

28 February 2017

GEORGIA: Government and Orthodox block Muslims regaining mosque

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Mokhe's Muslims have not yet regained a confiscated mosque and were beaten by police in October 2014. The Georgian Orthodox Church also claims it, despite some government commission members finding it started as a mosque. The Orthodox village headteacher tried to ban a hijab.

The Muslims of Mokhe have long sought the return of their half-ruined mosque, whose roof in the 1990s started collapsing after the walls started to fall down. The village has about 75 households, around half of whom are Muslim, and is located in Adigeni Municipality in the southern Samtskhe-Javakheti Region. Muslims have rented a place to pray in a local house, but still want to regain their former mosque.

A State Agency for Religious Issues commission to inquire into the building's future was set up, after October 2014 violent attacks by police against Muslims protesting at the planned demolition of the half-ruined building. The Commission included none of the Muslims and non-Muslims suggested by local Muslims. But it did include Georgian Orthodox Church representatives who have started to also claim the building. Some other Commission members though have stated that the building was started as a mosque (see below).

Also, village headteacher and Orthodox activist Natia Rekhviashvili tried and failed in December 2016 to impose a hijab ban on one final-year pupil. Despite the testimony of witnesses Forum 18 has spoken to, both Rekhviashvili and the Ministry of Education and Science have denied that this happened (see below).

The building

Local Muslims have told Forum 18 that the stone mosque was built by Meskhetian Turks in the 1930s, and was in use until their forcible deportation to Central Asia by the Stalinist Soviet regime in 1944. During the Soviet period, the mosque building was used as a store, a library, and from 1957 as a village club. In 2007 the building was registered as the property of Adigeni Municipality. But on 9 February 2017, acting Municipality head (Gangebeli) Zakaria Endeladze told Forum 18 that he does not know how the building was registered by the Municipality as its property. Muslims are not allowed to enter the half-ruined building.

Independent art historian Kristine Mujiri told Forum 18 on 10 February 2017 that she had found documentary evidence dating from 1870 of a wooden mosque in Mokhe. She noted that in the 19th century mosques in Georgia were mainly built in wood, and later rebuilt in stone. "The disputed building was probably built in the 1930s or 1940s. Its architectural details and exterior are very similar to other mosques built in the 19th and 20th centuries", Mujiri commented. Local Muslims have commented to Forum 18 on observable traces of a niche (characteristic for mosques), indicating the direction of Mecca, and traces of a stair to a minaret.

From October 2007 onwards, Muslims in Mokhe intensified their efforts to regain their mosque. There were then a series of letters and meetings involving various state and Muslim actors. After June 2014 local elections, acting Adigeni Municipality head Endeladze wrote on 8 July to the Administration of Muslims of All Georgia (AMAG) stating that: "the club located in Mokhe should not lose its functions. So Adigeni Municipality will fully restore it and open an arts and ethnographic centre."

(The AMAG's leaders are thought within the Muslim community to be appointed by the state, but the AMAG denies this.)

Demolition

On 1 September 2014 Adigeni Municipality announced a tender for reconstruction of the disputed building, and on 16 October 2014 a construction company led by entrepreneur Beka Tabidze was awarded the contract. On 18 October construction workers went to the building. Local Muslims immediately gathered near the building to protect it and the workers did not start the process and left the area. However, the company returned on 22 October and started demolishing the building. About 100 local Muslims tried to stop

this by calling to the workers to stop their work.

Police violence against Muslims, no perpetrators brought to justice

Police surrounded the building and apparently used verbal abuse and some violence against the protestors in confused circumstances. Fourteen protestors were arrested by police: 11 under the Code of Administrative Offences' Articles 166 ("Disorderly conduct") and 173 ("Non-compliance with a lawful order or demand of a law-enforcement officer .. or commission of any other illegal act against such a person"), and three under Criminal Code Article 353 ("Resistance, threat or violence against a protector of public order or other representative of the authorities"). These investigations are still in 2017 apparently underway, the Criminal Code investigation being led by the Interior Ministry.

Separately, the Prosecutor's Office is also investigating whether there were any breaches of Criminal Code Article 333 ("Exceeding official powers"). This is apparently for violence used by police against Muslims during the dispersal of the protest and at Adigeni Police Station. No investigations are apparently underway under the various relevant articles of the Criminal Code that ban the use of violence and the infliction of bodily injuries.

One of those detained, Temur Mikeladze, was verbally insulted and told Forum 18 on 15 February 2017 that he was taken to a separate room in the police station and attacked by police with fists and boots. According to medical examination by the Levan Samkharauli National Forensics Bureau on 13 March 2015, following medical examinations in Borjomi Hospital on 22 October 2014, Mikeladze's injuries are a haemorrhage in one eye, bruises, swellings, a bump on the head, and a scratch on the back. Other detainees received lesser injuries before police released them on 23 October.

Natia Sukhiashvili, head of the Public and Media Relations Department of the Chief Prosecutor's Office, told Forum 18 on 15 February 2017 that the investigations are continuing. But she refused to state when (if ever) they may conclude, if they may result in any charges, or if other articles of the Criminal Code will be used.

The cases of Mikeladze and three other detainees were on 10 September 2016 taken to the European Court of Human Rights (ECtHR) in Strasbourg by Tbilisi's Human Rights Education and Monitoring Center (EMC), as they think the investigation is ineffective due to discrimination by the authorities because of the detainees' religion (Application no. 54217/16 <<http://hudoc.echr.coe.int/eng/?i=001-168451>>). Indeed, EMC lawyer Mariam Begadze told Forum 18 on 14 February 2017 that the authorities only released some parts of the case documentation after the ECtHR application was made. The ECtHR decided on 19 October 2016 to invite the government to submit written comments on the case before the final ECtHR admissibility decision is made. The state submitted these comments on 3 January 2017.

Inspector Genadi Kirvalidze of Adigeni Police refused on 15 February to discuss with Forum 18 the injuries detainees suffered and what steps have been taken in relation to the police officers concerned. On 14 February regional spokesperson Thea Mikhanashvili of the Interior Ministry similarly refused to discuss these issues with Forum 18, stating that the Ministry will not comment on any issue relating to the events in Mokhe.

Long record of not bringing perpetrators to justice

The authorities have a long record of ineffective investigations and non-prosecution of those who prevent people exercising their freedom of religion and belief. In 2013 mobs of non-Muslims obstructed Muslims in the eastern village of Samtatskaro from praying freely. The mob threatened to burn down the imam's home and drive him from the village. Guliko Nadirashvili, head of the village, "mentioned publicly that if the majority decides that there must not be a mosque in the village, that this is Christian land and the whole village is against Muslims' prayer, we won't allow them to pray," a human rights defender told Forum 18. Nadirashvili claimed to Forum 18 that Muslims have "no problems praying". The local police chief refused to discuss the violence and threats with Forum 18 and the Interior Ministry was unable to say if anyone has been prosecuted over this and two similar mob attacks on Muslims in late 2012 (see F18News 4 July 2013 <http://www.forum18.org/archive.php?article_id=1854>). Similar incidents have taken place elsewhere since 2012.

Investigations are mainly allegedly still continuing. But despite repeated enquiries by Forum 18 from June 2016 onwards, the authorities have not stated when (if ever) investigations may conclude, and if they may result in any charges.

Georgia was plagued by physical attacks on non-Georgian Orthodox communities between 1996 and 2003. Mobs inflicted physical injuries on followers of a variety of faiths suffered, destroyed places of worship, and stole and burnt religious literature. Most of the victims were Jehovah's Witnesses, but Baptists, Catholics, Pentecostals, and True Orthodox Christians were also attacked. The violence subsided with the ousting of then-President Eduard Shevardnadze, but few of the perpetrators were ever brought to justice (see F18News 10 November 2006 <http://www.forum18.org/archive.php?article_id=867>).

Georgian Orthodox Church claims disputed building

After this demonstration by local Muslims, on 24 October 2014 Georgian Orthodox Metropolitan Theodore (Chuadze) of

Akhaltshikhe and Tao-Klarjeti told the Georgian media that the building had to be handed over to the Orthodox Church. According to him, the 1930s mosque construction used stones from a 16th century Christian church.

Archimandrite Nikoloz Getsadze of Zarzma Monastery claimed to Forum 18 on 14 October 2016 that the former mosque was built using stones from a claimed seven churches. But he could not name the churches or give dates of when they were supposedly constructed, claiming that "there is no document. It is an oral account". He then asked Forum 18 "where have the stones of the seven churches disappeared to? They must have been used for the construction of mosques". Local Muslims think Getsadze has encouraged Orthodox-Muslim tensions in the region.

From the 1980s onwards the Georgian Orthodox Church has regained the vast majority of religious property confiscated in the Soviet era. This Church has also taken over places of worship that belonged to the Armenian Apostolic, Catholic and Lutheran communities. Armenian Apostolic, Catholic, Lutheran, Muslim, and Jewish communities have all been trying and failing since the Soviet era to regain part of their confiscated property (see forthcoming F18 News article).

Government forms committee with built-in bias

On 12 December 2014, Mokhe's Muslims again asked Adigeni Municipality to return their former mosque, following earlier November 2015 requests to the central government. No reply has yet been received.

But on 27 December the State Agency for Religious Issues set up a Commission on the issue. The State Agency, along with other state bodies, has a record of obstructing attempts by non-Georgian Orthodox religious communities to build places of worship. Like the state-backed Administration of Muslims of All Georgia (AMAG), the State Agency is distrusted by many Georgian Muslims including those in Mokhe (see F18News 5 November 2015 <http://www.forum18.org/archive.php?article_id=2118>).

The Commission is chaired by State Agency head Zaza Vashakmadze and has as members three Georgian Orthodox Church representatives, four Muslims from the AMAG, the Governor of Samtskhe-Javakheti Region, two members from the National Agency for Cultural Heritage Preservation, and Adigeni Municipality head Endeladze.

In December 2014 local Muslims suggested as members three of their own representatives, along with the head of the Tolerance Centre of the Public Defender Beka Mindiashvili, Baptist Bishop Rusudan Gotsiridze, and historian Nugzar Papuashvili. These suggested people are known for their expertise and their commitment to freedom of religion and belief for all. None of them were included in the Commission, and no answer was ever received by local Muslims to their suggestions. Jambul Abuladze told Forum 18 on 12 February 2017. State Agency head Vashakmadze also in February 2015 refused a December 2014 request by the Public Defender to participate as an observer.

State Agency head Vashakmadze refused on 8 February 2017 to explain to Forum 18 why the Commission to discuss the future of a former mosque includes Georgian Orthodox representatives, why it includes no-one suggested by local Muslims, and why it includes Adigeni Municipality head Endeladze whose Municipality has refused to return the half-ruined building.

For reasons which remain unexplained, the State Agency announced in its 2014 report that the Commission had to reach a view on the former mosque based on the consensus of all commission members - none of whom represent the Muslims whose former mosque it is. This also gives the Georgian Orthodox Church veto powers on whether the Commission recommends that Muslims in Mokhe receive their former mosque back, or whether the Georgian Orthodox acquires it.

The State Agency also stated that the main goal of the Commission is "to mitigate the conflict started on 22 October 2014 and to solve the causes behind the problem". In other words, the State Agency unilaterally decided to ignore Muslims' pre-October 2014 requests to regain their former mosque. The State Agency has not yet recommended prosecution of the police officers who used violence against Muslims on 22 October 2014.

"De-radicalisation"?

In its 2015 report, the State Agency claimed that the main achievement of the Commission is the "de-radicalisation of the process among the local population". State Agency head Vashakmadze is refusing to reply to Forum 18's questions, so Forum 18 has been unable to find out what is meant by this.

Despite the alleged "de-radicalisation" Commission proceedings are secret, including from Mokhe's Muslims. In 2015 and 2016 human rights defenders, including the Tolerance and Diversity Institute (TDI) and the Human Rights Education and Monitoring Centre (EMC), repeatedly asked the State Agency to make minutes of meetings public. The State Agency refused to do this, claiming that the Commission is not a public body and is not obliged to issue public information. In November 2015 EMC applied to Tbilisi City Court for release of information on the meetings, but no decision has been made on this by February 2017.

On 15 October, the Public Defender stated that: "one of the expressions of freedom of religion is access to a place of worship and opportunity to pray together with others, but the Muslim community cannot enjoy this right .. the state has not taken effective

measures to eliminate the cause of the conflict, which may at any time serve as grounds for tension. The Public Defender calls on the Government to quickly resolve the issue of the disputed building and to define a place of worship in the village of Mokhe that will be acceptable for the Muslim community and will not create grounds for religious confrontation."

Since October 2016, about 30 to 40 local Muslims have begun meeting to pray every Friday outside Mokhe's half-ruined mosque.

Commission conclusion

But on 1 December, the State Agency's Commission announced that the half-ruined building should stay in state ownership, might be granted cultural heritage site status, and should not be given to any religious organisation. However, a date for the Commission's final meeting, originally scheduled for 30 January 2017, has not yet been announced.

Commission member Archimandrite Getsadze was asked by Forum 18, on 14 December 2016, whether cultural heritage status necessarily stops Muslims from regaining their mosque. He replied: "Getting the building back? What are you saying, get it back and use it as a mosque? Then I will use it, I also have claims on the property". On 9 February 2017 Getsadze told Forum 18 that: "Muslims wanted this building to be a mosque but they could not finish building it, and it was not functioning as a mosque thanks to God. One does not need any proofs to see this. When you look at the building, you will see what kind of building it is. Muslims were not exerting themselves to carve stones, where have you seen stone-built mosques?"

Commission member and Gamgebeli of Adigeni Municipality Endeladze told Forum 18, on 14 December, that the Commission had made "the right decision as there is a controversy". Asked whether the decision complies with international freedom of religion and belief standards, he replied: "The state studies the issue, freedom of religion is protected to the maximum".

Commission member Nikoloz Antidze, head of the National Agency for Cultural Heritage Preservation, told Forum 18 on 14 December that: "The construction was started with an intention to build a mosque, definitely, nobody denies that. But it was not finished. We are discussing, what kind of stones were used to build the house of worship". On 9 February 2017 he further commented to Forum 18 that: "the building has the characteristics of a mosque, but nobody can say this for certain. It is also unknown, when the construction started, and whether it was finished or not".

State Agency head Vashakmadze has repeatedly - on 13, 14 and 15 December 2017 and on 8 February 2017 - refused to answer Forum 18's questions. These include:

- what legal basis the Commission and State Agency have for refusing to return the mosque to local Muslims?
- whether the State Agency's and the Commission's actions comply with the international freedom of religion and belief and other human rights standards which Georgia has binding international legal obligations to implement?

Local Muslims in Mokhe have told Forum 18 that they think the Commission was created to block the mosque being returned to them. Indeed one Muslim villager, Tamaz Beridze, commented to Forum 18 on 15 December: "What else could be expected from the State Agency for Religious Issues?"

Beridze - who was unsuccessfully suggested by Mokhe's Muslims as a Commission member - said that Muslims will continue their peaceful and legal struggle for the return of their building, and that they will not accept other alternative.

Orthodox intensify efforts to claim former mosque

Natia Rekhviashvili, a member of the local Orthodox parish and headteacher of Mokhe's public school since September 2016, told Forum 18 on 17 December that she wants the building to be given to the Georgian Orthodox. If Muslims continue requesting their mosque back, "we will not give it up" she said.

She claims it was a church, stating that "it is evident through the stones and territory is also Christian". Asked what she based this statement on, she said: "I do not know but there were churches in Mokhe, they were destroyed so where did these stones go? And Father Nikoloz [Archimandrite Getsadze] said that it was a church".

Headteacher Rekhviashvili then commented: "If they [Muslims] say it belongs to them, it belongs to us as well. So as not to offend either party it is better that it stay as a disputed building".

On 17 December Archimandrite Getsadze with local Orthodox started weekly public meetings in front of the former mosque. According to Rekhviashvili there were up to 30 people at the first meeting, with 10 to 15 at later meetings. "It is our building, our stones, so that's why we will continue to hold prayers there if they [Muslims] do", she told Forum 18 on 9 February 2017.

Local Muslims told Forum 18 on 27 February told Forum 18 that they consider the Orthodox meetings to be a provocation. But they said that they do not intend to pay much attention to this.

Extra-legal school hijab ban

Headteacher Rekhviashvili has also tried to impose an extra-legal hijab ban. On 22 December 2016 18-year-old final year pupil Teona Beridze was told that she would not be enrolled in the school unless she stopped wearing a hijab. Beridze had transferred to Mokhe from Batumi, and was with teacher Natela Narimanishvili when headteacher Rekhviashvili made this demand. Rekhviashvili claimed this was because school regulations do not allow the headscarf. Beridze refused to comply with this demand, she told Forum 18 on 14 February 2017.

The teacher, Natela Narimanishvili, told Forum 18 on 27 February that headteacher Rekhviashvili asked her to tell Beridze not to wear her headscarf, and if Beridze refused to bring her to Rekhviashvili's office. She was present in the office during the 22 December 2016 incident and confirmed that it took place as Beridze described, including Rekhviashvili's claim that the headscarf is prohibited by school regulations.

Yet headteacher Rekhviashvili denied to Forum 18 on 9 February 2017 that the 22 December 2016 incident happened. "Everything is made up by them [Beridze and others]", she claimed.

Mokhe school regulations, seen by Forum 18, do not mention any ban on the hijab or any other kind of headscarf. Tolerance and Diversity Institute (TDI) lawyer Gvantsa Lomaia told Forum 18 on 27 February 2017 that if there were a headscarf ban it would violate the Constitution, the Law on Public Education, and the Code of Ethics for School Headteachers.

Ministry denies incident happened

The Ministry of Education and Science investigated the incident and the Ministry's Internal Audit Department visited the school on 17 to 19 January. Despite the statements of witnesses Forum 18 has spoken to, the Ministry's head of Public Relations Nata Asatiani told Forum 18 on 27 February that the Ministry's report claims that:

"students and teachers of the school were questioned, and based on the analysis of the reporting, the alleged case of discrimination was not confirmed .. nobody requested Beridze to take off her headscarf to be enrolled at school".

The Ministry's statement contradicts statements made to Forum 18, including from the teacher who was the only witness of the conversation between the headteacher and Beridze.

The Tolerance and Diversity Institute (TDI) <<http://www.tdi.ge/en>> has requested a copy of the Ministry's report on 21 February. But as of 28 February this has not yet been received. (END)

For previous reports on freedom of thought, conscience and belief in Georgia, see <<http://www.forum18.org/Archive.php?query=&religion=all&country=24>>.

For comments in 2005 by 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>.

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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