

To the chairperson of the Parliament of Georgia

Mr. Davit Usupashvili

Copy to: The Chairman of the Committee on Human Rights and Civil Integration,

Mrs. Eka Beselia

Copy to: The Chairman of the Legal Issues Committee,

Mr. Vakhtang Khmaladze

P e t i t i o n

Mr. Davit,

Based on the Article 240 of the Rules of Procedure of the Parliament of Georgia, the undersigned non-governmental organizations and religious associations are addressing the petition to you and request from the Parliament of Georgia as well as the Committee on Human Rights and Civil Integration, and the Legal Issues Committee to use parliamentary control mechanisms provided by the Constitution of Georgia and the Rules of Procedure of the Parliament for the purpose of assessing government policy in regard to the recent cases of violation of freedom of religion which has systematic character and constitutes a general state problem.

The issue of proper realization of the freedom of religion in Georgia is linked to systematic problems existing in legislation and practice ¹ which requires substantial revision of government's policy and its serious efforts. However, undersigned organizations of this petition are addressing the recent cases of religious violence and call on the government to take adequate and timely reaction.

As you are aware of this, over the last two years several cases of religious intolerance and violence against the Adjarian Muslim community have been revealed which led to the serious violation of rights of the Muslim community, including:

- Cases of religious aggression revealed in the village of Nigvziani, the village of Tsintskaro and the village of Samtatskaro in the period of 2012-2013. Since the violence by local Orthodox community in Samtatskaro, which was openly supported by the local government representatives by violating the principle of religious neutrality, Adjarian Muslims were unable to launch the house of worship and they are forced to practice their religion in private houses (see appendix #1);
- Cases of arbitrary detention of Muslims by the employees of the Ministry of Internal Affairs and the use of disproportionate police force during the dismantling of the Mosque minaret and police operation in the village of Chela on August 26, 2013. (see appendix #2);

¹ Note: Including discriminatory policy of restitution of property to religious organizations; discriminatory and unfair practice of funding which is incompatible with the principle of secularism; cases of indoctrination, proselytism and discrimination in public schools which have systematic character; obstacles related to the construction of religious facilities for religious minorities and discriminatory approach from the local municipalities.

- The case of disruption of the opening of boarding school assigned for Muslim students by the local population in Kobuleti on September 10, 2014 which has not been prevented by the police yet and the students of the boarding school are forced to live and study in the old building of boarding school in overcrowded conditions (see appendix #3);
- The decision taken by undemocratic procedures regarding the opening of cultural center in religious-worship building disputed by the local population in the village of Mokhe and its implementation with large-scale police force which led to illegal detention of the members of Muslim community by the Ministry of Internal Affairs and the use of disproportionate force. (See appendix #4).

The case of religious violence was revealed against the Jewish community as well when the community was celebrating Hanukkah at the Freedom Square in December of 2013 in Tbilisi and the President of Georgia was also participating in the celebration.

The analysis of practice of crime against the Jehovah's Witnesses motivated by the religious hatred also indicates the increase of religious intolerance and inefficiency of government's policy. According to the information by the Jehovah's Witnesses Christian Organization, 53 cases of violence were revealed against the members of their community in 2013. The aforementioned indicator was equal to 64 in 2014. The comparative analysis of current practice compared to the figures from the previous year indicates that the scale of violence against the Jehovah's Witnesses has drastically increased and it is more of a complex and public character. (See appendix #5).

It is obvious that the aforementioned practice is related to the problem of impunity and that it requires proper understanding by law enforcement authorities. The case of religious violence of social character against the Jehovah's Witnesses was revealed in the town of Terjola. Due to the opposition coming from the local Orthodox parishioners in regard to the construction of Kingdom Hall of Jehova's Witnesses, which was actively shared by some teachers and students of Terjola Public school #2, local municipality made an illegal and discriminatory decision to terminate the permission for the construction of religious facility such as Kingdom Hall in Terjola. At this stage, in the framework of administrative proceedings, all essential evidence was obtained which confirms the legality of the permission for the construction of Kingdom Hall. However, under the violation of the period provided for in the Administrative Code, municipality in Terjola has not lifted its decision regarding the suspension of the permit yet. (See appendix #6).

The analysis of aforementioned cases of religious violence indicates that as a rule, it is of social character and caused by intolerance expressed by the local dominant religious group. The government is not responding adequately to the manifestations of religious extremism and it does not ensure the prevention of violation coming from individuals as well as effective investigation.

It is noteworthy that the law enforcement authorities have not ensured effective investigation of any of the aforementioned cases of religious violence and the punishment of specific offenders. No decision has been reached about the investigation regarding the incident that took place near the Surb Echimianidzini Church in Tbilisi on July 19th. It is obvious that the government's inaction in regard to the protection of the freedom of religion imposes legal responsibility inter alia due to the failure to undertake its positive obligations under the Article 3, Article 9, Article 11 and Article 14 of the European Convention of Human Rights.

Together with the ineffective policy of religious intolerance and the fight against violence, the Ministry of Internal Affairs' policy is blatantly repressive towards religious minorities. The police illegally arrested some members of the Muslim community during its planned operation in the village of Chela and the village of Mokhe and used disproportionate force against them. This type of behavior by the police refers to the signs of tolerant policy towards religious violence. The analysis of the current practice demonstrates that the state always refrains from the use of legal and repressive mechanisms in those cases when the representatives of dominant religious group are committing religious violence or persecution, however, in opposition to that, its methods are repressive towards religious minorities.

In most cases local government demonstrates open loyalty towards the position of dominant religious group and makes discriminatory decisions.

The assessment of processes of investigation about the cases of illegal detention of Muslim community representatives by the Ministry of Internal Affairs and abuse of power by them indicates the investigation of these aforementioned cases are conducted by the Ministry of Internal Affairs, despite of substantiated appeals and complaints by the victims, rather than the Prosecutor's Office which violates the principle of institutional independence of the investigation.

The policy implemented by the State Agency on Religious Affairs is also ineffective in regard to the cases of religious intolerance and violence and its intervention has not led to any tangible results in terms of solving existing problems. The Agency's mandate and its declared policy views do not reflect the values of human rights and secularism, and those challenges which are faced by religious organizations.

It is obvious that the existing policy and its ideological narrative, under which religious violence is produced and manifested, leads to the alienation of representatives of religious minority from the political system and hinders the development process of democratic and pluralistic society.

The analysis of social and cultural contexts of religious violence indicates the social nature of manifested intolerance, Islamophobia and Turkophobia and requires relevant understanding and adequate policy by the government as well as the importance of implementation of information policy.

Taking the aforementioned into consideration, we consider that it is essential that government takes timely and effective measures for the purpose of preventing violence triggered by religious hatred, protecting human rights and ensuring equality. Accordingly:

- We address the Parliament of Georgia to review this petition under the Rules of Procedure of the Parliament and ensure its public discussion which will ensure the participation of the undersigned organizations of the petition, other interested individuals and relevant state institutions.

- For the purpose of reacting to the problems presented in the petition, in particular regarding the continuing cases of violation of the freedom of religion (including the cases of religious violence and intolerance revealed in Kobuleti, Terjola, Mokhe), we address the Parliament with a request to ensure parliamentary control over the activities of executive government agencies as well as of the Ministry of Internal Affairs, the Prosecutor's Office, the State Agency on Religious Affairs and governors of relevant local municipalities including the use of control mechanisms provided by sub-paragraph 'v' of

part one of Article 43 under the Rule of Procedure of the Parliament of Georgia, Article 43, Article 221, Article 222-2, Article 224, Article 225, Article 226, Article 230, Article 235 and Article 236.

Human Rights Education and Monitoring Center (EMC);

Georgian Democracy Initiative (GDI);

Media Development Foundation (MDF);

Tolerance and Diversity Institute (TDI);

Georgian Young Lawyers' Association (GYLA);

Evangelical-Baptist Church;

Evangelical Faith Church;

Evangelical-Protestant Church;

Yazidi Spiritual Council;

Catholic Church;

Armenian Apostolic Orthodox Holy church in Georgia;

Georgian Muslims Union;

Seventh-day Adventist Church;

Samtskhe-Javakheti Mufti;

Mufti of Karli region;

Mufti of Khulo;

For questions regarding the organizational issues of discussing the petition contact: Tamta Mikeladze (Human Rights Education and Monitoring Center (EMC), Phone: 593 40 90 05; t.mikeladze@yahoo.com)