

Source: <http://www.forum18.org>

[Back to the Table of Contents](#)

Two leaders of religious violence finally sentenced but what about the others?

by Felix Corley

Forum 18 (01.02.2005) / HRWF Int. (07.02.2005) - Email info@hrwf.net - Website <http://www.hrwf.net> - Two prominent leaders of large-scale violence against religious minorities, Fr Basil Mkalavishvili and Petre Ivanidze, have been given jail sentences, but Forum 18 News Service has been told that many other attackers remain free and unpunished, as individual attacks and sectarian hostility continue.

"Of course I'm pleased by the prison sentences, but I know no-one else will ever face trial for any of these many attacks," Orthodox priest Fr Basil Kobakhidze told Forum 18 gloomily. "Dozens of people if not more - including priests of the Georgian Orthodox Patriarchate - should be on trial, but they never will be." Interior Ministry press secretary Guram Donadze declined any official comment, but stated "as a private individual", that others should be tried for their involvement in religious violence.

Mkalavishvili and Ivanidze's lawyers are going to appeal against the sentences. Forum 18 knows of no other trials pending for violent attacks against members of religious minorities.

On 31 January, at the end of a long-running case, the judge at Tbilisi's Vake-Saburtalo district court sentenced Fr Basil Mkalavishvili, who led a five-year campaign of terror against religious minorities, to six years' imprisonment and his chief associate Petre Ivanidze to four years. The prosecutor Mamuka Kereselidze had called for a seven-year sentence for Mkalavishvili and a six-year sentence for Ivanidze.

Their lawyers are going to appeal against the sentences to the regional court and, if that fails, to the Supreme Court. Also given lesser sentences were five others, but not for attacks on religious minorities - only for violently resisting arrest in March 2004.

Basil Mkalavishvili inaugurated his terror campaign against religious minorities on 17 October 1999, when he led a violent mob raid on 120 Jehovah's Witnesses meeting in the Tbilisi suburb of Gldani. Sixteen Jehovah's Witnesses required hospital treatment and one mother of two, Pati Tabagari, suffered permanent damage to one eye after being hit on the head. Although 70 Jehovah's Witnesses filed complaints with the city prosecutor's office, Mkalavishvili and his supporters have never been punished for this and numerous other attacks. Mkalavishvili was proud of his hundreds of attacks, even openly distributing video-tapes of them.

On 31 January, when he and his chief associate Petre Ivanidze, were finally sentenced to prison, only three attacks of dozens on Jehovah's Witnesses and Baptists were included in the case. "Of course I'm pleased by the prison sentences, but I know no-one else will ever face trial for any of these many attacks," Orthodox priest Fr Basil Kobakhidze told Forum 18 News Service gloomily from Tbilisi on 1 February. "Dozens of people if not more - including priests of the Georgian Orthodox Patriarchate - should be on trial, but they never will be."

Interior Ministry press secretary Guram Donadze declined any official comment on the sentences, declaring that this is a matter for the courts.

However, he declared that "as a private individual", he believes others should be before the courts for their involvement in the years of religious violence. "The prosecutor's office must draw up indictments," he told Forum 18 from Tbilisi on 1 February. However, he claimed that some other investigations are already underway, though he said he had no details.

Levan Ramishvili, head of the Tbilisi-based Liberty Institute, who was among six of its staff injured during an unpunished mob attack in July 2002 to punish its support for the victims of the religious violence, cautiously welcomed the two prison sentences. "It's a good sign, but the indictment covered only a tiny percentage of the crimes Mkalavishvili and his followers committed," Ramishvili told Forum 18 from Tbilisi on 1 February. "The prosecution was launched in the Shevardnadze period, when prosecutors weren't interested in a sincere investigation. It was just being done for show."

He pointed out that neither Mkalavishvili nor Ivanidze pleaded guilty. "They maintained their innocence throughout, banking on the fact that the prosecution would not be able to get any proof because of intimidation of witnesses," Ramishvili told Forum 18. "Although they now sound more conciliatory and don't say openly they will attack Jehovah's Witnesses and burn their literature, they don't admit they did anything wrong."

He reported that the Liberty Institute is studying the indictment to prepare a dossier of all Mkalavishvili's alleged crimes to be made public and presented to the prosecutor's office. "We are starting with his crimes, and we expect the prosecutor's office will then take action."

Ramishvili also highlighted the "very nervous atmosphere and climate of intimidation" in the courtroom against witnesses who had suffered from the violence. "We need a law on witness protection and will present a draft text for parliament to consider," he told Forum 18.

During the reign of terror, Baptists, Pentecostals, Jehovah's Witnesses, Catholics and True Orthodox suffered repeated mob attacks, destruction of places of worship, burning of religious literature and physical injuries to individual believers. Such raids were led by a variety of organisations and individuals, some of whom were part of the Georgian Orthodox Patriarchate. In three earlier trials, seven individuals received only suspended sentences for their part in such raids.

The vast majority of those involved in the estimated nearly 200 attacks have never been prosecuted. Since the change of regime in Georgia in late 2003, such attacks have diminished, but continue.

Opinion in Georgia is divided over how to overcome what Baptist Bishop Malkhaz Songulashvili described to Forum 18 as "the terrible legacy" of past large-scale religious violence and continuing individual attacks and sectarian hostility. Many, like Bishop Songulashvili, believe that "how this violence started, how it developed and who organised it has to be known," otherwise he told Forum 18 "it will still be festering five years on." But the Georgian Orthodox Patriarchate does not believe that it is necessary to investigate the root causes of the violence.

Fr Mkalavishvili is a priest under the jurisdiction of Greek Old Calendarist bishop Metropolitan Cyprian of Oropos and Fili. Forum 18 was unable immediately to reach Ambrose Agiokyprianitis, Bishop of Methoni, Greece, who has direct jurisdiction over the priest, to find out what action if any he would be taking against him in the wake of the guilty verdict.

Jehovah's Witness lawyer Manuchar Tsimintia - who personally witnessed the mob raid Mkalavishvili led on the ombudsman's office in Tbilisi in January 2001 - declined to give his personal view on the two sentences, the first prison sentences handed down to anyone for their role in the five-year reign of terror. "Mkalavishvili violated the criminal code and the court found him guilty," Tsimintia told Forum 18 on 1 February. He pointed out that both sentences were lower than the prosecutor had demanded, and that Mkalavishvili was guilty of leading "more than just three incidents".

Tsimintia maintains that Mkalavishvili's mob had about ten "regular, active members" who played a serious role in the attacks. "These others have not been punished," he noted.

Ramishvili is unsure whether anyone else will ever be brought to trial for attacking religious minorities. "It is hard to say if there will be such trials, but I hope so. Others were responsible, including people from the Patriarchate and the government." He believes the main organisers of the violence were the then minister of national security and the government of Eduard Shevardnadze as a whole. "It is still possible to find evidence of their involvement - that's one of our objectives," he told Forum 18. "President Saakashvili has done nothing on this because he knows it is not a popular cause."

Fr Kobakhidze was among several priests suspended from performing priestly functions by the Holy Synod last December, for opposing the Patriarchate's hostility to other Christian denominations in a context of violent physical attacks against them by 'Orthodox' vigilantes. He believes that violence against minorities will continue as long as the atmosphere of "religious nationalism" prevails in Georgia.

"If Mkalavishvili was released he would again take up violence under the slogan 'Orthodoxy is in danger!'," he declared. "But the psychological atmosphere in which Mkalavishvili operated was created by the Patriarchate. Sermons are full of xenophobia, extremism and nationalist ideology."

He maintains that the current government is merely continuing the "religious nationalism" of the Shevardnadze regime. "The Patriarchate has become the ideologist for the government and has signed many agreements with government agencies," he told Forum 18. "Only on 28 January it signed an agreement with the Education Ministry."

Source: <http://www.forum18.org>

[Back to the Table of Contents](#)

Attacks on religious minorities unpunished

by Felix Corley

Forum 18 (18.01.2005) / HRWF Int. (24.01.2005) - Email info@hrwf.net - Website <http://www.hrwf.net> - Despite their having been hundreds of documented physical attacks on members of religious minorities, including people being hospitalised, and places of worship and religious literature being destroyed, Forum 18 News Service has been unable to discover any prison terms being given to the attackers. In the most recent of the three completed trials for a small minority of the attacks, one attacker was given a two-year

suspended sentence. The trial of one of the most notorious ringleaders of some of the violence, Old Calendarist priest Fr Basil Mkalavishvili, who proudly distributed video tapes of his attacks, and six associates is now underway in Tbilisi, but Forum 18 is unaware of any other trials. Hundreds of other participants in mob attacks on religious minorities such as Baptists, Pentecostals, Jehovah's Witnesses, True Orthodox and Catholics have escaped prosecution and much fear they will never be brought to justice.

In the handful of prosecutions of those responsible for physically attacking members of religious minorities and destroying places of worship and religious literature in the five-year reign of terror by self-designated and self-appointed Orthodox vigilantes from 1999 to 2003, Forum 18 News Service has been unable to discover any prison terms handed down to the guilty.

In the most recent of the three completed trials, Revaz Basilashvili – who participated in attacks on Jehovah's Witnesses in the capital Tbilisi [T'bilisi] and in Marneuli, south of the capital – was in December 2004 given only a two-year suspended sentence. "No-one is currently serving a prison term for their part in any attacks," Jehovah's Witness lawyer Manuchar Tsimintia told Forum 18 from Tbilisi on 18 January. "All seven defendants got off with only suspended sentences." Hundreds of other participants in mob attacks on religious minorities have escaped prosecution and many fear they will never be brought to justice.

Baptist and True Orthodox representatives, as well as human rights activists, have told Forum 18 they are unaware of any other trials completed or still underway.

Forum 18 supplied written questions to justice minister Giorgi Papuashvili as to why only suspended sentences are being handed out to those found guilty, why so few of those responsible for the attacks on religious minorities were being brought to trial given that hundreds of people took part in criminal attacks on religious minorities, what measures the justice ministry had undertaken or was planning to overcome victims' fear of testifying against those who attacked them, when he thought all those guilty of taking part in the attacks will be sentenced, when he thought the first prison sentences will be handed down to those guilty of physically attacking believers and how he responded to accusations that the Georgian justice system is not ready or willing to provide even-handed justice to minority religious communities.

In a response on 18 January declining to answer these questions, the ministry declared that "these issues do not fall under the subordination of the Ministry of Justice of Georgia, as it does not have a competence of investigation". It said that decisions on whether to prosecute are taken by the prosecutor's office.

The foreign ministry told Forum 18 the same day that no ministers were available to answer questions about how the failure to prosecute hundreds of individuals involved in mob attacks squared with Georgia's obligations, including those as a member of the Council of Europe, to protect religious minorities and prosecute those guilty of attacking them.

Among those who suffered in the years of violence were Baptists, Pentecostals, Jehovah's Witnesses, True Orthodox and Catholics. The Jehovah's Witnesses bore the brunt of the attacks, with Tsimintia putting their number at 185 over the five-year period. He said 830 victims of the attacks had written individual statements to the police testifying about the assaults.

The trial of one of the most notorious ringleaders of some of the violence, Old Calendarist priest Fr Basil Mkalavishvili, who proudly distributed video tapes of his attacks, and six associates is now underway in Tbilisi, though only two of the seven are being tried for attacks on religious minorities.

In the first trial of anyone involved in the attacks, Paata Bluashvili and four other members of the Jvari (Cross) group in the town of Rustavi [Rust'avi] south east of Tbilisi received short suspended sentences in November 2003 after being found guilty of conducting seven violent attacks on Jehovah's Witness meetings in Rustavi and Marneuli that left dozens of people wounded. However, even these sentences were reduced on appeal in April 2004.

In the second trial, Jano Margiani – one of the main organisers of an attack on a Jehovah's Witness Kingdom Hall on 28 December 2003 in Samtredia in western Georgia – was found guilty on 17 November

2004 under Article 151, which punishes threats, Article 156, which punishes persecution, and Article 187 part 1, which punishes damage to property.

However, the judge at Samtredia district court gave him only a three-year conditional sentence and ordered him to pay compensation of 2,000 laris (7,032 Norwegian kroner, 862 Euros or 1,124 US dollars) for damage to the Kingdom Hall. Tsimintia told Forum 18 that in the attack, two walls of the building were destroyed. He said Margiani has not yet paid the compensation. No-one else involved in the attack has been or is being prosecuted.

In the third prosecution, Basilashvili, a Mkalavishvili associate, went on trial at Marneuli district court at the beginning of August 2004 for his part in mass mob attacks on a Jehovah's Witness congress in Marneuli in September 2001. Despite being found guilty on 14 December 2004 under Article 120, which punishes beating, Article 155 part 1, which punishes violent obstruction of others' right to conduct religious worship, Article 156 part 2, which punishes persecution, and Article 187, judge Makhvala Peikrishvili gave him only a two-year suspended sentence. No-one else involved in that attack has been or is being prosecuted.

"As well as the Marneuli attack, Basilashvili participated in several mob attacks against our people in Tbilisi and was especially active in the January 2001 attack," Tsimintia told Forum 18. "Though we presented witnesses and video testimony, the judge didn't believe our witnesses." He said that the prosecutor demanded only a suspended sentence.

Tsimintia declined absolutely to comment on the nature and length of the seven sentences handed down by the courts in the three trials. "All I will say is that it is a good precedent that they have been punished for violating human rights," he told Forum 18. "We did all we could by providing evidence from witnesses and from video recordings."

In the only other known current prosecution, the separate trial of Bluashvili at the district court in the town of Gori north west of Tbilisi relating to two attacks on the same day, 15 August 2002, against Jehovah's Witness congresses in Gori and in nearby Kaspi, came to a halt in November 2004. Tsimintia reported that the court ordered the suspension of the trial until the driver who brought the mob to the two congresses in a bus has been located and interviewed. It remains unclear if and when the trial will resume.

In the wake of the refusal by the prosecutor's office to prosecute Mkalavishvili or any of the other perpetrators of the mob attack on a Jehovah's Witness gathering in Tbilisi's Gldani district in October 1999 which left 60 people injured, including 16 needing hospital treatment, the Jehovah's Witnesses filed an application with the European Court of Human Rights in Strasbourg. On 6 July 2004, the Court ruled that the Witnesses' application was admissible and a decision on the merits of the case is expected in the coming months.

Meanwhile in a bizarre case, Mirian Arabidze - who was among those severely beaten during the attack in Gldani district in 1999 - was prosecuted and convicted for "hooliganism", unlike his attackers who were not prosecuted. The basis for the conviction was that Arabidze was present during the attack on him and others. He has now finally received compensation for this wrongful prosecution and conviction. Jehovah's Witness lawyer Manuchar Tsimintia told Forum 18 that "after years of legal battles, Georgia's Supreme Court eventually exonerated him."

On 18 November 2004 Arabidze received compensation of 600 laris for "moral damage" and 500 laris to cover legal fees (a total equivalent to 3,870 Norwegian kroner, 474 Euros or 618 US dollars).

Tsimintia told Forum 18 that after the case against him was closed by the Supreme Court in October 2001, Arabidze took his case for rehabilitation to the district court in September 2002, which recognised the wrongfulness of the case and awarded him damages. However, the finance ministry challenged the award of legal costs, but the Supreme Court upheld the award in May 2003. It remains unclear why it took Arabidze so long to receive the compensation. The exoneration was published in the justice ministry's official journal in 2003 and Tbilisi city prosecutor K. Chunguridze wrote to Arabidze on 10 March 2004 to apologise.

None of the attackers of Arabidze and the 60 other people injured in that specific attack, apart from Fr Basil Mkalavishvili and his chief associate Petre Ivanidze, have ever been prosecuted.

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[Back to the Table of Contents](#)

Only 'very small percentage' of attacks in trial charges

by Felix Corley

Forum 18 (17.01.2005) / HRWF Int. (24.01.2005) - Email info@hrwf.net - Website <http://www.hrwf.net> - The trial of Fr Basil Mkalavishvili, who proudly distributed video footage of his and his associates' physical attacks on religious minorities, and six associates is apparently nearing completion in the Georgian capital Tbilisi. But religious minority leaders and local human rights activists have expressed fears to Forum 18 News Service about the small number of attacks being considered.

"The trial covers only three of the more than one hundred attacks against our communities alone," Jehovah's Witness lawyer Manuchar Tsimintia told Forum 18, a view echoed by Giorgi Khutsishvili of the International Centre on Conflict and Negotiation.

"Of all Georgia's religious violence over this period, this trial covers less than one percent." Bishop Malkhaz Songulashvili, who as head of the Georgian Baptist Church testified in court about Mkalavishvili's attacks, expressed concern to Forum 18 that "there are no charges relating to physical injuries suffered by members of religious minorities."

As the trial of Old Calendarist priest Fr Basil Mkalavishvili, one of the most visible organisers and leaders of attacks against religious minorities between 1999 and 2003, and six of his associates apparently nears completion in the Georgian capital Tbilisi, Jehovah's Witness leaders have told Forum 18 News Service that the trial is considering "only a very small percentage" of the attacks in the five-year reign of terror.

"The trial covers only three of the more than one hundred attacks against our communities alone," Jehovah's Witness lawyer Manuchar Tsimintia told Forum 18 from Tbilisi on 17 January. His view was echoed by Giorgi Khutsishvili of the Tbilisi-based International Centre on Conflict and Negotiation (ICCN), which long campaigned for an end to religious violence. "Only ten percent of Mkalavishvili's crimes against religious minorities are being considered at this trial," he told Forum 18 on 17 January, "while of all Georgia's religious violence over this period, this trial covers less than one percent."

Bishop Malkhaz Songulashvili, who as head of the Georgian Baptist Church appeared in court to testify about Mkalavishvili's attacks on his communities, pointed out that the seven are not being tried for committing physical violence. "It doesn't make sense why there are no charges relating to physical injuries suffered by members of religious minorities," he told Forum 18 from Tbilisi on 14 January. "Maybe there was some behind-the-scenes deal." Indeed, only two of the seven - Mkalavishvili and his chief associate Petre Ivanidze - face charges relating to these attacks.

Fellow-Baptist Lela Kartvelishvili, project coordinator at ICCN, was hit over the head by members of Mkalavishvili's mob who attacked an ecumenical service at the Tbilisi Baptist church in January 2003. She believes it is fair that only Mkalavishvili and Ivanidze are being tried for the mob violence because they were the "main initiators" of the attacks.

"The mobs of poor and disoriented people were merely a tool in the hands of these two individuals who manipulated them," she told Forum 18 from Tbilisi on 17 January. "Mkalavishvili was the 'spiritual' initiator of the aggression while Ivanidze - given his physical strength - often played the role of 'abuser'."

Her colleague Khutsishvili disagrees, declaring that the group of people on trial should be much greater. "Mkalavishvili and Ivanidze took responsibility for the actions of the mob - or had it placed on them - but that's nonsense," he told Forum 18. "People who hit others over the head cannot escape trial."

Many religious minority leaders and human rights activists believe that the Georgian authorities need to do far more to punish the perpetrators and overcome the legacy of the five-year reign of terror against religious minorities, which saw more than one hundred attacks on Baptist, Pentecostal, Jehovah's Witness, True Orthodox and Catholics.

Mkalavishvili, Ivanidze and five others were among those seized at their Old Calendarist Orthodox church in the Tbilisi suburb of Gldani after a violent police raid on 12 March 2004. Their arrest followed years of impunity for their attacks, which they made no attempt to conceal or deny - indeed, Mkalavishvili proudly distributed video footage of his followers attacking religious minorities, beating believers and burning religious literature. Religious minorities repeatedly demanded his arrest and prosecution, but the authorities were unwilling to do so.

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[Back to the Table of Contents](#)
