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GEORGIA: How should religious violence legacy be overcome?

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

Individual attacks on people exercising freedom of religion and belief still continue after five years of unchecked large-scale violent attacks. Religious leaders, human rights defenders and Georgia's Ombudsperson have all told Forum 18 that the instigators of the violence must be uncovered. Baptist Bishop Songulashvili told Forum 18 that "if it is not done now, it will still be festering five years on. How this violence started, how it developed, and who organised it has to be known. This is the only way the situation can be changed and the terrible legacy overcome." Human rights defender Giorgi Khutsishvili told Forum 18 that "reconciliation comes after the most painful moment. Only when all those responsible – including the organisers – are brought to trial and they plead guilty can reconciliation start." Among the ideas put forward is a South African-style Truth and Reconciliation Commission. But the Georgian Orthodox Church's Patriarchate and a senior government official have both claimed to Forum 18 that it is not necessary to investigate the root causes of the violence.

As individual violent attacks continue against non-Georgian Orthodox Church people, and after five years of unchecked large-scale violent attacks between 1999 and 2003, opinions in 2005 are divided as to how this legacy can be overcome. "This issue will have to be dealt with as a matter of justice and of nation-building," Baptist leader Bishop Malkhaz Songulashvili told Forum 18 from the capital Tbilisi [T'bilisi] on 14 January. "If it is not done now, it will still be festering five years on. How this violence started, how it developed and who organised it has to be known. This is the only way the situation can be changed and the terrible legacy overcome."

Giorgi Khutsishvili of the Tbilisi-based International Centre on Conflict and Negotiation (ICCN), which long campaigned for an end to religious violence, agrees. "Reconciliation comes after the most painful moment," he told Forum 18 from Tbilisi on 17 January. "Only when all those responsible – including the organisers - are brought to trial and they plead guilty can reconciliation start."

Only some on trial, charges and sentences minimal

Human rights defender Khutsishvili noted that one of the most visible ring-leaders of the attacks – Fr Basil Mkalavishvili, a priest under the jurisdiction of Greek Old Calendarist bishop Metropolitan Cyprian of Oropos and Fili, is still maintaining his innocence at his trial with six associates in Tbilisi (see F18News 17 January 2005 http://www.forum18.org/Archive.php?article_id=490). Only two of the accused in this trial are being charged for their part in religious violence, the other five – who also took part in religious violence - being on trial for resisting arrest only.

Only three other trials have been completed of those responsible for taking part in the violence, with all seven defendants receiving only suspended sentences (see F18News 18 January 2005 http://www.forum18.org/Archive.php?article_id=492). Khutsishvili maintains that although courts should ideally be independent, without strong signals from politicians that religious violence is unacceptable such mild sentences will remain the norm. "Verdicts still depend on political will. The authorities always bear in mind that the Orthodox religion should be treated carefully, and will try to avoid trials over the religious violence."

"Justice for the victims of the violence is part of the solution"

Khutsishvili thinks that without punishment for those responsible for the violence, society's intolerance of non-Orthodox faiths will persist and their rights will continue to be restricted. "Society will continue to think that violence in the name of Orthodoxy is more excusable than ordinary crime," he told Forum 18.

"Justice for the victims of the violence is part of the solution to current religious freedom problems still facing minority faiths," Sozar Subari (Subeliani), a human rights defender with the Tbilisi-based Liberty Institute who has been Georgia's Public Defender (Ombudsperson) since October 2004, told Forum 18 on 24 January 2005. "All those who took part in the violence against religious minorities should get what they deserve – so that people know what happened." He puts the number of those who should be tried at "maybe dozens".

Public Defender Subari says that although major violence against non-Georgian Orthodox Church people has ceased, threats continue and non-Georgian Orthodox Church religious communities are still unable to build places of worship. "The new

government ordered this violence to stop, but it doesn't mean problems stopped," he told Forum 18. "I often meet believers and they constantly complain of problems. This is the most important human rights issue facing Georgia. A person cannot exist if they cannot express their faith."

Who initiated and organised the violence?

Bishop Songulashvili thinks the Georgian authorities are "not ready" yet to launch a thorough investigation into who initiated and organised the violence. "Such an investigation would end up at the Georgian Orthodox Patriarchate, and no-one wants to see that," he noted. He also thinks the violence – which saw nearly 200 attacks on Baptists, Pentecostals, True Orthodox, Catholics and Jehovah's Witnesses over the five-year period – was ordered by the senior political leadership. "I think the law-enforcement ministers, the entire government and even the then-President Eduard Shevardnadze were involved, though I can't prove any of this."

Public Defender Subari was reluctant to pinpoint former-President Shevardnadze as the initiator, but told Forum 18 he thought the violence had the support of Shevardnadze and the law-enforcement ministers. "Shevardnadze and his government could have ended the violence in ten minutes." Khutsishvili of the ICCN is also unsure as to who initiated the violence, though he too thinks people in government and in parliament – including outspoken former parliamentary deputy Guram Sharadze – were behind it. "Some have alleged that it might have come from Shevardnadze who was trying to strengthen his position, but I think this goes too far," he maintained.

Forum 18 contacted former-President Shevardnadze's aides to request an interview, but they declined on his behalf. Forum 18 was thus unable to ask Shevardnadze whether he had indeed been involved in initiating or encouraging the violence, or whether he thought he had taken sufficient steps against it and prosecute those responsible. (Shevardnadze was ousted in a popular revolt in November 2003.)

But Petre Mamradze, head of the State Chancellery when Shevardnadze was President and now head of the renamed Government Chancellery under new President Mikeil Saakashvili told Forum 18: "You cannot blame Shevardnadze - the situation was very difficult then," he said from Tbilisi on 14 January. "But in my presence he spoke out strongly against religious violence and attended an ecumenical service at the Baptist Church in Tbilisi." He claimed Georgian television stations suppressed the President's remarks against the religious violence as such sentiment was "not popular" then.

"There was no law and order then, and the police weren't fulfilling orders from above," Mamradze also claimed. "Ninety percent of police officers had great sympathy for those attacking religious minorities."

"We didn't take part in the violence" ?

Georgian Orthodox Church patriarchal spokesperson Zurab Tskhovrebadze denied that the Patriarchate had backed the violence. "We didn't take part in the violence," he claimed to Forum 18 from Tbilisi on 24 January. He also wrongly claiming that the vast majority of attacks had been carried out by Mkalavishvili, who was defrocked by the Patriarchate in 1996. However, numerous witnesses from many of the belief communities targeted – and human rights defenders like current-Public Defender Subari - identified serving clergy of the Patriarchate as having personally organised and participated in violent physical attacks on non-Georgian Orthodox Church people.

"Maybe there were a few individual cases," Tskhovrebadze conceded, before blaming "the people" for the violence. "The people were angered that sects were trying to convert them from their traditional faith and acted aggressively. But this violence was not official Patriarchate policy and was not organised by the Patriarchate." He also blamed "certain political forces" – which he declined to identify – for organising the violence. "Perhaps they wanted to distract people's attention by using this issue." He declined to speculate on how far Shevardnadze and the power ministries might have been involved.

Tskhovrebadze refused to say how many people he thought should now face charges in court of organising or participating in such attacks. He insisted that this is a matter for the Prosecutor's Office to comment on.

He also maintained that now trials are underway, the issue of the religious violence is no longer current. "After the government changed the situation changed for the better and there is no violence," he told Forum 18. "The US State Department has recognised this." On being told of the mob attacks in late 2004 on Baptists in eastern Georgia (see F18News 14 January 2005 http://www.forum18.org/Archive.php?article_id=489) he conceded there might be "individual cases".

Tskhovrebadze thinks the current trials, the adoption of a law on religion that would allow non-Georgian Orthodox communities to gain legal status and "greater dialogue" between the Patriarchate and other faiths will resolve the issue. "The Patriarchate is ready for such dialogue."

Incidents of violence against non-Georgian Orthodox Church people involving Orthodox priests have continued (see F18News 5 November 2004 http://www.forum18.org/Archive.php?article_id=446).

Those on trial "small fry" who carried out others' orders

Bishop Songulashvili, whose church and people were attacked during the violence, argues that Mkalavishvili and his associates were only "small fry" who carried out attacks on others' orders and that the instigators behind the violence have yet to face justice. "I would rather see the small fry confess what they have done and be released, and not cover up for the real instigators," he told Forum 18. "Otherwise it will leave the general public with the view that it was only those who actually carried out the attacks who were responsible."

The Bishop publicly offered reconciliation to Mkalavishvili in the courtroom on 11 November 2004, after he had visited Mkalashvili in prison. The offer of reconciliation provoked controversy among those who wanted a heavy sentence, but Bishop Songulashvili insisted that a confession Mkalavishvili made to him was sincere. "I have no reason to doubt it," he told Forum 18.

Backing this stance is another victim Pastor Nikolai Kalutsky, whose home was used for his Pentecostal Church's worship services before mob violence led by local Georgian Orthodox Patriarchate priest Fr David Isakadze put a stop to it. "Just as the Baptists were ready to pardon their attackers, we too should act in a Christian way," he told Forum 18 from Tbilisi on 13 January. "Christ teaches us to forgive - that's why we're not demanding the prosecution of those who attacked us." Kalutsky nevertheless thinks courts have the responsibility to try the perpetrators. He maintains that people who cannot meet freely for worship – like his church – should demand legal status (see F18News 17 November 2003 http://www.forum18.org/Archive.php?article_id=185) and insist on their constitutional rights (see 5 November 2004 http://www.forum18.org/Archive.php?article_id=446).

While welcoming the three trials that have been completed so far and the two further trials underway, the Jehovah's Witnesses – who suffered the vast majority of the attacks in the five-year reign of terror – declined to comment on what steps they think the government should take to overcome the legacy of violence. "Everyone must act in accordance with the law," their lawyer Manuchar Tsimintia told Forum 18 from Tbilisi on 17 January. "If the response to any incident is in accordance with the law, that will be an adequate reaction."

Truth and Reconciliation Commission?

Bishop Songulashvili thought that it might be helpful to hold a Truth and Reconciliation Commission along the lines of the one that investigated crimes by the apartheid-regime in South Africa. This Truth and Reconciliation Commission was established in 1995, and heard testimony from officials and others involved in apartheid-era crimes who could receive amnesty in exchange for full and frank admission of guilt. The Commission also heard testimony from victims, who could receive support and reparation as a way of overcoming the past injustice they experienced.

The South African Truth and Reconciliation Commission's website states that it was set up: "to help deal with what happened under apartheid. The conflict during this period resulted in violence and human rights abuses from all sides. No section of society escaped these abuses" (see <http://www.justice.gov.za/Trc/>).

Similar commissions have been set up in Peru, Guatemala, Haiti, and other countries whose people have suffered major unpunished human rights violations.

Public Defender Subari commented on the idea of a Georgian Truth and Reconciliation Commission that: "It's the first time I have heard this proposal, but it is a good idea".

But Government Chancellery head Mamradze, who was also a senior official during the years of large-scale violence, claimed that the situation had changed so radically since President Saakashvili took power a year ago that a Truth and Reconciliation Commission was "not necessary". "I hope now there is greater law and order and the political will to prosecute those responsible." But he conceded that it is hard for the police to find admissible evidence against those who initiated the violence, especially the senior organisers who are most responsible. (END)

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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