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GEORGIA: Little justice yet for victims

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Patman Tabagari lost her sight in one eye after being kicked in the head by a mob, led by a Georgian Old Calendarist priest, that stormed a Jehovah's Witness meeting. Yet in the cases of this and more than 800 other attacks on religious minorities, Forum 18 News Service has found that their attackers have almost never faced justice. Only nine perpetrators have been tried and found guilty, and only two of them have received prison sentences. Georgian politicians, officials and the Georgian Orthodox Patriarchate seem to try to ignore the problem. But Baptist Bishop Malkhaz Songulashvili argues that "the crimes committed must be identified, condemned and only then can they be forgiven. If we forgive without identifying the crimes there is no clarity on what is being forgiven. We will only create an atmosphere where these crimes have a longer life." Manuchar Tsimintia, a lawyer for the Jehovah's Witnesses, agreed, telling Forum 18 that "if there is no punishment for all those people who conducted aggression against religious minorities, there could be a return to the old times."

In 1999 mother of two Patman Tabagari lost her sight in one eye after being kicked in the head by a mob that stormed a Jehovah's Witness meeting in the suburb of Gldani in the Georgian capital Tbilisi [T'bilisi]. Yet she and the hundreds of other victims of more than 800 attacks on non-Georgian Orthodox Church people between 1999 and 2003 have still not seen their attackers brought to justice. To Forum 18 News Service's knowledge, only nine perpetrators have been tried and found guilty of organising or participating in twelve of the attacks and only two of them received prison sentences. "I honestly can't say why so few have been punished for these attacks," Archil Giorgadze, the new acting head of Human Rights Protection Office at the General Prosecutor's Office, told Forum 18 News Service from Tbilisi on 8 November. "It is important that our unit conducts special monitoring of this."

Baptists, Pentecostals, Catholics and True Orthodox were among the victims of these violent attacks, but the great majority were Jehovah's Witnesses. "In the vast majority of the older cases, nothing is moving," Genadi Gudadze, head of the Jehovah's Witnesses in Georgia, told Forum 18 from Tbilisi on 8 November. "There are no investigations and no trials." Asked why there is no progress, he laughs bitterly. "Good question."

Gudadze stated that, although the government is now preventing new large-scale attacks on non-Georgian Orthodox Church people, some more minor attacks are still occurring. "But people's attitudes still remain," Gudadze maintains. "People closed their eyes to these attacks for so long and those who conducted them enjoyed impunity. Prosecutors and the courts must take action, even on the older cases. These incidents happened – people have to be held accountable for what they did."

The legacy of violence lives on in Georgia. Non-Georgian Orthodox Church people have complained to Forum 18 of an "orchestrated reaction" when they try to build places of worship, and this is abetted by explicit denials from Georgian politicians and the Georgian Orthodox Patriarchate that a problem exists (see eg. F18News 25 October 2006 http://www.forum18.org/Archive.php?article_id=861). A major part of the problem is that some Georgian Orthodox priests persistently incite mob violence against non-Georgian Orthodox Church people (see eg. F18News 25 May 2005 http://www.forum18.org/Archive.php?article_id=569). Intolerance of non-Georgian Orthodox Church people is widespread within Georgian society, despite some legal improvements (see F18News 24 May 2005 http://www.forum18.org/Archive.php?article_id=568).

In most of the violent attacks Forum 18 is aware of, investigations by the police were perfunctory or never completed, and prosecutors closed the cases because they claimed that no crime had been committed or the perpetrators could not be "identified." This was despite the fact that the attackers were usually well-known and often recorded their attacks on video, for broadcast on friendly TV channels, or distribution. Prosecution witnesses were intimidated by attackers into not giving statements, and very few cases ever reached the courts and when they did, proceedings dragged on. In the handful of successful prosecutions, most sentences were suspended so that the perpetrators never went to prison (see eg. F18News 1 February 2005 http://www.forum18.org/Archive.php?article_id=503).

Amid official indifference to this failure to bring prosecutions, non-Georgian Orthodox Church religious minority leaders and human rights defenders have long argued that this prevents the overcoming of intolerance and prejudice against non-Georgian Orthodox Church people (see F18News 27 January 2005 http://www.forum18.org/Archive.php?article_id=499).

Given their failure to receive justice from Georgian courts, the Jehovah's Witnesses have had to seek justice through the European Court of Human Rights in Strasbourg, a long drawn out procedure. The court is currently considering four of their cases, including an application (case number 71156/01) lodged in 2001 by 97 victims of the October 1999 Gldani attack, which was organised and led by Old Calendarist priest Fr Basil Mkalavishvili, who is currently in prison on other charges. The Jehovah's Witnesses' lawyer, Manuchar Tsimintia, expresses the community's frustration at the delays in Strasbourg. "Every day we wait for a decision on these cases," he told Forum 18. "We've already been waiting for years."

During the Gldani raid, the mob – which consisted of priests and laypeople – physically assaulted 120 Jehovah's Witnesses who had gathered in a rented theatre for a religious meeting. Mirian Arabidze was knocked to the ground, kicked in the head and back and told he would have to die for Jehovah. Leila Jikurashvili saw a woman hit her 11-year-old son, while her nine-year-old daughter was dragged by the hair and her seven-year-old disabled son was kicked. Nino Janashvili and her four-year-old son were pushed down the stairs. One young priest hit Nora Lelashvili with his cross and a stick until she fainted. Sixteen Jehovah's Witnesses – including Tabagari, whose injured eye bled for days – required hospital treatment. Although 70 Jehovah's Witnesses filed complaints with the city prosecutor's office, Mkalavishvili and his supporters were never punished for this (see F18News 17 March 2004 http://www.forum18.org/Archive.php?article_id=279).

David Jalagania, head of the European Integration department at the Foreign Ministry, insisted that his ministry is doing everything to cooperate with the European Court of Human Rights on the Jehovah's Witness cases, but stressed it is only the channel for communications between the court and Georgian justice agencies. "I'm very sorry that these cases are having to be resolved in Strasbourg rather than at home," he told Forum 18 from Tbilisi on 8 November. He declined to say what impact any decision against the Georgian government might have on Georgia's image internationally.

One well-informed source, who preferred not to be identified, told Forum 18 that the Georgian government is already resigned to losing the four Jehovah's Witness cases at the European Court and having to pay out compensation to the victims. However, Irine Bartaia, the Justice Ministry official responsible for relations with the Strasbourg court vigorously denied this. "No, no. Who knows what the outcome will be? It is up to the court," she told Forum 18 from Tbilisi on 8 November. "The government of Georgia has taken active measures to prosecute those guilty of committing violence. Besides, there are no attacks against Jehovah's Witnesses now." Told that Forum 18 could identify only nine individuals who have been tried and found guilty of involvement in only twelve violent attacks out of more than 800, she declined to say whether this represented the fruit of "active measures".

Officials seem unconcerned by this failure. The First Deputy Justice Minister, Konstantin Korkelia, agrees that prosecuting the perpetrators was "difficult" before the "Rose Revolution" of late 2003 that saw President Eduard Shevardnadze ousted from power. "The previous government didn't have the will to prosecute those responsible for the violence. But it is not so difficult now," he claimed to Forum 18 from Tbilisi on 8 November. Asked why, if that is so, no successful prosecutions have taken place since January 2005 and only two people have been sent to prison for the more than 800 incidents, he said that prosecuting offenders is not within the responsibility of his Ministry.

Asked what the victims of violence should do if prosecutors and the courts were failing to bring offenders to justice, Korkelia said they could complain to national and international courts, call for disciplinary proceedings against individual officials or impeachment of high-ranking officials or appeal to President Mikhail Saakashvili.

Korkelia said that he would be "upset" if the Strasbourg court finds against Georgia in the Jehovah's Witness cases, but could not suggest any concrete practical action that Georgia might take to avoid the need for this. When asked why victims of the wave of violence against non-Georgian Orthodox Church people should have to seek justice from the European Court of Human Rights, Korkelia merely replied that: "Of course, it's the job of Georgia's judicial authorities to deal with these cases." He did not specify how.

The extent of the failure of the prosecutor's offices to tackle both cases from 1999-2003 and continuing incidents today is clear from the reports of the General Procuracy's Human Rights Protection Office. The most recent report to be made available – covering January to March 2006 and published in English on the website <http://www.pog.gov.ge> – shows no prosecutions of any accused in four new cases of "religious persecution" against Jehovah's Witnesses and Baptists. In one case, no crime was deemed to have been committed, while the other three cases were sent for investigation. The report for November to December 2005 showed two cases from earlier that year of interference in Jehovah's Witness and Baptist religious services were terminated as no crime had been deemed to have been committed, while only in one Jehovah's Witness case – against violent criminal Paata Bluashvili of the Jvari (Cross) organisation, one of the handful of people sentenced earlier for attacks on non-Georgian Orthodox Church people – was action to be continued.

According to the general prosecutor's office, Bluashvili and two associates were accused of verbally abusing and threatening Jehovah's Witnesses meeting in Rustavi in November 2005. Bluashvili's case was brought to court but he has subsequently gone on the run and thus escaped prosecution yet again. On 19 April 2006 a judge at Rustavi city court issued an arrest warrant for him but he is yet to have been arrested. Forum 18 could not reach Bluashvili on his mobile phone on 8 and 9 November. Two of Bluashvili's associates involved in threatening the Jehovah's Witnesses were not prosecuted.

Prohibition of persecution on religious grounds was made one of the three priority areas of the prosecutor general's office in 2005 and it held a meeting with officials and members of religious communities on 31 July 2006. However, its reports made no reference to prosecution of earlier cases of attacks on non-Georgian Orthodox Church people in the period 1999-2003 nor do any of the reports indicate the successful prosecution of any more recent offenders, even when identified by the victims.

Not only have the perpetrators not been prosecuted, no compensation has been offered for injuries to individuals or damage to property. Bishop Malkhaz Songulashvili, head of the largest of Georgia's Baptist Churches, points out that those who burnt the Baptist church in the village of Akhalsopeli in eastern Georgia in June 2003 have not been prosecuted (see F18News 16 June 2003 http://www.forum18.org/Archive.php?article_id=82). The local governor claimed to Forum 18 that the Baptists had burnt down their own church (see F18News 3 July 2003 http://www.forum18.org/Archive.php?article_id=96).

"We know who they are – they are local people connected with the Georgian Orthodox Church," Bishop Songulashvili told Forum 18. "It was a priest and a group of his friends. The Kvareli district prosecutor's office just doesn't want to talk about it. I want the prosecutor's office to investigate and identify those responsible." Songulashvili – who visited the church soon after it was burnt down and held a service in the charred ruins – said the community has been able to buy another house to turn into a church, but has never received any compensation.

Equal lack of progress has been seen in the prosecution of those who demolished a True Orthodox church in the village of Shemokmedi in south western Georgia in October 2002 (see F18News 7 April 2003 http://www.forum18.org/Archive.php?article_id=27). "Of course we know that the instigator was Bishop Iosebi Kikvadze of the Patriarchate – those who did it said so openly," Fr Gela Aroshvili told Forum 18 from Tbilisi on 18 October. "But no-one has been punished. The prosecutor's office launched a criminal case but it's come to a standstill." He added that the community has had no compensation.

Despite eye-witness testimony from numerous victims that clergy of the Georgian Orthodox Patriarchate instigated or were involved in some of the attacks, the Patriarchate has vigorously rejected such testimony. "Is it proven that a priest of the Patriarchate was behind the incident in Akhalsopeli? The Baptists can say anything they like," Patriarchate spokesperson Zurab Tskhovrebadze told Forum 18 from Tbilisi on 19 October. "Maybe a few of the incidents could have been the initiative of individual priests, but the Patriarchate does not bless such activity." He stressed that Fr Basil Mkalavishvili had been defrocked by the Patriarchate before he began his attacks on non-Georgian Orthodox Church people.

Bishop Songulashvili is an advocate of reconciliation and forgiveness for those guilty of attacking non-Georgian Orthodox Church people between 1999 and 2003, but believes this can only follow any prosecution. "This is very important," he told Forum 18 on 4 October. "The crimes committed must be identified, condemned and only then can they be forgiven. If we forgive without identifying the crimes there is no clarity on what is being forgiven. We will only create an atmosphere where these crimes have a longer life." He believes the source of the religious extremism and "exclusivist ideas" that motivated the violence against non-Georgian Orthodox Church people has not yet been tackled.

Tsimintia, the Jehovah's Witness lawyer, fears that the continued impunity of those who conducted the attacks between 1999 and 2003 could encourage a revival of such major attacks. "If there is no punishment for all those people who conducted aggression against religious minorities," he told Forum 18, "there could be a return to the old times." (END)

For comments from 2005 from Georgian religious leaders and human rights defenders on how the legacy of religious violence should be overcome, see http://www.forum18.org/Archive.php?article_id=499

For more background see Forum 18's Georgia religious freedom survey http://www.forum18.org/Archive.php?article_id=400.(END)

Previous reports on freedom of thought, conscience and belief in Georgia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=24>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Georgia is available at <http://education.nationalgeographic.org/mapping/outline-map/?map=Georgia..>

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