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GEORGIA: Only "very small percentage" of attacks in trial charges

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

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 (see F18News 25 March 2003 http://www.forum18.org/Archive.php?article_id=16). 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 (see F18News 18 January 2005 http://www.forum18.org/Archive.php?article_id=492).

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 (see F18News 17 March 2004 http://www.forum18.org/Archive.php?article_id=279). 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.

The court case eventually began at Tbilisi's Vake-Saburtalo district court in August 2004. Mkalavishvili and Ivanidze have been charged under Article 155, which punishes violent obstruction of others' right to conduct religious worship, and Article 187 (2),

which punishes arson, for their roles in the years of attacks. Accusations against the pair under Article 225, which punishes organising violent mass disorder, were dropped. The other five defendants face charges only for resisting arrest. All the defendants have pleaded not guilty to all the charges.

At first, Mkalavishvili's supporters were well mobilised, being transported to the court "in a very organised manner", Kartvelishvili reported. "They occupied the territory around the court in advance, organising meetings. They also occupied the court room, limiting the number of seats for other interested individuals, such as the victims, non-governmental organisation representatives and journalists."

Kartvelishvili told Forum 18 that at first she regularly attended hearings. "However, after Mkalavishvili's supporters realised I was not siding with their spiritual leader, I could no longer feel at ease - or feel safe," she reported. "Mkalavishvili's supporters prevented me from taking pictures and kept following me, asking me questions. Finally, one of the supporters stole my passport from my bag as he wanted to know who I was."

Amnesty International told Forum 18 it was concerned that several victims of the attacks reportedly withdrew their complaints fearing continued impunity for the perpetrators and retaliation by radical supporters of the Orthodox Church. It noted allegations that at least four victims who had suffered particularly severely from the attacks – Lela Kartvelishvili, Benjamin Bakuradze, Otari Kalatozishvili and his son Zaza Kalatozishvili – were dropped from the list of those initially called to testify in court.

Nevertheless, despite not being recognised by the court as a victim and denied the right to testify, Kartvelishvili believes the hearings have been conducted fairly closely to proper legal procedures, especially in comparison to trials she attended under the regime of President Eduard Shevardnadze, who was ousted after street protests in November 2003.

On 11 January the prosecutor asked the judge to give Mkalavishvili a seven-year sentence, Ivanidze a six-year sentence, another associate a two-year sentence, with the rest given a three-year suspended sentence. When hearings resumed on 13 January, the defendants' lawyers demanded that they all be found not guilty. Emil Adelkhanov, of the Tbilisi-based Caucasian Institute for Peace, Democracy and Development who attended the hearings, told Forum 18 that the defence lawyers accentuated what they claimed was the lack of convincing incriminating evidence.

"One of the lawyers explained that his defendants couldn't be accused of intruding into a place of worship because both Baptists and Jehovah's Witnesses said their gatherings were open for all comers," Adelkhanov reported. "He said that each time Mkalavishvili and Ivanidze had come to their opponents, they came with peace and gentle admonishment, citing the testimony of two police officers, Saladze and Mgebrishvili, as well that of Baptist Bishop Songulashvili."

At one hearing in November when he was called to testify against Mkalavishvili, Bishop Songulashvili surprised the court by offering unconditional forgiveness to the defendants. "I demand that these people be pardoned and released from prison," he told the judge. "Everyone was shocked," Songulashvili later recalled. "Mkalavishvili's lawyers could not believe their ears." Ignoring court rules, Songulashvili then rushed to the cage where the prisoners were held and shook hands with them. A few days later Songulashvili wrote to President Mikeil Saakashvili explaining why he thought they should be freed. Bishop Songulashvili continued to insist to Forum 18 that he believed Mkalavishvili's confession to him was sincere, though others remain sceptical, pointing out that he and his colleagues continue to plead not guilty.

Adelkhanov told Forum 18 that, despite Bishop Songulashvili's forgiving approach, Mkalavishvili's lawyer blamed the Jehovah's Witnesses and the Baptists for starting the fights. "He also wondered how the court could believe that Mkalavishvili, a man who had built five churches, could have burned Bibles. Finally, he asked the judge to reflect on the role of the Georgian Orthodox Church in the history of the country before taking any decision."

Kartvelishvili told Forum 18 that "given the recent history of Georgia", the media coverage of the trial has been "relatively fair". But Adelkhanov is disappointed that the trial has not gained more attention. He contrasted the 500 Mkalavishvili followers in the courtroom on 13 January who listened "attentively" for an hour as Ivanidze set out his case on why he believed the trial was "anti-Orthodox" with the failure of the human rights community to show an interest. "There wasn't a soul from a non-governmental organisation, the ombudsman's office or the parliamentary human rights committee to be seen among the audience," he complained.

It remains unclear when the verdicts on Mkalavishvili and his associates will be announced. Songulashvili for one is sceptical that the defendants will receive even the sentences demanded by the prosecution. "There is no doubt the judge will hand down shorter sentences," he told Forum 18. (END)

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

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<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=georgi>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY