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GEORGIA: Attacks on religious minorities unpunished

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

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 many 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 (see F18News 17 January 2005 http://www.forum18.org/Archive.php?article_id=490).

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 (see F18News 16 August 2004 http://www.forum18.org/Archive.php?article_id=394).

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.

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>

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