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GEORGIA: Will violent attackers of religious minorities be punished?

By Felix Corley, Forum 18

Old Calendarist priest Fr Basil Mkalavishvili, responsible with his followers for many violent attacks on, amongst others, Baptists, Pentecostals, Jehovah's Witnesses, True Orthodox and Catholics, has had an appeal to be released pending his September trial rejected by a Tbilisi court, Forum 18 News Service has learnt. However, other trials concerning violent attacks on religious minorities have not been as firm with the attackers, with many not being prosecuted at all, and other attackers having charges and sentences very significantly reduced. Baptist Bishop Malkhaz Songulashvili, along with other religious leaders and human rights activists, expressed pessimism to Forum 18 about whether Mkalavishvili will ever be punished for his many attacks, saying that "it depends on the political will. There is no evidence that the political will is there at the moment." However, along with other religious minority representatives, Bishop Songulashvili noted that, since President Mikheil Saakashvili took over the government, "there have been no serious assaults by extremists."

Jehovah's Witnesses have expressed cautious optimism over the preliminary hearing on 13 August of a group of violent self-appointed Orthodox vigilantes who terrorised religious minorities in recent years. As Old Calendarist priest Fr Basil Mkalavishvili, one of his main henchmen Petre Ivanidze and six others sat in a cage in the Tbilisi [T'bilisi] Vake-Saburtalo courtroom for the hearing, Judge Tabatadze rejected Mkalavishvili's appeal to be freed pending the trial. "This and other cases now underway show that, if we're honest, there is some progress," Jehovah's Witness lawyer Manuchar Tsimintia told Forum 18 News Service from the Georgian capital on 13 August. "I was there in court and, unlike in earlier hearings, there were no great crowds of Mkalavishvili's supporters – only a handful turned out." He said the full trial is now likely to begin in September.

Tsimintia added that the judge ruled that the cases over the attacks on the Jehovah's Witnesses and on the Baptists should be combined into one case.

Mkalavishvili and eight associates were arrested on 12 March when police stormed his church in the Gldani district of Tbilisi in a blaze of publicity (see F18News 17 March 2004 http://www.forum18.org/Archive.php?article_id=279). One of those arrested was later freed.

Mkalavishvili had organised and led a series of raids since 1999 on minority faiths. His example was soon followed by others, including members of the Jvari (Cross) organisation, led by Paata Bluashvili from the industrial town of Rustavi near Tbilisi. Religious minorities alleged to Forum 18 that individual parish priests and even some leading officials of the Georgian Orthodox Patriarchate participated in violent assaults on religious minorities or threats against them. Among those who suffered in the five-year reign of terror were Baptists, Pentecostals, Jehovah's Witnesses, True Orthodox and Catholics.

Tsimintia declined to comment on the 5 April decision by the appeal chamber for criminal cases of Tbilisi district court to halve the suspended sentences on leading members of the Jvari organisation. There was outrage among human rights activists and religious minorities last November, when Rustavi city court gave Bluashvili and four associates - Mamuka Chubabria, Alexander Abzianidze, Besik Tskhovrebadze and Zaal Kevanishvili - only suspended sentences after being found guilty of conducting seven violent attacks on Jehovah's Witness meetings in Rustavi and Marneuli that left dozens of people wounded (see F18News 5 November 2003 http://www.forum18.org/Archive.php?article_id=176).

However, the April decision to uphold the lesser charges but to acquit three of them of charges under one of the articles of the criminal code (Article 187, which punishes "damage or destruction of property") and to reduce the sentences from four to two years for three of the guilty and from two years to one year for two of them seems to have gone unremarked in Georgia. "The prosecutor didn't stand firm, but supported the reduction in sentences," Tsimintia, who defended the victims in the case, told Forum 18. "I don't know why."

He was keen to stress that other criminal cases are underway against those who took part in the reign of terror against religious minorities. He said Bluashvili is also on trial in Gori district court for his involvement in attacks on Jehovah's Witness conventions in Kaspi and Gori. "Hearings started a month ago and were adjourned. I don't know when they will resume." Tsimintia regretted that

of the many people involved in the attacks, only Bluashvili is being tried. "The investigators claim they don't know who the other attackers are."

He added that an associate of Mkalavishvili, Revaz Basilashvili, went on trial at Marneuli district court at the beginning of August for his part in attacks on a Jehovah's Witness congress in Marneuli in September 2001. Again, only one individual is on trial although many participated in the attack. "The prosecutor did not follow up the others," Tsimintia notes.

To Tsimintia, the most important progress for the Jehovah's Witnesses since Mikheil Saakashvili and his supporters ousted the previous president Eduard Shevardnadze from power last November is that large-scale violent attacks on their meetings have stopped. Bishop Malkhaz Songulashvili, head of the Baptist Church in Georgia which also suffered from Mkalavishvili's attacks, agreed that this represented progress. "There have been no serious assaults by extremists under the new government," he told Forum 18 from Tbilisi on 13 August.

While religious minority leaders recognise this progress, they are sceptical that the courts will hand down appropriate sentences to punish those guilty of the violence. Asked if Mkalavishvili is likely ever to be sentenced to a prison term, Bishop Songulashvili was not very optimistic. "It depends on the political will," he declared. "There is no evidence that the political will is there at the moment."

His pessimism was shared by Giorgi Khutsishvili of the Tbilisi-based International Centre on Conflict and Negotiation, which has campaigned for an end to religious violence. "Mkalavishvili was arrested very noisily in March, but since then the investigation has gone on very quietly," he told Forum 18 on 13 August.

He believes the Georgian Orthodox Patriarchate allowed the authorities to arrest Mkalavishvili because he was "outside the Patriarchate" (it had defrocked him in 1996 and Mkalavishvili is now under the jurisdiction of Greek Old Calendarist bishop Metropolitan Cyprian of Oropos and Fili). Khutsishvili believes the new government made a secret agreement with the Patriarchate allowing the authorities to arrest Mkalavishvili and close down his church.

Fr Zurab Aroshvili, a Tbilisi-based True Orthodox priest in the jurisdiction of Metropolitan Ephraim of Boston, said that since the new government took power, no-one has been prosecuted for the mob attack which destroyed their church in the village of Shemokmedi near Ozurgeti in south-western Georgia in October 2002 (see F18News 14 November 2003 http://www.forum18.org/Archive.php?article_id=184). "The authorities maintain that a criminal case is underway, but the prosecutors say there is no case," he told Forum 18 from Tbilisi on 13 August. "I don't believe anyone will ever be punished for this."

Pastor Nikolai Kalutsky, who leads a Russian-language Pentecostal congregation, also reported that there has been no attempt to prosecute the local Orthodox priest who organised mob demonstrations every time he tried to hold services in a prayer room attached to his home (see F18News 17 November 2003 http://www.forum18.org/Archive.php?article_id=185). Nor have any participants in the protests been charged.

"Those who violently invaded my property and beat my wife, my son and me have in objective terms violated the criminal code," he told Forum 18 from Tbilisi on 14 August. He believes that although the authorities should have taken action against them, "as a Christian" he does not want to take them to court. "I simply want the authorities to calm them down."

A printer-friendly map of Georgia is available at

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

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