

# Theology on the Web.org.uk

*Making Biblical Scholarship Accessible*

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

**PayPal**

<https://paypal.me/robbradshaw>

---

A table of contents for *Scottish Bulletin of Evangelical Theology* can be found here:

[https://biblicalstudies.org.uk/articles\\_sbct-01.php](https://biblicalstudies.org.uk/articles_sbct-01.php)

## **Persecution of Jehovah's Witnesses in Georgia Today\***

MICHAEL OCHS

### **Introduction**

Throughout the former Soviet Union, local religious establishments have strongly disapproved of preaching by representatives of religions considered 'nontraditional'. Religious leaders have prevailed upon politicians to limit the activities of such groups while enhancing the privileged role of the leading local faith.

The Georgian Orthodox Church has also warned about the harmful impact of nontraditional religions and sought a special status, but parliament has not passed a law on religion. Nor is Georgian Orthodoxy or its special status specifically protected in the constitution. On the other hand, Georgia is the only country in Eurasia where officially-condoned, organised mob violence against adherents of nontraditional faiths has developed into an ongoing problem. Jehovah's Witnesses have been the primary, though not the exclusive, target of this campaign. The country's political leadership is aware of the issue and of the concern expressed in foreign capitals as well as by Georgian and international human rights organisations. President Eduard Shevardnadze has openly condemned the attacks and pledged to uphold the rule of law, safeguard the rights of all believers and prosecute those who persecute them. Nevertheless, the Georgian authorities have been unable or unwilling to take effective steps to deter individuals and groups from assaulting Jehovah's Witnesses. Violence against them has continued since 1999, with no serious action taken against the perpetrators.

Convinced that the Georgian authorities are not prepared to implement their international commitments and protect members of religious minorities, Jehovah's Witnesses have filed two applications with the European Court of Human Rights in Strasbourg. The first application, in June 2001, states that official inertia has permitted a reign of terror against the community. In August 2001 the Jehovah's Witnesses filed a second application to the court, challenging the February 2001 ruling of Georgia's Supreme Court which deregistered the community. The court has put the case on a fast track, but has not yet issued its ruling.

Against this background of intensifying attacks on Jehovah's Witnesses and intimidation of other minority religions in 1999–2001, the Georgian Orthodox Church has consistently urged the government to guarantee its privileged status. In

\*This is a revised and updated version of an article originally written for the Resource Information Center, Office of International Affairs of the US Immigration and Naturalization Service, Washington DC.

March 2001 parliament amended the Georgian constitution to prepare the ground for the ratification of a long-discussed concordat between the Georgian Orthodox Church and the state. Minority religions have for some time been concerned that the planned concordat could signal increasing intolerance and ever-narrower possibilities to practice and preach their faith. Nevertheless, representatives of seven confessions more 'acceptable' to the Georgian Orthodox Church apparently decided that their status would be better secured by reaching understandings with the dominant religion. These arrangements may benefit the minority churches in question, but they leave in even greater doubt the status and prospects of those nontraditional religions not included, especially the Jehovah's Witnesses.

For reasons not entirely clear, there was no violence against Jehovah's Witnesses for a period at the end of 2001, beginning in October. The respite presumably reflected greater caution by the community, which stopped organising large assemblies. Another factor may have been a high-level shakeup in Georgia: in early November tensions between state and society reached boiling point, and President Shevardnadze was forced to dismiss his entire government. Among the most important officials to leave office was Kakha Targamadze, minister of internal affairs, who had been suspected of protecting individuals and groups which targeted Jehovah's Witnesses and other minority confessions. However, in 2002 assaults on Jehovah's Witnesses and other minority faiths resumed. The upsurge in violence led 15 members of the US Congress to write a letter to President Shevardnadze in May expressing their deep concern. Shevardnadze condemned the violence and again ordered law enforcement agencies to protect all citizens regardless of faith. But the violence has not only continued, it has recently targeted a human rights organisation which strongly defended Jehovah's Witnesses and other minority religions. This last outrage demonstrated that civil society itself, not only nontraditional religions, is under attack in Georgia.

Complicating the issue of violence against Jehovah's Witnesses and other religious minorities in Georgia is the deteriorating socio-economic and political situation. It has long been suspected that official support for the instigators and perpetrators of mob violence against religious minorities reflects, at least partially, internecine warfare within Georgia's political elite. The resolution of that struggle is likely to influence the outcome of any efforts to put an end to the assaults and bring those responsible to justice.

Georgia, which has for years been prone to instability, faces many serious domestic problems, not to mention pressure from Russia. With ever more international attention focused on the problem of religious violence, it remains to be seen whether the Georgian authorities will be more disposed to safeguard the rights of religious minorities. In any case, it would be difficult to do a worse job than has been done up to now.

### **History and Membership of the Jehovah's Witnesses in Georgia**

According to the Jehovah's Witnesses, they have been active in Georgia for almost 50 years. In 1953 a Georgian who had become acquainted with their teachings in Nazi concentration camps returned to Georgia, though her attempt to share her faith led to her imprisonment. Nine years later a family of Georgian Witnesses moved from Siberia to Khashuri in Georgia. In 1969 a believer established a congregation in the Gali region and the following year 12 people were baptised as Witnesses. Despite pressure and harassment from the Soviet authorities, which forced some to leave

Georgia, others remained and continued to preach, moving to other cities, such as Kutaisi and Sukhumi. In 1973 130 Witnesses from various parts of Georgia met in Sukhumi (Abkhazia), where 45 people were baptised. A Soviet court in January 1975 sentenced several Witnesses to prison terms, but individual members continued to practise their religion and spread the word. Between 1978 and 1981 about 120 people became Witnesses. In 1980 the community obtained a New Testament in the Georgian language, which was copied and distributed at meetings in cities across Georgia. As of 1986, with the appearance of the Bible and other publications in Georgian (such as *The Truth That Leads to Eternal Life*, 1989), Witnesses began holding meetings in that language; hitherto, they had usually used Russian.

By early 1988 the number of Witnesses in Georgia had grown to 985, and two years later over 1500 were attending meetings. In the nationalist atmosphere of the time, however, exemplified by the rise to power of Zviad Gamsakhurdia (elected president in April 1991), Witnesses encountered hostility; and over 100 were driven out of their homes in various cities. Nevertheless in 1991–92 some 3400 people were studying the Bible with Witnesses, and full-time preachers moved to cities in eastern and western Georgia. In 1994 the monthly publication *The Watchtower* began to appear in Georgian. Two years later the first district conventions of Witnesses in Georgia took place, with over 6000 participants. In 1998 more than 13,000 people attended these conventions; 32,409 people attended the annual celebration of the Lord's Evening Meal that year. By 1999 the number of Witnesses in Georgia had reached about 14,000.<sup>1</sup> In late 2001 spokesmen for the community estimated its numbers at 15,000, although Witnesses claim that over 30,000 regular and occasional worshippers met together during Easter 2001.<sup>2</sup>

Jehovah's Witnesses had been persecuted during the Soviet period, along with believers of other denominations, as part of general Soviet policy towards religion. During most of the 1990s there was no organised mob violence against Witnesses in Georgia, but the situation changed towards the end of the decade when a defrocked Georgian Orthodox priest, Basil Mkalavishvili (see below), began leading and instigating assaults on them. His campaign made him notorious while raising concern in the international community about the treatment of religious minorities in Georgia.

### **Legal Status**

Throughout the former USSR local religious establishments have reacted with concern and annoyance about preaching by representatives of religions considered 'nontraditional' – that is, not historically established in the region or country. Complaining about well-financed interlopers 'fishing for souls' and occasionally citing the need to protect the public from dangerous cults like Aum Shinrikyo, religious leaders have prevailed upon politicians to limit the activities of such groups while enhancing the privileged role of the leading local faith. Such has been the case, for example, in Russia and Armenia, where the primacy of the Russian Orthodox Church and the Armenian Apostolic Church respectively has been emphasised by legislation, and the activities of certain other religions have been restricted.<sup>3</sup>

Georgia is the only former Soviet republic which has not passed law on religion. In the absence of relevant legislation, most religious groups have no juridical status. In 1998, however, the Witnesses registered two organisations at the Isani-Samgori District Court on the basis of Article 31 of Georgia's civil code: the 'Union of Jehovah's Witnesses' (*Iehovas motsmeebis kavshiri*), a union of local residents with purely religious goals, on 17 April; and the 'Representation of the Watch Tower

Bible and Tract Society of Pennsylvania, USA, in Georgia' (*Pensilvaniis (a.sh.sh.) sagushago koshkis, bibliisa da tractatebis sazogadoebis tsarmomadgenloba sakartveloshi*) on 11 June. The latter was registered as a branch of the American organisation with broader cultural and educational goals, including charitable activity.<sup>4</sup> Nevertheless, the Union's legal status subsequently came into question. Guram Sharadze, a nationalist member of parliament, brought a civil suit in April 1999 to deregister the Jehovah's Witnesses, arguing that their organisation was 'anti-Orthodox, antistate and antinational'. An appellate court and the Georgian Supreme Court rejected protests by the Witnesses that Sharadze's suit was groundless. On 29 November 1999 a lower court judge asked a group of experts to study Jehovah's Witnesses' literature and render an opinion.<sup>5</sup> Their assessment was favourable. On 29 February 2000 a Tbilisi district court refused to revoke the Witnesses' registration. On the basis of the experts' findings the judge ruled that 'the ethical, moral and ideological foundations of the organization do not harm or pose a threat to Georgian statehood', and that there was thus no good reason to outlaw the Witnesses.<sup>6</sup>

Sharadze appealed against the ruling, contending that the legal registration of religious sects in Georgia was impossible since there was no law on religion. He further insisted that parliament pass a law on religion enshrining the preeminence of the Georgian Orthodox Church over other faiths and demanded that various sects, in particular the Jehovah's Witnesses, be outlawed.<sup>7</sup> He subsequently explained that his appeal had been based on his conviction that the Witnesses should never have been registered because neither the courts nor the Ministry of Justice could register religious organisations: 'Articles 31 to 34 of the civil code give the right only to register political, cultural and educational organisations. The Jehovah's Witnesses are solely a religious group. They therefore CANNOT be registered officially as a religious organisation.'<sup>8</sup> On 26 June 2000, in a tense atmosphere, the appeals chamber of the Tbilisi district court heard Sharadze's appeal. Georgian Orthodox activists packed the entrance to the courthouse; they forcibly tried to keep out anyone who refused to kiss a wooden cross, and brandished icons and wooden crosses during the proceedings. The ensuing verdict overturned the 29 February ruling, though its implications were subject to differing interpretations. The court

acknowledges the right of each individual to freedom of speech, thought, conscience, religion, and beliefs, and thus it believes it inappropriate to discuss the beliefs of Jehovah's Witnesses: the appeal court considers it inexpedient to use the differing religious views of the defendant organizations as the basis for revoking registration, as that would be contrary to constitutional principles.

Nevertheless, the court ruled that citizens were prohibited to form associations for religious goals until parliament passed a 'a special law that regulates religious life'.<sup>9</sup>

Opponents of the Witnesses saw the ruling as the annulment of the confession's registration. Spokesmen for the Witnesses rejected that argument, contending that the court 'affirmed our freedom of religion', and that the petitioner's case 'was granted only on technicalities'. After the June 2000 ruling, in their appeals and complaints about persecution, the confiscation of their literature or the refusal of local officials to let them hold meetings the Witnesses had to emphasise that the community had not been deregistered and therefore continued to enjoy all the rights and responsibilities of any other religion.

On 24 July 2000 the Union of Jehovah's Witnesses and the Representation of the Watch Tower Bible and Tract Society of Pennsylvania appealed to Georgia's

Supreme Court to overturn the 26 June appeal court's decision. The Supreme Court agreed to consider the case, making the legal status of the Witnesses in Georgia dependent on a decision by the justices. Meanwhile, the legality of their activities was in dispute. A lawyer for the community expressed his concern about the delay in resolving the registration issue: 'Guram Sharadze continues to state publicly that the registrations granted to Jehovah's Witnesses have been annulled and that their meetings and importation of literature are illegal. This is not true. The legal registrations granted to Jehovah's Witnesses have not been annulled.'<sup>10</sup>

Finally, on 22 February 2001, in a ruling that cannot be appealed against, the Georgian Supreme Court upheld the decision of the appeal court, concluding that Jehovah's Witnesses, as a religious organisation, could not be registered as a 'legal entity of private law' under the civil code. The Court stressed, however, that the ruling did not constitute a ban on the Witnesses, their activities, meetings or distribution of literature. Indeed, on 16 March the Supreme Court issued a supplementary statement on this issue, which condemned religious extremism, intolerance and violence, particularly against Jehovah's Witnesses. The Court urged law enforcement agencies to take appropriate measures against individuals who 'believe themselves to be above the law and make their own kind of justice'. Such acts, warned the Court, 'are not only illegal, they also create a serious danger for the public and the state'.<sup>11</sup>

Among officials especially outspoken in dissenting from the Supreme Court's February judgment was the former justice minister Mikheil Saakashvili: 'From a legal standpoint ... [it] is very dubious. I don't think it's the most successful page in the history of the Supreme Court.'<sup>12</sup> Zurab Adeishvili, acting chairman of parliament's Legal Committee, told *Keston News Service* that the ruling 'reduces religious liberty in Georgia because it encourages extremist forces in our [Georgian Orthodox] Church to suppress religious minority groups'. He wondered whether the Supreme Court had been influenced by public opinion 'which supports extremist forces' rather than taking an independent view based on the law.<sup>13</sup>

Nevertheless, the February 2001 ruling means, in effect, that Jehovah's Witnesses cannot be registered; the community, for its part, refuses to register as an NGO. Despite clarifications by the Supreme Court and claims by the Witnesses that the Court's decision did not impugn their legality or restrict their activities, their opponents, independent observers and international agencies have argued or interpreted otherwise. Thus the view appears widespread that the Supreme Court's decision indicated that the Witnesses had been not only deregistered, but placed beyond the protection of the law. In a report of 31 May 2001 on violence against minority religions, the OSCE Mission to Georgia specified that

The decision of the Georgian Supreme Court to revoke the registration of the Jehovah's Witnesses has conveyed a general impression that the activities of the Jehovah's Witnesses are illegal. Although official Georgian authorities have a clear and pronounced policy of allowing religious diversity, religious minority groups like the Jehovah's Witnesses in particular have been subjected to harassment and violence by instigators who seem to act with impunity.<sup>14</sup>

Ghia Nodia, a well-known political analyst, concurs: 'When the Supreme Court revoked the registration of the Jehovah's Witnesses, it was perceived as a signal that violence against [them] is OK.'<sup>15</sup> Indeed, when refusing to allow Jehovah's Witnesses to meet or to protect them from assaults, local officials in Georgia have sometimes contended that the community is illegal.

As of July 2002, then, the Jehovah's Witnesses were not registered in Georgia. If the Georgian parliament were to pass a law on religion which laid out procedures for obtaining registration, the community could apply – although on the basis of past experience one can predict that the authorities' decision would be likely to be highly controversial and politicised.

It should be noted that Georgia has a law on alternative military service and that Witnesses avail themselves of it. As of December 2001, the Watchtower Associate General Counsel reported that 'to the best of our knowledge, there are no Witnesses serving in prison or who have been dismissed from their employment for religious reasons'.

### **Georgian Public Opinion**

Representatives of the Witnesses interviewed in Tbilisi in October 1999 maintain that the local population initially reacted favourably to their preaching and attempts to share their faith, but at the end of 1998, they say, the atmosphere changed when parliamentarian Guram Sharadze seized on the issue of religious purity and turned it into a rallying cry to protect Georgian Orthodoxy. His speeches led to heightened pressure on Witnesses and other minority religions; other Georgian parliamentarians began speaking out, and then local authorities started impeding the Witnesses' attempts to hold congresses. The Witnesses, concerned to present themselves as a respectable Christian religion, as opposed to a sect which practises harmful rituals, generally maintain that Georgian Orthodox fundamentalism is not a popular movement, and that the problems they have encountered do not reflect widespread negative feelings against their faith and its practitioners, but rather the political needs of certain individuals or groups.

One Witness nevertheless recently told a western interviewer that her faith was not positively viewed in her homeland:

Many of my friends have problems with families and friends because they belong to the Jehovah's Witnesses. Fortunately my family understands me, but still, the overall public attitude toward us is very negative. I believe [the] media is also responsible for that – they portray us in a completely different way, as if we present some sort of a danger.<sup>16</sup>

This view of the Witnesses is probably widespread. Even liberal-minded officials and parliamentarians who have defended Witnesses and decried the attacks on them nevertheless contend that many Orthodox Georgians are, in fact, hostile towards them. Among the reasons they cite for such antipathy are: traditional attitudes among Georgians, who regardless of their actual level of religious conviction and observance link Georgian nationality with Georgian Orthodoxy, making an exception only for traditional minority religions such as Russian Orthodoxy or Judaism; concern about the Witnesses' rejection of blood transfusions; the Witnesses' refusal to serve in the armed forces; and their allegedly aggressive preaching.<sup>17</sup>

Some Georgian officials and parliamentarians agree with the Witnesses, however, that the problem has been deliberately aggravated by politicians, not all of whom are Georgian. Georgian–Russian relations have for years been quite tense, with Moscow, already annoyed by Georgia's prowestern foreign policy, its ambition to join NATO and its refusal to cooperate in Moscow's war against Chechnya, trying to retain its military bases in Georgia. Many western-oriented Georgian politicians see people who attack Jehovah's Witnesses as participating, wittingly or not, in a Russian

conspiracy to destabilise Georgia and to put pressure on Tbilisi to make concessions on strategic matters.<sup>18</sup> The attorney who represented the Jehovah's Witnesses in their application to the European Court of Human Rights, André Carbonneau, apparently agrees: 'Many believe Russia is behind this persecution, in order to destabilize Georgia. It works to the benefit of Russia to have no Rule of Law in this country.'<sup>19</sup>

Other liberal Georgian observers, while not denying the possibility or probability of outside influences, maintain that the wave of violence against Jehovah's Witnesses, and, to a lesser degree, other minority religions, largely reflects a struggle among domestic political forces. The Ministry of Internal Affairs, headed until November 2001 by Kakha Targamadze, is said to be locked in a battle with pro-western reformers; the Ministry controls the police, and is said to be too powerful for President Shevardnadze to take on openly. In another (minority) view, some observers believe that despite his calls to respect human rights Shevardnadze welcomes the attacks on nontraditional religions as a means of deflecting growing popular anger about declining living standards.

In any case, even if many Georgians hold negative views about the Witnesses they do not necessarily approve of violence against them. Between 8 and 22 January 2001 133,182 people signed a petition to be submitted to President Shevardnadze calling for the protection of all citizens, including minority groups, from individual and mob attacks. Considering that the Witnesses claim only around 15,000 members the number of signatories is surprisingly high. Other gauges of public opinion are available but their reliability is unclear. One poll revealed that 12 per cent of the population backed Fr Basil Mkalavishvili, the leader of the anti-Witness forces, but 47 per cent responded that they did not like his methods, even if they supported his goals for Georgia and the Orthodox Church.<sup>20</sup>

The Georgian Orthodox Church itself has openly lobbied the state for formal recognition of its privileged position and status, and has expressed its animus towards nontraditional religions and their efforts to win new adherents. The church is seen as politically powerful, well able to press its concerns on state institutions and leaders, who fear losing its support. Indeed, one Georgian parliamentarian told the BBC that it has been fashionable for Georgian politicians, religious or not, to present themselves as Orthodox.<sup>21</sup> The church's attitude towards the Witnesses has certainly not been positive or welcoming; at best, its spokesmen, including Patriarch Ilya II, have denied responsibility for religious extremism, but generally add that non-traditional faiths are harming Georgia.

Generally speaking it is difficult to know how many ordinary Georgians are focused on the issue. For most of them the main problem is that of living in an environment of declining living standards. One analyst has summed up the situation:

while concerned human rights groups and religious minorities look for international attention and radical groups swing their crosses in the battle against the Antichrist, the majority of the Georgian population remains largely undisturbed. In a country where electricity cuts can last for 18 hours a day and 8-dollar pensions are not paid for months, social conscience is not very high up on the priority list.<sup>22</sup>

### **The Rise of Violence against Jehovah's Witnesses**

Until 1998 incidents of violence against Jehovah's Witnesses were relatively rare and sporadic, occurring mostly in rural locations and small towns. A key figure in these

incidents was Basil Mkalavishvili, a former Orthodox priest defrocked for 'anti-church activities'. Although Fr Basil's notoriety dates mostly from 1999, when he intensified his activities, as early as March 1997 he organised a book-burning of 'anti-Orthodox' works, including literature of the Jehovah's Witnesses, the Hare Krishna movement and the Scientologists.<sup>23</sup> Burnings of non-Orthodox books received coverage in the Georgian press (although it is unclear whether the events reported were those of March 1997 or some other time). Baptist bishop Malkhaz Songulashvili showed articles in newspapers to a *Wall Street Journal* correspondent in July 1997: 'The pages show grandmothers clapping as religious books go up in flames, under the direction of a heavily bearded Georgian Orthodox priest. The old women brandish placards reading "Orthodoxy or death", "Forbid the teaching of ecumenism" and "This parish is fighting the satanic sect of Jehovah's Witnesses".'<sup>24</sup>

The heightened antipathy among some Orthodox clerics and believers towards other faiths may be connected to dissension within the Georgian Orthodox Church. In May 1997 the superiors of three monasteries broke away from Patriarch-Catholicos Ilya II, followed by another monastery in July. The dissenters, led by Father Superior Ioane of Betania Monastery, argued that the Georgian Orthodox Church must not deviate from Orthodox dogmas and they demanded that the church break with the world ecumenical movement and with the Orthodox churches which participated in it. Perhaps in response to this challenge, in May 1997 the Georgian Orthodox Church refused to recognise other faiths as legitimate, and the Holy Synod decided to withdraw from the World Council of Churches; nevertheless, the dissenters insisted on a total rupture with the great majority of Orthodox churches.<sup>25</sup> Fr Basil Mkalavishvili is apparently among those clerics who opposed any ecumenical open-mindedness.

Despite the increasingly heated religious rhetoric and problematic environment for non-Orthodox faiths, the situation remained relatively calm. In 1998 the US State Department reported that 'the Georgian Orthodox Church has argued that foreign Christian missionaries should confine their activities to non-Christians. Missionaries continued to report some incidents of harassment in rural areas and small towns by Orthodox priests and their supporters, local police, and security officials.' Nevertheless, the report specifically noted of the Jehovah's Witnesses that they 'indicate that they have experienced no problems in Tbilisi and only occasional problems in rural areas'.<sup>26</sup>

Adding fuel to the smouldering fire, however, was another controversy about whether to reinstate in Georgian passports the line specifying the holder's national identity. This had been the practice in Soviet internal passports. In independent Georgia, after the overthrow of nationalist president Zviad Gamsakhurdia in 1992, the State Council, the provisional ruling body, decided to remove ethnic identity from Georgian passports, while retaining the entry in identity cards and birth certificates. After the adoption of Georgia's new Constitution in 1995 parliament removed the record of ethnicity from identity cards and subsequently from birth certificates as well, but before the new law could come into effect Guram Sharadze, the chairman of parliament's Committee for Georgians Living Abroad and Migration, launched a campaign in January 1999 to restore ethnic identity in all official identification documents.<sup>27</sup> His success in attracting support from the Georgian Orthodox clergy and the public impelled President Shevardnadze to announce that he should have vetoed parliament's decision to remove ethnicity from birth certificates.

By mid-1999 the atmosphere for minorities and especially minority religions had

worsened sufficiently for Kavkasia-Press to report on the growing intolerance towards Witnesses and on calls to ban or restrict their activities for allegedly undermining Georgia's statehood and the position of the Georgian Orthodox Church. On 23 April customs officers on the Georgian-Turkish frontier confiscated six tons of religious tracts and video cassettes.<sup>28</sup> In Akhaltsikhe (south Georgia) some 100 local Orthodox Christians picketed police headquarters, demanding the destruction of the materials. The materials were released in July, after the intervention of the Georgian National Security Council official responsible for human rights.<sup>29</sup>

A major turning-point came in the autumn, perhaps connected with the parliamentary election scheduled for 31 October 1999. On 17 October a mob of about 200 attacked 120 Witnesses during a worship service at the Kingdom Hall of Jehovah's Witnesses in Gldani, Tbilisi. The victims, including women and children, were beaten with iron crosses and clubs; 20 required hospital treatment. Although several Witnesses escaped and reported the attack to two local police stations, police refused to step in. Remarkably, the perpetrators videotaped their actions and gave copies of the tapes to local media outlets. At least two television stations aired the tape and called for police action against the mob. The victims filed complaints with the public prosecutor's office and eight individuals involved in the mob action were arrested.<sup>30</sup>

After the Gldani assault a criminal case was launched on 18 October 1999, but no prosecutions resulted. In September 2000 the investigation was suspended; the victims were not advised of this, which meant they could not appeal. It was suspended again in December 2000. In April 2001 the latest investigator told the Witnesses' attorney that he would not 'look into this case before December 2001 at the earliest'.<sup>31</sup>

Not only have the authorities not arrested any of the perpetrators of the assaults, but also several of the victims have been charged. In June 2000 Mirian Arabidze and Zaza Koshadze, both of whom had been attacked in October 1999, were accused of hooliganism. They were found guilty in September 2000 and Arabidze was conditionally sentenced to three years' imprisonment.<sup>32</sup>

The October 1999 assault and its aftermath proved a landmark in the officially condoned mob campaign against Jehovah's Witnesses, establishing the assailants' *modus operandi* and a pattern of violence, police inaction and futile complaints and appeals by the victimised community.

A few more attacks followed in 1999. In 2000 the number of assaults grew; Witnesses documented 38. The incidents in 1999 and the first half of 2000 were mostly concentrated in Tbilisi, but subsequently the geographic range of the violence spread beyond the capital.<sup>33</sup> Below is a list, by no means exhaustive, of the kinds of assaults which have occurred.<sup>34</sup>

On 16 January 2000 seven followers of Mkalavishvili attacked two Witnesses in the Gldani region of Tbilisi. The attackers beat them and stole their briefcase, destroying the documents and personal items inside.

On 13 February 2000, in two separate incidents, four Witnesses were accosted by groups of followers of Mkalavishvili. The attackers stole their personal items, including Bibles, and destroyed their Bible literature.

On 19 April 2000, in several incidents, a mob of 70 people attacked the home of a Witness in the city of Lanchkhuti, breaking up a meeting. Policemen who arrived on the scene supported the mob. In the city of Abasha a mob of 40 men broke into the house of a Witness, confiscated religious literature and burned it. Police who observed the incident took no action. City officials told the victims: 'You are useless for the State and nobody will be responsible for that. If you send a message to Tbilisi,

they will say thanks to us.’<sup>35</sup>

On 28 June, a day after ten tons of Jehovah’s Witnesses literature had arrived in Tbilisi and had been stored in a warehouse, a fire which had been started deliberately destroyed almost six tons of it.

Soon after the Witnesses’ appeal to the Supreme Court in July 2000 the violence intensified. On 28 July 2000 a mob of Mkalavishvili’s supporters encircled and forcibly stopped a busload of Witnesses in Gldani on their way to a religious gathering in Marneuli, a largely Azerbaijani-inhabited region. The attackers disabled the bus by puncturing a tyre and then began to beat the men, women, and children as they came out of it. Shortly afterwards the mob travelled to Marneuli and demanded that the local police disperse the religious gathering. This was three days after parliamentarian Guram Sharadze had threatened on national television that the Marneuli authorities would ‘be held responsible’ if the religious convention was allowed to go forward.

On 2 August 2000 a group of 12–15 Orthodox Georgians attacked two Witnesses in the Gldani District in Tbilisi, beating them, stealing their personal documents and destroying religious literature.

On 26 September in Marneuli police and Orthodox extremists carried out their threats to disrupt a religious convention. Several Witnesses were beaten by policemen or in plain view of policemen. The mob looted the convention site and destroyed over one and a half tons of religious literature.

On 26 October a minister of the Witnesses visiting the Azerbaijani congregation in Marneuli was detained and verbally abused by five policemen, who confiscated books, Bibles and hymnbooks. One of the policemen shouted that he would never allow Jehovah’s Witnesses’ meetings to take place in Marneuli.

For a while in the autumn of 2000 the attacks subsided, perhaps because of foreign intervention. On 11 December 2000 the office of the General Counsel of Watch Tower Bible and Tract Society of Pennsylvania wrote to the US Helsinki Commission that Jehovah’s Witnesses had gathered in November for two religious meetings with over 500 participants and that there had been no incidents. The General Counsel voiced the hope that the uneventful conduct of the meetings was a ‘harbinger of religious tolerance’ and not merely a ‘reprieve’ from abuses.

Mob violence subsequently picked up again, however. On 19 December a mob of around 100 followers of Basil Mkalavishvili stormed two private homes where Witnesses meet for Bible study, terrorising their children and assaulting one of the home owners.<sup>36</sup>

After this series of incidents in 2000, it is hardly surprising that the perpetrators should have felt emboldened. They escalated their campaign markedly in 2001.

One of the most shocking incidents occurred on 22 January 2001, when a petition against the violence and state inaction, signed by 133,375 mostly Orthodox Georgians, was presented to Georgia’s Human Rights ombudsman. During a press conference at the ombudsman’s office Mkalavishvili and a group of followers invaded the premises, assaulted those present and stole 12 of the 14 volumes.<sup>37</sup>

Jehovah’s Witnesses and other sources, including international human rights organisations such as Human Rights Watch/Helsinki, contend that assaults on the community intensified after the February 2001 Supreme Court ruling revoking their registration. In the spring and summer of 2001 organised violence became virtually a regular event, occasionally reaching the level of attempted murder. In March 2001, for instance, a series of attacks took place, in which not only Witnesses were targeted.

On 14 March armed individuals broke into the central Baptist Church in Tbilisi, tied up the night watchman and stole all the church's money from a safe. This was the third assault in several weeks against the Baptist Church; in previous incidents the Bible Society and a home for the elderly under construction had been targeted.<sup>38</sup>

On 16 March Basil Mkalavishvili and his followers seized several thousand Witnesses' religious brochures from a printing house in Tbilisi and burned them outside the building. Rustavi-2 TV, an independent station, broadcast scenes from the event, reporting that police stood by watching and called the fire brigade only after the brochures had been consumed.

On 24 March the pattern of assaults broadened to include foreigners. A number of Assembly of God pastors from the USA, in Tbilisi to conduct a church leaders conference for believers in Georgia, were attacked by a mob led by Mkalavishvili. One of the pastors, Rev. B.G. Nevitt, sustained bodily injuries, and about \$3500 worth of equipment was stolen by the assailants. Nevitt claimed that police were across the street and witnessed the attack but did nothing. 'If someone is prosecuted in this case, it will only be because they attacked Americans,' said Nevitt. 'If Georgians had been beaten, nobody would have done a thing.'<sup>39</sup>

On 30 April a mob attacked a group of Witnesses in the Svanetizubani district of Tbilisi. Eyewitnesses claimed that a member of parliament, Jemal Gamakharia, was present during the incident, in which the perpetrators wielded clubs studded with nails, and that he warned the Witnesses that 'you got what you deserve and worse is yet to come'.

On 13 May 2001 in Tbilisi the home of some Witnesses was set on fire while the 11 inhabitants were still inside. They managed to escape injury but the house burned down.

On 20 May 2001 a mob broke into an apartment in the Mukhiani district of Tbilisi and assaulted about 60 Witnesses, ransacking the apartment in the process. Policemen arrived in response to calls and actually caught three of the perpetrators, but according to eyewitnesses released them after taking their statements.

On 8 June 2001 a mob of about 30 people, reportedly including two Orthodox priests, attacked a group of Witnesses in a private house in Martvili (western Georgia). Police called to the scene refused to intervene. According to a Witnesses press release (11 June 2001) this was the sixth time in 2001 that Orthodox priests had taken part in an attack.

On 17 June a mob over 50 strong attacked a congregation of Witnesses in Tbilisi, breaking into the private house where the meeting was under way. The assailants ransacked the apartment, then seized and burned religious literature. Jehovah's Witnesses present identified several perpetrators as followers of Basil Mkalavishvili who had participated in such attacks before. Two police officers who arrived on the scene, according to eyewitnesses, said 'If we had known this was an attack on you people, we would not have bothered to come.'<sup>40</sup>

On 28 September 2001 Mkalavishvili led an assault on Witnesses heading to a convention in Marneuli. The attackers, carrying firearms, dragged people out of buses and battered them, and subsequently wrecked the convention site. According to Jehovah's Witnesses, the local police, who had been informed well in advance about the convention, watched the onslaught but did nothing.<sup>41</sup>

After this incident, the number of assaults diminished considerably. It is unclear why the attacks ceased for several months. The respite may have been due to international pressure on Georgia. At the same time, spokesmen for the Witnesses acknowledge that the community, having experienced so much violence, was particu-

larly frightened by the last attack in September, at which some of the assailants had firearms. Concerned that another episode could end in someone getting killed, the Witnesses stopped holding large assemblies, meeting instead quietly in private homes.

This is at best a partial explanation, however. There were instances in 2001 when attackers broke into private homes to beat and intimidate the community. The perpetrators, possibly armed with information from the authorities, clearly knew when and where Witnesses were meeting on at least some occasions. If they now wanted to disrupt a meeting in a private residence they could surely do so. Considering the obviously organised nature of the campaign, it is reasonable to assume instead either that some powerful official or officials ordered a halt to the violence or that Mkalavishvili and his followers concluded that they risked serious consequences if they continued their activities.

In 2002, while Jehovah's Witnesses suffered fewer attacks, other minority faiths were not so lucky. A particularly heinous incident took place on 3 February, when a mob of about 150 people led by Mkalavishvili forced their way into the Baptist Union's warehouse in Tbilisi. Baptist bishop Malkhaz Songulashvili reported that 'They ... took out thousands of books, put them on a big pile outside the warehouse, and set fire to the pile, adding petrol to help it get burning.' Thousands of Bibles and other religious literature in Georgian, Armenian and other languages were destroyed. A crew from the Rustavi-2 television channel filmed the book-burning and the station aired the report several times over the next 24 hours.<sup>42</sup>

The 3 February attack – the first time Mkalavishvili's mobs had burned Bibles, according to Bishop Songulashvili<sup>43</sup> – graphically illustrated how brazen the organisers had become and demonstrated that all nontraditional religions were at risk in Georgia.

In spring and summer 2002 violence against Jehovah's Witnesses picked up again. On 7 April a mob attacked a group of Witnesses in the Ponichala region of Tbilisi, beating them, ransacking the residence and confiscating religious literature.<sup>44</sup>

On 28 June the site used by Jehovah's Witnesses to hold conventions in the Gori region was set on fire. Awakened by a neighbour, the residents managed to put the fire out.<sup>45</sup>

On 1 July 2002 policemen detained two Jehovah's Witnesses for allegedly throwing stones at Mkalavishvili's unfinished church in Tbilisi. According to eye-witnesses, the police led the two detainees past Mkalavishvili, who struck them. They were then brought to a police station, where Mkalavishvili's henchman, Petre Ivanidze, beat them. While this was transpiring, a group of people was assaulting another Jehovah's Witness in a nearby building.<sup>46</sup>

In all, over 100 attacks have taken place since 1999. Over 700 criminal complaints have been filed. Though criminal investigations have been launched and criminal charges filed (see below), the Georgian authorities have not arrested one person.

### **Basil Mkalavishvili**

Central to this ongoing campaign of intimidation and violence has been Fr Basil Mkalavishvili. Whether or not he is acting (knowingly or not) on orders from domestic or foreign (or both) powers seeking to destabilise Georgia, he seems to be genuinely motivated by religious passion and intolerance. Some of his 1997–98 statements and actions have been described above. From 1999 to the present he has openly and consistently proclaimed his determination to wage war against Jehovah's

Witnesses and other faiths he deems evil, characterising them as alien and harmful to Georgia, insidiously threatening the country's very soul. He has not shrunk from advertising his views and intentions, however violent. Nor has he hidden his ties with police and law enforcement agencies, which would in any case be inferred by the authorities' refusal to protect citizens peacefully engaging in their right to freedom of expression and assembly, and the failure of prosecutorial agencies to bring charges against the perpetrators.

In August 2001 Mkalavishvili told the BBC:

It is terrible, terrible that today Georgia is being invaded by dark satanic forces of the outside. Many do not understand that Georgia's salvation is in Orthodoxy, and that those sects, and especially Jehovah's Witnesses, are trying to destroy our centuries-long tradition. This is why I and my followers have declared a battle against those sects and we are determined to carry on fighting them.<sup>47</sup>

In March 2001 he declared that 'We won't allow sectarians to build their Satanic churches ... they are against Orthodoxy and insult Jesus Christ. They are selling out Orthodoxy and the Georgian soul.'<sup>48</sup>

Mkalavishvili has given public warnings of impending attacks. In September 2000 he boasted on '*Samotsi tsuti*' ('60 Minutes'), the popular weekly investigative reporting programme broadcast on Rustavi-2 TV, that he would break up the forthcoming Marneuli assembly of Witnesses.

The authorities opened a criminal investigation against Mkalavishvili in March 2001. He signed a document restricting his movements to Tbilisi and agreed not to interfere any more in Witnesses' meetings.

Nevertheless, he did not tone down his rhetoric. On 8 May he wrote an open letter to President Shevardnadze demanding the accelerated passage of a law on religion and that Orthodoxy be declared a state religion. In the same letter he insisted that large gatherings of blasphemous sects be banned; 'Otherwise we shall witness tragic outbreaks of religious war throughout Georgia.'<sup>49</sup>

On 11 May 2001 Mkalavishvili went further. Kavkasia TV broadcast an ominous statement in which he said:

I am issuing a grave warning to all the people of Georgia, especially the representatives of the sect of the Jehovists, not to gather together and not to hold their satanic meetings. Although I am forbidden to go to them ... my parishioners will come and after today their terrible pogroms will begin.

During a live television call-in programme on 24 July 2001 Mkalavishvili gave his blessing to people 'to stop Jehovah's Witnesses in the street or wherever they see them, confiscate their literature and burn it in front to them', using violence if necessary.<sup>50</sup>

In August 2001 the BBC quoted Mkalavishvili boasting of support from Georgia's law enforcement agencies: 'Thank God that among our security services and policemen there are people who are willing to help me: they realise how dangerous it is to have these sects in Georgia.'<sup>51</sup>

In its memorandum of 29 August 2001 Human Rights Watch/Helsinki quoted from a leaflet found in Tbilisi in March 2001 and believed to have been disseminated by Mkalavishvili's group. The document warns Jehovah's Witnesses not to gather:

A Fatal Warning to All Sects that Defy the Holy Spirit: Temporary leader of Gldani Orthodoxy Eparchy Father Basili Mkalavishvili with his large

number of followers strictly warns various sects like Jehovah's Witnesses, Evangelists, Baptists, Adventists, and Krishnaites ... to stop anti-Orthodox activities in Georgia, stop satanic mass meetings against the true Orthodox faith. We call for the Georgian Orthodox nation not to let sectarian meetings take place and to actively defend our ancestors' Christian belief. Gldani Orthodox press service. This is the last warning.<sup>52</sup>

On 3 September 2001 the Tbilisi prosecutor's office announced that charges had been brought against Mkalavishvili and his main henchman, Petre Ivanidze. They were accused of illegally breaking up a religious meeting, persecution and encroaching upon the inviolability of a home or other possessions. Jehovah's Witnesses submitted an appeal, claiming that the two had been involved in assaults in which crosses and other items had been used as weapons and property had been stolen, and that they should therefore have been charged with more serious crimes, such as leading a mob, coercion and hooliganism.<sup>53</sup> The news agency Kavkasia-Press reported on 4 October 2001 that the Tbilisi city prosecutor's office had decided to pursue a criminal case against Mkalavishvili.

The halt in attacks on Jehovah's Witnesses after October 2001, however, did not mean that Mkalavishvili was keeping a lower profile. On 23 December 2001 he personally led a mob in an assault on Evangelicals holding a service in the Iveria Cinema in Tbilisi.<sup>54</sup>

Tengiz Makharadze, Tbilisi's chief prosecutor, clarified to *Keston News Service* on 11 January 2002 that the case against Mkalavishvili and Ivanidze had been completed the previous October. Makharadze denied that the investigation had been slow. 'There were many incidents to investigate and we had to question many witnesses ... . We also had to get information from prosecutors in Gori and other towns.' He added that another criminal case was in preparation against other followers of Mkalavishvili.

Basil Mkalavishvili and Petre Ivanidze were summoned to appear in court on 25 January 2002 for the start of their trial. The case will be heard in the Didube-Chugureti District Court in Tbilisi. Five cases are being considered together: (1) 25 September 2000: the attack on the newspaper *Rezonansi*; (2) 22 January 2001: the attack on Witnesses and media at the press conference in the ombudsman's office; (3) 22 January 2001: the attack on a meeting of Witnesses at No. 9 Verkhani Alley, Tbilisi; (4) 27 February 2001: the attack on a meeting of Witnesses at No. 4 Niabi St, Tbilisi, on property owned by Mr Khachaturiani; (5) 10 March 2001: the attack on a car and Baptist members of the Georgian Representation of the United Bible Society (*Gaertianebuli bibliuri sazogadoebis sakartvelos tsarmomadgenloba*) transporting religious literature. Mkalavishvili faces the following charges: persecution; illegal interference with religious rites; encroachment upon the inviolability of the home or other possessions; and battery.

It appeared, then, that the authorities were finally taking action against Mkalavishvili. According to the Witnesses, however, the judge to whom the case was originally assigned refused to accept it, turning it over to another judge. He in turn also refused to take the case, which was returned to the original judge for the trial scheduled to begin on 25 January 2002. Mkalavishvili is clearly a hot potato for Georgian officialdom – so much so, in fact, that since January 2002 his trial has been postponed seven times. On a few occasions the judge or the prosecutor has failed to appear. More tellingly, however, mobs of the rogue priest's fervent backers have invaded the courtroom in large numbers, carrying crosses and intimidating the

Jehovah's Witnesses who were supposed to give testimony about past assaults. In such circumstances they have refused to appear at a proceeding where their safety is in doubt and which could not possibly approximate to a 'fair trial' in any case. The court, for its part, has inexplicably refused to provide more than ten policemen to maintain order, while the hostile crowd can number in the scores or hundreds. Motions to arrest Mkalavishvili have also been denied, so he remains at large.<sup>55</sup>

Judging by these failed attempts, it is not at all clear that Mkalavishvili can be brought to justice in Georgia. No better evidence of the Georgian state's inability or unwillingness to prosecute him can be sought than the travesty surrounding his trial.

On 20 May supporters of Mkalavishvili led a protest in front of the US Embassy in Tbilisi, five days after 15 members of the US Congress wrote a letter to President Shevardnadze expressing deep concern about the ongoing attacks on Jehovah's Witnesses and other religious minorities (see below). The demonstrators admonished the United States not to interfere in Georgia's internal affairs and warned that they would not tolerate Mkalavishvili's arrest.<sup>56</sup>

In the immediate aftermath of the brouhaha surrounding the 15 May congressional letter, Mkalavishvili himself lay low for a while. On 1 July, however, he again threw down the gauntlet, after two Jehovah's Witnesses were detained on charges of throwing stones at the church he is building. 'I have not undertaken anything for a month and a half and now they themselves are attacking us. Tomorrow we will start cleansing Georgia of Jehovah's Witnesses.'<sup>57</sup>

Whatever the outcome of the legal proceedings against Mkalavishvili, he has already established an ominous legacy. One of the more alarming recent developments has been the emergence of an ultra-Orthodox organisation which propagates the views of Mkalavishvili and his followers and has also aped their violent methods. *Jvari* (Cross) is led by Paata Bluashvili, who has personally participated in attacks on members of minority faiths. According to Jehovah's Witnesses *Jvari* carried out six documented attacks on the community on 2001. For example, on 7 April 2001 a group of about 20 people led by Bluashvili broke up a prayer gathering in Rustavi, ransacking the apartment where the gathering was held. They beat those present, as well as neighbours who tried to defend them. The mob also seized religious literature and burned it on a bonfire.

In an appeal issued in May 2001 *Jvari* contended that a large proportion of Georgia's population was outraged by the activity of Jehovah's Witnesses, who allegedly 'break into' homes with their journals and insist that people accept their 'awful' literature. 'Why do we not have the right to defend Orthodox Christianity from uninvited sects which have invaded?' *Jvari* blasted Georgian parliamentarians who defended Witnesses for seeking approval from abroad. 'Why are other countries interested in rooting Jehovah's Witnesses in Georgia? The activity of this sect destroys [Georgia's] capacity for self-defence.'<sup>58</sup>

The leadership of *Jvari* makes no secret of its views, nor does it attempt to conceal its actions. Bluashvili told a TV interviewer on 28 August: 'Yes, [physical violence] occurs. We don't deny this. When we demand the handing over and destruction of banned literature and we are opposed, then we forcefully wrest this literature, and burn and destroy it.'<sup>59</sup>

On 28 September 2001 *Jvari* members took part in a Mkalavishvili-led assault on Witnesses heading towards a convention in Marneuli, destroying their cars, closing off a main road and then, armed with sawn-off shotguns and other firearms, ransacking the convention site. Two days later, members of *Jvari* attacked a group of Witnesses in Rustavi. Eyewitnesses claim that Bluashvili, having led the assault,

said: 'Now go and file a complaint, I'm not scared.'<sup>60</sup>

*Jvari*'s emergence signals both the spread of antiminority views and the creation of a convenient organisational structure for the carrying out of assaults on non-traditional faiths. The organisation's apparent conviction of its own impunity, as expressed in the remarks cited above, indicates contacts and support in Georgian law-enforcement agencies. Even if Mkalavishvili were arrested and his mobs forced to cease their activity, *Jvari*, and theoretically other groups, could resume the campaign of violence if circumstances were to change.

## **Official Response and Local Intercession**

### *President Shevardnadze*

Georgia's head of state has made public statements protesting about the use of violence against members of minority faiths in Georgia. However, he has not used his status or prerogatives to ensure that the campaign of violence is halted and that those who have engaged in assaults are punished according to the law.

One day after the Gldani assault in October 1999 Shevardnadze was asked to comment during a regular television appearance. He said: 'I condemn all pogroms. An investigation should be held and a criminal case be brought about accordingly.'<sup>61</sup>

On 2 November 2000 Shevardnadze responded to a letter from seven members of the US Congress who voiced concern about the unchecked violence (see below). He began by observing that the issue had been the focus of 'serious concern' by Georgia's people and government. Despite Georgia's tradition of religious tolerance, he acknowledged that 'in the process of building a new democratic society, Georgia has encountered problems involving the members of minority faiths [and] the relations with Jehovah's Witnesses have been particularly complicated'. Citing the public uproar about some aspects of Witnesses' teachings, specifically the refusal to permit blood transfusions or surgery, Shevardnadze conceded that 'the strong sentiments of some groups against Jehovah's Witnesses have on several occasions sparked violent confrontations'. He characterised as a 'particularly outrageous manifestation of such hostile behavior' the assault by a 'defrocked Orthodox priest and his followers' on Jehovah's Witnesses in October 1999. Shevardnadze wrote that he 'strongly condemned this act' and 'called for the punishment of the perpetrators to the fullest extent of the law'. He noted that the priest in question and his followers had also rampaged through the building of *Rezonansi*, a daily newspaper, which had published some articles defending the rights of religious minorities, and that the Tbilisi City Prosecutor's Office had launched legal proceedings.

Shevardnadze continued that Georgia's government was 'considering urgent steps to guarantee the equality and freedom of all religions before the law ... . Intensive work is underway on drafting the law on religion.' Moreover, he added that he had ordered the Ministry of Internal Affairs to hold seminars and training sessions to foster tolerance and respect for the constitutional rights of believers and eradicate abusive law enforcement practices. To that same end, Shevardnadze quoted his own words to a conference on religious tolerance:

states ... must apply all available means of public information and awareness raising to create the environment of tolerance towards believers. No one, including the state, has a legal or moral right to judge how true is the faith of a worshipper, nor have the right to judge his or her actions as long as they do not harm other people.

Finally, the president pledged that 'all acts of harassment and physical violence will be prosecuted and the perpetrators held accountable'.<sup>62</sup>

On 22 March 2001 President Shevardnadze issued a decree (No. 226), *Urgent Measures to Strengthen the Fight Against Crime and to Care for Social Security* (*Socialuri uzrunvelkopisa da damnashaveobastam brdzolis gadzlierebis dagaudebeli gonisdziebebis shesaxe*). After praising Georgia's law enforcement organs for restoring stability after the upheavals of the early 1990s, he noted that the criminal situation in the country had worsened, with 'arranged attacks on foreigners' as well as attacks on bus passengers, abductions and attacks on journalists. 'This is damaging to the democratic reforms of the country and casts the international reputation of Georgia in a negative light.' Shevardnadze gave the Prosecutor's Office and the Ministries of Internal Affairs and National Security the task of preventing and punishing crimes. With specific reference to freedom of conscience issues, he also called on them to 'take special measures to stop crimes of a religious nature and identify and punish the guilty ones'. Moreover, 'workers for subordinate organisations [to these institutions] must have special training in human rights protection and freedom of religion.' The decree did not, however, mention any specific religions or perpetrators of assaults against members of any religions.

It is unclear whether Shevardnadze was in any way involved in one of the few bright spots for the Witnesses in 2001: the release on 30 May of some 20 tons of literature which had been seized by customs officials in March. The judge gave the parties five days to settle the matter, and the Customs Department moved quickly to have the materials released.<sup>63</sup>

On 9 July 2001, in his weekly radio interview, Shevardnadze was asked about the Witnesses' petition to protest about the rash of attacks on them and to call for religious tolerance. He said that law enforcement agencies had been ordered to study the facts in the petition, and referring to Fr Basil, said that the job of law enforcement was to uphold the law and prevent human rights violations.<sup>64</sup>

On 10 July 2001, in what was described as a 'unique' meeting arranged at his initiative, President Shevardnadze spent two hours with leading clerics discussing religious freedom. The key themes of the first such meeting between Georgia's head of state and the representatives of seven religions were promoting religious tolerance and ending the attacks on minority religious communities.<sup>65</sup>

The clerics, *inter alia*, presented to Shevardnadze a petition calling for religious peace and tolerance both within Georgia and in the Caucasus region. Shevardnadze, in turn, indicated that he was aware of international concern over the religious violence in Georgia: 'It is not the extremists who will be held responsible for the religious violence, but the Georgian nation.' He told the religious leaders that believers of different faiths could work harmoniously together for the benefit of the country, and called on them to help overcome expressions of violence. He maintained that the cause of the religious violence was poverty, which allowed people to be easily manipulated by religious or political extremists. Finally, he promised to hold further meetings with the religious leaders.<sup>66</sup>

Though Shevardnadze's meeting with the religious leaders signalled his readiness to support freedom of religion, there were some warning signs. First, only representatives of the Georgian Orthodox, Roman Catholic, Armenian Apostolic, Lutheran, Baptist, Muslim and Jewish communities were invited to attend.<sup>67</sup> Specifically *not* invited to the meeting were leaders of the Pentecostal Church or the Jehovah's Witnesses or any leaders of the country's less numerous faiths.<sup>68</sup> Metropolitan Danieli of the Georgian Orthodox Church, who attended, told *Keston*

*News Service* that 'Only the leaders of religious confessions that have a special influence or played a role in the history of Georgia were invited.' It appeared, therefore, from the list of invited and uninvited religious leaders, that Jehovah's Witnesses were not included among accepted religions, nor would they necessarily be able to benefit from whatever the meeting and any follow-up produced.

Nor was it clear whether the meeting and Shevardnadze's words would have any impact on the rampages. 'It won't end violence in itself,' said Baptist bishop Malkhaz Songulashvili, 'but if there is follow-up and the statements from the seven religious leaders are taken seriously it will contribute to an end to the violence. It is not the end of the violence but the beginning of the end of the violence.' Konstantin Vardzelashvili of *Tavisuplebis instituti* (the Liberty Institute), a human rights group in Tbilisi, was more cautious: 'While there is no sign from the law enforcement agencies of any action being taken, I am rather pessimistic. We'll have to see what developments there are.' For his part, the Jehovah's Witness spokesman in Georgia, Christian Presber, was not optimistic: 'There have been such condemnations before, but the violence has not stopped. Mkalavishvili and other extremists will only stop when one of the perpetrators of the violence has been prosecuted. Nothing else will stop them.'<sup>69</sup>

The next day, 11 July, the more pessimistic predictions were validated, as the meeting did not halt the wave of violence. A mob of Mkalavishvili's followers broke up a meeting of Witnesses in the Temka region of Tbilisi. Forcibly entering a private residence, they beat the participants, mostly woman and children, with clubs. Mkalavishvili himself was seen in a car outside.<sup>70</sup>

During his visit to Washington in October 2001 Shevardnadze made a brief reference to the problem:

There are other denominations and sects ... that are active in Georgia. There are also some aggressive people, ostracised several years ago from the Georgian Orthodox Church, who have gathered a few followers. The process of forming new relationships is a painful one, and I believe the State must play a special role in averting confrontation. I assure you that we will be attentive to these concerns.<sup>71</sup>

On 17 May 2002, two days after receiving a letter from 15 members of the US Congress (see below), which voiced deep concern about attacks on Jehovah's Witnesses and other nontraditional religions, Shevardnadze issued another decree (No. 240) strengthening human rights protection in Georgia. The decree specifically instructs the Procuracy, the Ministry of Justice and the Ministry of Internal Affairs to ensure that everyone in Georgia can exercise the freedoms guaranteed in the constitution. They are to take appropriate measures to ensure the implementation of freedom of thought, conscience, religion and belief; investigate and submit to the courts every act of violence committed against religious minorities in order to have the perpetrators punished; and conduct training of personnel in the field of human rights, including the inadmissibility of religion-based intolerance. Shevardnadze also gives the Council of Justice, a consultative agency headed by himself, the task of paying special attention to court cases relating to violence against or degrading treatment of religious minorities so that they are tried without delay. He also instructs the Ministry of Justice to prepare a new draft law on religion.

On 19 May Shevardnadze followed up his decree with an article published in the local press, in which he said, *inter alia*:

I condemn religious extremism and any kind of violence originating from a religious background, which is unacceptable for any civilised society. ... Those who think that by fighting against other religions they are safeguarding the 'victory of Orthodoxy' are bitterly mistaken. In fact they are fighting against the dignity of their own country and against the democratic development of their own country and its values, of which our own faith is the most important.<sup>72</sup>

On 3 June 2002 Shevardnadze responded to the 15 May letter from 15 members of Congress. 'I share your concern ... I strongly condemn any form of religious extremism and religion-based violence. They are inadmissible and should not go unpunished in any society that calls itself democratic, let alone civilized.' He wrote of the historic role Georgian Orthodoxy had played in maintaining the nation and the country's statehood. 'The appearance of various new, non-traditional religious groups, little known in Georgia until now ... has eventually resulted in causing a significant part of our society to view them in a negative light ....' Shevardnadze stressed that 'This mentality is obviously wrong and we need to have it changed, which, I am certain, is only a matter of time. Having done this we will be able to put an end to religious-based extremism and fully restore traditions of tolerance ....' He added that the 'activities of the religious groups, both traditional and non-traditional, are to be legally regulated by enacting relevant legislation.'<sup>73</sup>

In sum, President Shevardnadze has issued decrees and instructions and taken the rhetorical high ground but done nothing to see that the attacks stop. Although the minister of internal affairs has been instructed to guarantee the safety of Jehovah's Witnesses and other religious minorities he has not acted to ensure that the trial of Basil Mkalavishvili proceeds in a normal manner, with witnesses protected by police prepared to arrest anyone who tries to disrupt the proceedings. No ministers – whom Shevardnadze appoints – or lower level police officials have been dismissed for failing to protect Witnesses or to prosecute the perpetrators. Ultimately, Georgia's head of state has protected himself from accusations of silence or indifference without exercising his prerogatives to restore order and to protect a minority group.

One can well understand the questions posed to Shevardnadze in a letter by a group of clerics on 7 February 2002, after Mkalavishvili burned the Baptists' Bibles: 'Who is responsible for law and order in Georgia, when one group and its self-proclaimed religious leader can do whatever they want? Who has granted them the right to violate [the] rights of others?'<sup>74</sup> The president of Georgia has never provided a plausible answer.

### *Parliament*

Georgia's parliamentarians have not been especially forthright in decrying the campaign of violence. Presumably many of them do not want to be linked with a minority faith which has drawn much negative publicity and been singled out by the Georgian Orthodox Church and the most religious elements of Georgian society as 'antinational'. It took quite a while, therefore, before Georgia's legislature as a body was willing to confront the situation publicly. On 30 March 2001 parliament passed a resolution voicing anxiety about the inaction of law enforcement agencies when members of minority religions are attacked or their rights violated. In the resolution, parliamentarians 'consider it unacceptable to persecute human beings for their confession and religious belief' and 'express deep concern with regard to the ever-

increasing and unprecedented in Georgian history manifestations of violence on the part of a number of extremist religious movements and to the passiveness of the law enforcing bodies in addressing the violations and rights of different religious communities'. The legislators called on law enforcement agencies to protect the constitution and suppress any religious extremism. Parliament also gave several committees the task of drafting laws regulating the activities of minority religions.<sup>75</sup>

Individual legislators have been more outspoken and active in defending the Witnesses. Especially prominent has been the intercession of Elena Tevdoradze, chairman of the Human Rights Committee. In a conversation in October 2000 with a visiting delegation of US Congressional staff she described the situation of freedom of religion as 'out of control'. She said she had received many complaints and requests for help from Jehovah's Witnesses. With specific respect to the incident in Marneuli (July 2000) Tevdoradze said she had learned in advance of a possible confrontation, so she called the local authorities, who promised there would be no trouble, but soon afterwards she was called by Witnesses, who said that Fr Basil was coming and that it was clear that he had links with the police. Tevdoradze called the police again, who assured her everything would be fine. Despite these assurances, however, the mob attacked the Witnesses with, as Tevdoradze put it, the 'connivance of the police'.

In October 2000 Tevdoradze chaired parliamentary hearings on the situation of the Witnesses, at which representatives of various ministries testified, including National Security, Internal Affairs, Counterintelligence, Justice and Defence. The heavy national security component reflected the view that the Witnesses and other sects, in general, endanger Georgia's national security, one specific example being the Witnesses' refusal to serve in the army. The customs service also sent a spokesman, in view of the fact that Witnesses' literature had been confiscated. The hearings were open, so journalists, NGOs and representatives of the Georgian Orthodox Church also attended.<sup>76</sup>

The representative of the Ministry of National Security testified in favour of a law on religion, according to Tevdoradze. Convinced that any legislation would only restrict the rights of believers, she asked why a law was needed, considering that Georgia's constitution guarantees the right to freedom of conscience and the civil code defines the procedures for registration of organisations. Moreover, Georgia has a law on alternative service for those who cannot serve in the army for religious reasons. Only the minister of justice, Mikheil Saakashvili, however, supported Tevdoradze's viewpoint. All the others, she recounted, backed a new law and emotionally professed their commitment to Georgian Orthodoxy, while displaying strong antipathy to minority religions.

Tevdoradze maintained that Georgia could not limit the rights of religious believers because the country was bound by international obligations. As for President Shevardnadze, she theorised that he felt constrained by the poor socio-economic situation not to take a strong stand in support of religious liberty which would benefit the Jehovah's Witnesses.

In contrast to Tevdoradze, some members of the Georgian parliament have been outspokenly hostile to the Witnesses. In an interview in April 2001 Vakhtang Bochorishvili said that the Witnesses' refusal to serve in the army or to sanction blood transfusions was 'undermining the roots of our state and rejecting all Georgian traditions'. Nevertheless, he criticised Mkalavishvili and his violent campaign against them.<sup>77</sup>

Other deputies have been less restrained. Thus MP Zurab Kapanidze acknowledged being a member of the extremist organisation *Jvari* (see above) which has

attacked Jehovah's Witnesses. In an article in the newspaper *Akhali Taoba* on 21 October 2001 he said: 'If I had the right, I would drive all the Jehovahists out of Georgia.'<sup>78</sup> Giga Tsereteli, the vicespeaker of parliament, attended a rally on 19 June 2002 in Tbilisi's sports palace, organised by MP Guram Sharadze. The theme of the event was: 'We Protect Orthodoxy from Jehovahists'.<sup>79</sup>

### *The Supreme Court*

Georgia's judiciary has also voiced concern about violence against Witnesses. On 15 March 2001 the Supreme Court issued the following statement, following up on its ruling the previous month which had deregistered the Jehovah's Witnesses:

The Supreme Court of Georgia gives its assurance that the above mentioned decision has nothing to do with the acts of vandalism of Basili Mkalavishvili and his followers, which also took place before the court's decision. The Supreme Court condemns such acts, and other expressions of religious extremism and intolerance.

The Supreme Court appeals to all law enforcement structures to take appropriate measures against those persons who place themselves above the law and because of religious motives ... take it upon themselves to execute 'justice'. Such acts are not only illegal, but they also create a serious danger for the public and the State.<sup>80</sup>

On the other hand, the Supreme Court has not hurried to prosecute the perpetrators of such attacks. On 18 June 2002 Justice Nino Jvenitadze upheld a trial court's decision not to open a criminal case over a September 2001 assault in the western Georgian town of Kutaisi on two Jehovah's Witnesses – despite eyewitness evidence and medical reports.<sup>81</sup>

### *The Georgian Orthodox Church*

The Georgian Orthodox Church has been consistently hostile to the Witnesses, though its leaders have usually tried to distance the institution from the campaign of violence and have abjured responsibility for it.

In June 1999 the office of the patriarch of Georgia wrote to the head of the country's customs service, insisting that 'the distribution of foreign religious literature be banned'. One month later Giorgy Andriadze, the head of the Patriarchate's theological commission, called for the defining of the status of the Orthodox Church as privileged; he warned that otherwise, traditional Georgian Orthodox culture could be replaced by a hybrid introduced from abroad. Andriadze further declared that the 'totalitarian sect of Jehovah Witnesses' must be outlawed as an anti-social organisation. He maintained that their prohibition would not violate human rights, since the sect was 'antistate'.<sup>82</sup> The Georgian Orthodox Church further charged that the activity of Jehovah's Witnesses drove members of the sect to psychological illnesses and alienated a person from public life.

On 5 July 1999 Prime News Agency (*Saagento prime news*) in Tbilisi, reported that the Patriarchate officially demanded the prohibition of the activities of Witnesses in Georgia.<sup>83</sup>

On 2 May 2000, after media outlets publicised news of the death of a Witness who had refused a blood transfusion, the Patriarchate's press centre released the following statement:

... yet again the inhuman character of the Jehovah's Witnesses' teachings is revealed. This teaching poses a threat to the life and health of the individual and weakens the defense preparedness and stability of the state. ... The Orthodox Church again declares that the sect of Jehovah's Witnesses is anti-Christian, anti-state and anti-society.<sup>84</sup>

On 9 March 2001 the Georgian Patriarchate released a statement stressing that one of the main reasons for religious conflicts was the legal vacuum in this field. The Patriarchate condemned any form of religious extremism but expressed extreme anxiety about unprecedentedly aggressive actions by 'recent, newly emerged extremist religious groups'.<sup>85</sup>

In June 2001, responding to an attack on Witnesses in Martvili which involved Orthodox clergy, Patriarch Ilya II said that 'the Georgian Orthodox Church works within the bounds which are acceptable to the Orthodox Church, which is peaceful treatment', but he added that the Orthodox Church and the state should decide which sects were harmful, 'antimoral' and 'antihuman', specifically reproaching Jehovah's Witnesses for their rejection of blood transfusions: 'A religion which propagates the idea that its followers should not submit to laws established by the state is dangerous not only for the [Georgian Orthodox] Church, but also for the state, which should combine forces to rise up against it.'<sup>86</sup>

Metropolitan Danieli, who represented the Georgian Orthodox Patriarchate at the meeting of religious leaders with President Shevardnadze on 10 July 2001, distanced the Patriarchate from the campaign of violence, but pointed to the Witnesses' responsibility for causing 'moral harm' and provoking such aggressive reactions: 'The reaction of the extremists to these totalitarian religious sects is not justified, but it is in reaction to their very aggressive activities.'<sup>87</sup>

On 18 July 2002 Patriarch Ilya affirmed that the church did not support violence against minority faiths. Addressing an international conference 'Cooperation for Peace in the Caucasus' he said: 'Some violent incidents that have recently taken place in Georgia on religious grounds are totally alien to our way of life and traditions. They are of a provocative nature and have been artificially created.'<sup>88</sup>

Some high-ranking Orthodox clerics do not share the patriarch's perspective, however. On 10 February 2002 Metropolitan Atanase Chakhvashvili, the second most senior Orthodox bishop, told the television programme '60 Minutes' that sectarians should be killed. He specifically included the Jehovah's Witnesses, Baptists, Anglicans and Pentecostals among those who 'have to be shot dead'. The metropolitan openly declared his support for Basil Mkalavishvili and his methods. 'We do not want to conduct it peacefully ... We have to express it by war. No peaceful methods will help. Mkalavishvili does it in a masculine and heroic way.'<sup>89</sup> On 13 February Zurab Tskhovrebadze, the deputy head of the Patriarchate's press office, condemned the remarks: 'The Patriarchate does not share at all these views. We were astonished and didn't expect such remarks from Metropolitan Atanase. I don't know what caused him to say these things.'<sup>90</sup> Metropolitan Atanase later apologised for his statements, but his outburst indicates what kind of sentiments animate at least some members of the Orthodox Church's hierarchy, at quite high levels.

### *Nongovernmental Organisations*

Georgian human rights groups, especially the Liberty Institute, have spoken out on

behalf of the Jehovah's Witnesses. On 13 March 2001 15 Georgian human rights NGOs issued a statement expressing concern about the Supreme Court's ruling of 22 February which upheld the lower court decision to revoke the registration of both Jehovah's Witnesses organisations in Georgia. The NGOs feared that the ruling could jeopardise freedom of religion and legitimise human rights violations.<sup>91</sup> The declaration also condemned the escalating violence as well as the inaction of law enforcement agencies, prosecutors and judges:

During the last two years we are evidencing massive infringement of freedom of religion and persecution of religious minorities. [The] Government of Georgia is completely unable to protect human rights and minorities. Moreover, violation of human rights takes place with silent consent of state, very often with its inspiration and sometimes with active participation of state officials, especially those of law enforcement agencies. On the basis of the aforesaid, it should be noted without exaggeration that religious minorities in Georgia face permanent danger, intimidation and terror.

Basil Mkalavishvili has openly confirmed on TV that he notifies police and security in advance of carrying out his pogroms. Deputy Minister of State Security declared on Parliamentary hearing that the state should restrict the activities of non-traditional religious sects. Similar declarations have been made by other senior government officials – for example, Tbilisi police chief Soso Alavidze.<sup>92</sup>

### *The Media*

The media in Georgia have played a mixed role, both fanning intolerance and fighting it.

Some Georgian newspapers publish attacks on the Witnesses, which Christian Presber, the community's spokesman in Georgia, has described as 'part of a distinct campaign to artificially create an enemy in the minds of the average Georgian citizen'. *Kovelkvireuli Aliya*, for example, published an article in its issue of 4–10 June 2001 with a purported description of the tenets and practices of the Witnesses which portrayed them in a very negative light.

Other newspapers publish articles or editorials about freedom of religion and religious tolerance, or speculate about what 'dark forces' might be behind the attacks on Jehovah's Witnesses. *Rezonansi*, for example, has been especially outspoken in criticising the assaults. On 7 July 2001 it published an article entitled 'Will they expel us from the Council of Europe?' ('Gaadzeveben tu ara sakartvelos evropis sabchodan?') which, among other things, reproduced a speech by Willy Fautré, head of Human Rights Without Frontiers, singling out Georgia for violating its OSCE commitments on freedom of religion. On 25 August 1999 *Rezonansi* paid the price for such longstanding outspokenness when Basil Mkalavishvili and a group of followers attacked the paper's offices.<sup>93</sup>

Georgian newspapers also publicise news about how the violence against Jehovah's Witnesses and other minorities is viewed outside Georgia. For example, *Rezonansi* (14 November 2001), *Droni* (15 November) and *Akhali Meridiani* (26–28 November) all ran articles on the letter to President Shevardnadze from Human Rights Watch/Helsinki (see below).

One Georgian journalist, Teya Rusitashvili, who had previously written several

negative articles about the Witnesses, nevertheless chronicled in January 2001 a series of assaults on the community, which she called 'repugnant'. 'There is a limit up to which one can go in struggling against sects, and there are methods which cannot be used. Those methods ... cannot help our cause and cannot be acceptable.'<sup>94</sup>

### *Religious Organisations*

The Witnesses themselves have filed over 700 criminal complaints with the Georgian authorities since October 1999. On 25 May 2001 representatives of other religions – the Armenian Apostolic Church, the Lutheran Church, the Catholic Church and the Evangelical-Christian Baptist Church – signed a statement voicing deep concern about the aggressive fanaticism instigated by certain religious leaders and their followers, which have 'caused many violent acts'.

### *Public Protest*

Apart from organisations or institutions, ordinary people have spoken out against the attacks on Jehovah's Witnesses. As mentioned above, in January 2001 133,182 citizens of Georgia signed a petition to President Shevardnadze calling for the protection of all citizens, including minority groups, from individual and mob attacks.

### **Foreign Protests and Intercession**

Foreign capitals, international organisations and NGOs have all conveyed their concern to Georgia's government over the violence against adherents of minority religions, and specifically the Witnesses. The number of such statements has grown as the problem in Georgia has intensified and drawn ever more international attention.

### *International Organisations*

On 9 May 2000 the European Union–Georgia Parliamentary Cooperation Committee (EUGPCC) issued a declaration and recommendations which encouraged Georgia to maintain its tolerant traditions, stressed the importance of adherence to the fundamental freedom of religion and freedom of conscience, 'and expects new missionary movements to respect the commitment of the Georgian people to Christianity over more than 17 centuries'. The declaration further 'condemns any verbal or physical attack on religious groups and calls on the appropriate authorities to investigate any cases of violence against people's freedom to exercise their religion'.

After the attack by Mkalavishvili and his mob in the Gldani-Nadzaladevi courtroom on 16 August 2000 Ursula Schleicher, a member of the European Parliament and chairperson of the EUGPCC, issued a statement on 5 September 2000:

On behalf of the European Parliament delegation I wish to express my consternation of the latest incident in the series of violent attacks on journalists, human rights activists and Jehovah's Witnesses which occurred in a courtroom in Tbilisi on 16 August.

I regard this kind of act as an outrageous attack against the fundamental human rights to which Georgia is committed as a signatory of the

European Convention for Protection of Human Rights and Fundamental Freedoms . . . . The EU–Georgia Parliamentary Cooperation Committee of 9 May 2000 condemn[ed] religious intolerance and nationalist extremism which are incompatible with the long tradition of religious and cultural tolerance in Georgia.<sup>95</sup>

In July 2001 Walter Schwimmer, the secretary-general of the Council of Europe, told the Georgian government that Witnesses must be better protected. 'Jehovah's Witnesses deserve the same protection of their personal physical integrity as everyone else in Georgia', he told reporters on 6 July at the end of a two-day visit to the country.<sup>96</sup>

On 7 May 2001 the UN Committee Against Torture issued a press release which charged Georgia with failing to 'prevent and prosecute such acts' of persistent and ongoing violence:

The Committee expressed concern, among other things, about ... the instances of mob violence against religious minorities, in particular Jehovas (*sic*) Witness followers, and the failure of the police to intervene and take appropriate action despite the existence of the legal tools to prevent and prosecute such acts; and the risk posed by that impunity which resulted in such acts becoming widespread.

On 31 May 2001 the OSCE Mission to Georgia issued a Spot Report entitled *Violent Attacks against Religious Minorities in Georgia*. The report noted an 'increasing number of cases of harassment, insults, defamation and violent attacks against religious minorities in Georgia, especially the Jehovah's Witnesses. To a lesser extent, Baptist, Evangelist, Pentecostals and Krishna groups have undergone similar experiences.'

#### *Bilateral Protests*

On 15 September 2000 the embassies of the USA and the UK, in a joint press release, stated that they were 'greatly disturbed by the events of 8 September in Zugdidi'.

On September 8, in Zugdidi, a meeting of the Jehovah's Witnesses was disrupted, a large number of people were violently mistreated and others were impeded from access to the meeting. The Embassies of the United States of America and Great Britain are greatly disturbed by this and other recent serious infringements on those exercising their right of religious freedom in Georgia, including the mistreatments of members of the Baptist Church in August. The Georgian Constitution and the European Convention of Human Rights guarantee an individual's right to freely practice the religion of one's choice. We call upon the Government of Georgia to investigate these incidents and to be vigilant in ensuring respect for the religious rights of all.

#### *Foreign Legislatures*

On 17 October 2000 seven members of the US Congress signed a letter to President Shevardnadze expressing concern about the officially-condoned ongoing violence.<sup>97</sup>

As you are undoubtedly aware, over the last year there has been a series of violent attacks against Jehovah's Witnesses, who have been threatened, attacked by mobs, and beaten severely, to the point of injury requiring hospitalization. These events have occurred in Tbilisi, Lanchkhuti, Abasha, Senaki, Kutaisi, Zugdidi and Pirveli Maisi. Most appalling has been police complicity in these assaults ... recently, police and local officials violently dispersed an assembly of Jehovah's Witnesses in Zugdidi on September 8, and on September 16, police joined followers of an ultra-nationalist, defrocked Orthodox priest in attacking Jehovah's Witnesses in Marneuli and looting their convention site.

Georgia, as a participating State in the Organization for Security and Cooperation in Europe, has made commitments to 'allow religious faiths, institutions and organisations to produce, import and disseminate religious publications and materials' (1989 Vienna Concluding Document section 16.10). Georgia has also reaffirmed that 'everyone will have the right to freedom of expression including the right to communication. The right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority ...' (1990 Copenhagen Concluding Document section 9.1)

The latest events are genuinely alarming and raise fears that the situation in Georgia is getting out of hand.

The continuation of violence led to another Congressional letter. On 15 May 2002 15 members wrote to President Shevardnadze: 'Alarmed by reports of continued organized mob violence against minority religious groups, we want to express our concern about the apparent inability of your government to end the attacks and provide adequate redress.' For over two years, the letter continued,

mob attacks against members of minority religious communities have repeatedly occurred, often with police refusing to restrain the attackers or actually participating in the violence. ... Other minority religious communities have also been targeted by Mkalavishvili, including a Pentecostal church, an Evangelical church, and a warehouse owned by the Baptist Union.

Criticising the failure of the Georgian authorities to ensure a safe environment for the trial of Mkalavishvili, the members wrote:

Certainly the Georgian Government could provide adequate security in such a setting, but your government is not taking effective steps to deter individuals and groups from employing violence against minority faith communities. Failure to confront these transgressions will only lead Mkalavishvili, as well as other criminals, to continually flout Georgian laws. Accordingly, we call upon you, Mr President, to put an end to these attacks, and to honor Georgia's OSCE commitments to promote and protect religious freedom. We ask you to ensure concrete steps are taken to punish the perpetrators through vigorous prosecution, thereby demonstrating that such violence will not be tolerated.<sup>98</sup>

### *International NGOs*

Apart from *Keston News Service* and *Human Rights Without Frontiers*, the US-based

Human Rights Watch/Helsinki has been especially active in documenting and condemning the violence against the Witnesses. On 6 September 2000 the organisation wrote to President Shevardnadze, urging the Georgian government 'to bring to justice those responsible for recent attacks on members of nontraditional religious confessions and on individuals who seek to promote religious tolerance in Georgia'.

The letter noted that throughout 2000 violent attacks against members of non-traditional confessions went unpunished and the authorities in one case prosecuted the victims instead of holding the perpetrators accountable. Such impunity sent the message that further violence would be tolerated and the lack of an adequate response to escalating violence against nontraditional confessions 'heightens our long-standing concern about Georgia's lack of commitment to freedom of conscience'.<sup>99</sup>

In a memorandum dated 29 August 2001 Human Rights Watch/Helsinki cited the Georgian government's failure to address the attacks on members of minority religions as a violation of its obligations under international law, specifically the International Covenant on Civil and Political Rights (Article 18) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 9), which provide for the right to freedom of religion.

On 1 October 2001 Human Rights Watch/Helsinki wrote to President Bush urging him to raise all these issues with President Shevardnadze during their forthcoming visit.

We hope you will remind President Shevardnadze that particularly in the wake of the September 11 attacks, all governments need to step up the fight against religious intolerance. We hope you will ask him for vigorous efforts to investigate and prosecute attackers, and to make publicly available a case-by-case description of actions taken to this end.

Human Rights Watch wrote to President Shevardnadze again on 9 November 2001, after he had dismissed his entire government a few days earlier. The letter recounted the history of violence against Jehovah's Witnesses and other minority faiths and urged Shevardnadze to select a new minister of internal affairs, procurator general and other law enforcement officials who would protect all Georgia's citizens and end the assaults.

### **Jehovah's Witnesses' Legal Recourse**

On 29 June 2001, despairing of the possibility of obtaining justice and redress of grievances through Georgian legal institutions, the Jehovah's Witnesses filed an application with the European Court of Human Rights (Georgia is a member of the Council of Europe). The application charged that there had never been any prosecution of the attack on the Gldani Jehovah's Witnesses on 17 October 1999, even though Georgian television broadcast footage of the assault in which the perpetrators, including Fr Basil and his followers, were easily identifiable. Despite the fact that at least 700 complaints about the approximately 100 attacks on the community since October 1999 had been filed there had been no prosecution and conviction of the perpetrators. The petitioners concluded that 'refusal on the part of the state to prosecute the attackers leaves the victims without effective remedy to stop the violence and punish the attacker' and that 'state support by prosecutorial inaction and police assistance to the attackers permits them to act criminally with impunity'.<sup>100</sup>

The application asked the court to declare the refusal by Georgian state agencies to

prosecute the participants in the October 1999 attack a violation of Georgia's commitment to secure the rights of Jehovah's Witnesses, as defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms. Furthermore, the petitioners requested that the court's judgment be distributed by the Georgian government to all law enforcement agencies along with instructions defining respect for citizens' right to freedom of religion, assembly and expression, and that the Georgian government pay all legal costs in the case.<sup>101</sup>

On 9 August 2001 the Witnesses filed a second application with the European Court, challenging the February 2001 ruling by Georgia's Supreme Court which effectively deregistered the community. The application argues that the European Convention on Human Rights, European Court precedent and Georgia's international law commitments support the right of association, including the right of religious communities to use legal entities, and that the Supreme Court ruling was an attempt to remove that right, *de facto* banning the Witnesses in Georgia.<sup>102</sup>

On 2 July 2001 a chamber of judges rendered a decision on a motion for interim measures, taking the application out of the usual order and scheduling a hearing as to admissibility on a priority basis. In December 2001 the European Court sent nine questions to the Georgian government of Georgia with regard to the 29 June application by the Witnesses, presumably seeking follow-up information. The Witnesses reported in early January 2002 that they had no confirmation that the Georgian authorities were supplying the requested information and were awaiting news of the Court's handling of the case.

Most recently, 99 victims of attacks in Georgia filed 30 new cases with the European Court of Human Rights. All the cases were combined into one application setting out Georgia's refusal to prosecute the perpetrators. In total, the Witnesses have now filed 32 cases with the Court.<sup>103</sup>

A ruling by the European Court of Human Rights in favour of the plaintiffs would substantially intensify the pressure on the Georgian government to prosecute the instigators and perpetrators of mob attacks against Jehovah's Witnesses. Apart from creating serious image problems for Tbilisi, the Court could also award monetary damages to the plaintiff.

### **A Concordat**

In Georgia and Armenia there has been pressure from the Orthodox and Apostolic Churches, respectively, to regulate relations with the state by means of a concordat. Presumably the churches in question expect the agreement to enshrine their privileged status and, perhaps, to restrict the activities of other religions. In both countries work towards the adoption of a concordat is proceeding; in Georgia the preliminary steps have already been taken.

On 30 March 2001 parliament amended the Georgian constitution to prepare the ground for the ratification of a concordat. The legislators changed Article 9 – which had recognised 'the special importance of the Georgian Orthodox Church in Georgian history' but had also declared 'complete freedom of religious belief and confessions, as well as independence of the church from the state' – so as to note that the concordat would govern relations between the state and the Georgian Orthodox Church. A recent draft of the document legally recognises exemption from military service for Orthodox clergy and authorises the creation of Orthodox church chaplains in the armed services and prisons, as well as the teaching of Orthodox doctrine in public schools.<sup>104</sup>

Representatives of minority faiths have in the past expressed concern about the concordat and the threat it may pose to their ability to operate. Nevertheless, in early 2001 six confessions signed bilateral agreements with the Georgian Orthodox Church which sanction the adoption of a concordat.<sup>105</sup> Catholics, Lutherans, Baptists, Jews, Muslims and the Armenian Apostolic Church all signed documents which expressed support for a constitutional agreement between the state and the Georgian Orthodox Church, but which differed among themselves over specific points which the individual churches in question wanted from the Orthodox Church.<sup>106</sup>

Representatives of these six faiths made it clear that recognition of their churches as 'traditional' was a key goal in their agreeing to sign the documents. It was with these minority religions that President Shevardnadze had a meeting in July 2001. What other benefits the designation 'traditional' will confer is unclear, but presumably the confessions in question expect Georgia's state and church to respect their right to function and, at the very least, to protect their members from mobs.

The willingness of the above-mentioned churches to come to terms with the Georgian Orthodox Church over a concordat indicates concern on their part about their freedom to practice their faith. To some extent, it also signals a willingness to distance themselves from other confessions, including the Jehovah's Witnesses, who were not invited by the Orthodox Church to sign a corresponding agreement. The division of non-Orthodox religions into 'traditional' and 'nontraditional' could leave the latter group, especially the Witnesses, in disadvantaged circumstances.

Although all the groundwork appears to have been laid for the formal adoption of the concordat, some issues remain in dispute. For example, Georgia's academic community strongly opposes the transfer of museum pieces to the Orthodox Church, which the draft concordat apparently envisages. This is one important reason why President Shevardnadze has not yet signed the document.<sup>107</sup>

## **A Law on Religion**

Georgia is the only former Soviet republic which has not passed a law on religion. As mentioned above, in late 2000 some liberal Georgian officials – preeminently Elena Tevdoradze, chair of parliament's Human Rights Committee – opposed the passage of a specific law on religion for fear that it could only dilute the broad guarantees in Georgia's constitution. On the other hand, spokesmen for the security ministries called for the urgent passage of such legislation to restrict the activities of minority faiths they consider harmful.

It appears that the situation has changed somewhat, with leaders of non-Orthodox religions now urging the adoption of a law on religion. At the meeting with President Shevardnadze on 10 July 2001 the leaders of seven faiths called for a law on freedom of conscience which, declared Baptist bishop Songulashvili, 'is badly needed to safeguard the religious rights of citizens'.<sup>108</sup>

From the perspective of the Georgian Orthodox Church, the passage of a law on religion would create opportunities to regulate and, presumably, to try to limit the registration of confessions particularly abhorrent to the Patriarchate. Moreover, a law could clarify what kind of activity, specifically missionary work, would be permitted or banned.

Metropolitan Danieli, who represented the Georgian Orthodox Patriarchate at the meeting on 10 July, maintained that the proposed new law on religion would also end the violence. He spoke in favour of promoting 'a proper legal base' for religious

activity which would 'stop all violations, from one side or the other'. Metropolitan Danieli told *Keston News Service* that 'All seven faiths represented at the meeting will now work together in helping to draw up the text.'

Others are less optimistic about the need for or likely efficacy of new legislation. For example, Giga Bokeria of the Liberty Institute argues that:

If there is a political will, Georgian current legislation provides plenty of room for order, and we don't need any law on religion to stop the violence. Both drafts of the documents we've seen will simply turn Orthodoxy into a state religion which will further deepen the discrimination. The only thing we need right now which can really help is international pressure on the government.<sup>109</sup>

In June 2002 the Justice Ministry circulated its draft law on religion. Though discussions had gone on for some time the work was apparently accelerated after Shevardnadze's 17 May decree calling for an end to religious violence, which also ordered the justice minister to prepare new legislation as soon as possible. The deputy justice minister Zurab Ezukbaia reported at a press conference on 23 May that the draft law made obligatory the registration of all religious organisations; confessions which did not register would be suspended.<sup>110</sup> Spokesmen for non-Orthodox faiths and some Orthodox churches not under the Georgian Orthodox Patriarchate have expressed serious concerns about the draft.

Provisions causing particular apprehension include Article 10.4, which allows only religious communities active in Georgia for at least 50 years to use the word 'Georgia' or 'Georgian' in their name when being registered. Apparently the article is intended to protect the Georgian Orthodox Patriarchate from rival Orthodox churches, which have been growing in recent years.<sup>111</sup>

Also problematic is Article 4.7, banning 'improper proselytism, which implies the offer of material or social benefits with a view to attracting new members to a religious entity or a confession or psycho-ideological influence on a person with the same end without apparent preliminary consent on the part of the latter'. Baptist bishop Malkhaz Songulashvili is worried that this prohibition could endanger the work of churches actively involved in social and relief ministries, especially the Baptists, Catholics and Lutherans.<sup>112</sup>

Fr Gela Arshvili, who leads four Orthodox parishes and a monastery outside the framework of the Georgian Orthodox Patriarchate, has complained about Article 11, which stipulates a 'religious expert assessment' of groups applying to register. He has also voiced concern about Article 23 which states that religious groups are subject to taxation, from which 'The tax code frees the Patriarchate ... Our publications will be so burdened with tax that we can't function. Our buildings too.'<sup>113</sup>

Given the polarised and volatile atmosphere surrounding religious matters in Georgia, any new law on religion – which has been demanded by Orthodox extremists, President Shevardnadze and representatives of non-Orthodox faiths – will be called upon to do the impossible: please all concerned parties. Thus Basil Mkalavishvili appears to assume that the law should and will mandate the exclusive supremacy of Georgian Orthodoxy and ban 'sects,' while Shevardnadze has assured the international community that new legislation will remove the causes of religious violence (see above). In a statement on 26 May Mkalavishvili claimed that the law was drafted under pressure from the American authorities, who are 'trying to legalise religious sects' in Georgia. He said the draft 'is anti-Orthodox and anti-Georgian because it legalises sects and permits their registration, the building of temples and

the holding of congresses in these temples.' On 10 June he publicly burnt a copy of the draft law.<sup>114</sup>

Assuming the law is passed, the Georgian government would not be able to prevent the Jehovah's Witnesses from filing for registration too. However, on the basis of the events of the last few years it is difficult to imagine that their application and its adjudication by Georgian officialdom would not be highly politicised – if not actually violent.

### **Recent Political Events**

After his 1992 return to his homeland it took President Shevardnadze several years to restore a modicum of stability after the anarchy and wars of the early 1990s. Since then ever-declining living standards, especially the lack of electricity and heat during winter, and growing anger about rampant corruption have stoked popular discontent. In the summer and autumn of 2001 events came to a head.

On 28 August 2001 the speaker of parliament Zurab Zhvania took the extraordinary step of writing an open letter to President Shevardnadze warning that unless serious measures were undertaken to improve the wellbeing of the population and combat corruption a 'fatal crisis' and 'grave social cataclysms' could result.

A serious confrontation came two months later. On 31 October 2001 the authorities raided the offices of Rustavi-2, an independent television station which has often broadcast reports on official corruption, and demanded to check whether the station had paid all its taxes. Instead of intimidating the station's management or the public, the raid inflamed antigovernment opinion. Large protests succeeded in the course of a few days in bringing down the government, which President Shevardnadze had to dismiss. Parliament speaker Zurab Zhvania also stepped down. Ultimately, Shevardnadze managed to ride out this crisis as well and form another government, but the events of November have realigned Georgian politics, shuffled important positions and emphasised the country's political fragility.

One of the most important consequences of the shakeup was the departure of the powerful minister of internal affairs, Kakha Targamadze. As mentioned above, Basil Mkalavishvili has publicly praised the Ministry for its understanding of the dangers posed by 'sects' and boasted of his close contacts with the police, which the Ministry controls. Prowestern reformers in Georgia, on the other hand, have long viewed Targamadze as one of the biggest obstacles to reform and anticorruption efforts. It is difficult to posit an indisputable connection between the fall of Targamadze and the cessation of attacks on Jehovah's Witnesses which lasted for several months after October 2001, but it is reasonable to assume that Mkalavishvili lost an important, if not key, patron and decided or was told to moderate his behaviour – at least until the political balance of forces clears up. Georgian reformers, who subsequently managed to get one of their own elected as speaker of parliament, were hoping to push through institutional changes which would strengthen their position in the government and press forward with an anticorruption campaign; but after some of their leaders, specifically former speaker and Shevardnadze ally Zhvania, joined the opposition to Shevardnadze, the political landscape in the country changed substantially and is now rather unclear. In any case, as of summer 2002, the struggle between reformers and their opponents continues. Its outcome is likely to play a major, if not decisive, role in determining the fate of Basil Mkalavishvili and the campaign against Jehovah's Witnesses and other minority religions.

Perhaps the most disturbing event in this ongoing battle took place on 10 July

2002, when a band of hooligans stormed the offices of the Liberty Institute, Georgia's leading human rights organisation, and beat up its members. The Institute had often defended Jehovah's Witnesses and other minority faiths, as well as publicising corruption scandals. A few days before the assault the Institute's director, Levan Ramishvili, had taken part in a televised debate with parliamentarian Guram Sharadze, whom he accused of provoking ethnic and religious intolerance, called a 'fascist' and accused of having KGB contacts during the Soviet period. On 8 July Sharadze's supporters picketed the Institute, throwing eggs and shouting slogans such as: 'This is your final warning'.<sup>115</sup>

Elizabeth Andersen, executive director of the Europe and Central Asia division of Human Rights Watch, described the attack as 'one of the most vicious assaults on human rights defenders we have ever seen in the former Soviet Union'.<sup>116</sup> The implications are broader and more troubling, however. 'We are now witnessing a fight between entrenched corrupt interests and forces for ... establishing democracy, and the Liberty Institute is a major watchdog for this process,' says Archil Gegeshidze, a senior fellow of the independent Georgian Foundation for Strategic and International Studies and a former national security adviser to Shevardnadze. 'This is a life and death struggle, a critical moment for Georgia's future. We either progress or regress.'<sup>117</sup>

Shevardnadze, for his part, duly described the raid as a 'barbaric act' at a session of the Georgian National Security Council on 12 July. He directed the Ministries of Internal Affairs and State Security, as well as the Prosecutor-General's Office, to investigate the incident thoroughly and punish the perpetrators.<sup>118</sup>

On 25 July, however, a Tbilisi district court conditionally freed the only man detained for involvement in the attack: Giorgy Donijashvili, a member of the extremist Orthodox group *Jvari*. He admitted his participation, explaining that he had wanted to punish those who defended 'members of sects, enemies of the Georgian church'. Donijashvili was released after the district court, which was reviewing an earlier court decision to imprison him for three months pending investigation, was besieged by hundreds of people led by Basil Mkalavishvili demanding his release. Mkalavishvili himself applauded the assault: 'I would not blame anyone for breaking the heads of the staff of the Liberty Institute. It is the Institute of Evil and the highest punishment awaits its members, since they are defending sects, which are devouring men's souls.' The judge, noting that Donijashvili had recently got married and that there was no risk of his fleeing, freed him on condition that he remain in Tbilisi under police supervision.<sup>119</sup>

## **Conclusion and Outlook**

Since October 1999 Jehovah's Witnesses in Georgia have been subjected to a concerted campaign of organised mob violence, aided and abetted by the country's law enforcement and prosecutorial agencies. Georgia's head of state has acknowledged the problem and promised that lawbreakers will be punished, but while Basil Mkalavishvili and his main cohort have been indicted, nobody has been arrested. There was a brief period starting in October 2001 when assaults on Jehovah's Witnesses ceased, but they have now resumed, with the perpetrators broadening their targets to include other minority faiths, such as the Catholics, and the country's human rights organisations.

It would appear that criminals can not only attack with impunity Jehovah's Witnesses or members of other minority faiths in Georgia, but that western-oriented

NGOs can now also be targeted. Who knows where it will end? 'Of course I blame government inaction for [the 10 July attack] because recently there have been many attacks ... and nobody has been punished', says Elena Tevdoradze, who chairs the Georgian parliament's human rights committee. 'I fear that this attack may be the beginning of attacks on the opposition parties.'<sup>120</sup>

One of the most peculiar aspects of the campaign – unique in the former USSR and far exceeding in brazenness even the attacks on Roma in some Central European countries – is the lack of consensus about the causes. It is clear that the Georgian Orthodox Church views nontraditional faiths with hostility while reserving special animus for the Jehovah's Witnesses, but even if the Orthodox Church has instigated or just tacitly supported the assailants, it is more difficult to explain the inaction of Georgia's officials. Clearly some policemen, perhaps many, share the views of Basil Mkalavishvili about Jehovah's Witnesses, as well as about the best way to deal with them. Still, on the level of ministers and their deputies, one would expect a higher degree of responsibility, if only out of self-preservation. Particularly when there is so much pent-up rage about constantly declining living standards which could topple the government, it is striking that officials do not see the dangers of allowing mobs to roam the streets and attack other Georgian citizens. True, some analysts would point to this public discontent as the best explanation, focusing the blame on an extremely cynical political class which prefers to steer angry hordes against defenceless minorities rather than allow the populace to concentrate its ire on the state and its corrupt authorities. Still, this would constitute a dangerous gamble, especially in a region which has witnessed many *coups d'état* and overthrown leaders in the last decade.

Whatever is behind the campaign of violence, after years of bureaucratic deadlock over reforms, rampant corruption and growing public cynicism Georgia seems to have reached a turning-point. Amidst the myriad issues of domestic and foreign significance to be decided, the status of Jehovah's Witnesses might seem a comparatively minor issue, but the campaign of violence against this minority religion is more important than the community's numbers alone would indicate. How Georgia addresses the problem will demonstrate if there are prospects for creating the rule-of-law state which President Shevardnadze maintains is his goal, in which all citizens enjoy the same rights and responsibilities, and in which officials are accountable to the public and the government is answerable to the international community.

The authorities have more than enough evidence, often supplied by Mkalavishvili and his cronies themselves, to prosecute and convict them for organising and participating in violent assaults against members of a minority religion. Georgia's legal disposition of this case – assuming it goes forward – will demonstrate whether the government is willing to uphold its own laws and implement the human rights commitments it has accepted in international documents.

After the 10 July attack on the Liberty Institute President Shevardnadze said: 'Such things do not happen in a normal country.'<sup>121</sup> Indeed, Georgia is *not* a normal country, even by postsoviet standards. Mob rule is threatening to become the norm, replacing, or perhaps displacing, the rule of law and making the latter ever more difficult to attain, despite the frequent assurances and decrees of the head of state.

For some Georgian officials, the right course is obvious. After Mkalavishvili led the assault on Evangelicals in Tbilisi on 23 December 2001, Elena Tevdoradze, chair of the Georgian parliament's human rights committee, told *Keston News Service*: 'Basil Mkalavishvili should be arrested immediately for violating the law and citizens' rights. It is very strange that he has not been arrested already.'<sup>122</sup> Still,

nobody doubts that the case could be politically explosive for President Shevardnadze, whose already low standing in popular opinion could suffer if Mkalavishvili's supporters take to the streets. It remains to be seen whether Georgia's leadership – which will surely influence the court's handling of Mkalavishvili's case – will see the benefits of prosecuting, convicting and sentencing him to a gaol term as outweighing the possible domestic cost, regardless of international pressure.

## Notes and References

- <sup>1</sup> This information comes from *Jehovah's Witnesses in Georgia*, 1999.
- <sup>2</sup> Jehovah's Witnesses' application to the European Court of Human Rights, 29 June 2001, henceforth *Kokosadze* (the name of the main plaintiff), p. 6.
- <sup>3</sup> In September 1997 Russia's parliament passed a law on religion which replaced previous (October 1990) legislation and essentially established several privileged 'traditional' religions, preeminently the Russian Orthodox Church. Moreover, all religious groups in Russia had to reregister by 31 December 2000 or face the threat of 'liquidation'. In Armenia the privileged status of the Armenian Apostolic Church is guaranteed in the constitution and laws have placed restrictions on the right of other religions to proselytise, receive funding and hold meetings, while also complicating the procedures for registration.
- <sup>4</sup> Felix Corley, 'Georgia's Jehovah's Witnesses to challenge court decision on revoked registration', *Keston News Service* (henceforth *KNS*), 7 July 2000; *Human Rights Without Frontiers* (henceforth *HRWF*), 10 July 2000.
- <sup>5</sup> US State Department, *Country Reports on Human Rights Practices for 1999*. The Georgian expert report was prepared by the Institute of Philosophy in the Academy of Sciences of Georgia and the Faculty of Sociology of the Javakishvili State University in Tbilisi.
- <sup>6</sup> *Interfax* news agency, 1 March 2000. See also *Watchtower*, 1 March 2000.
- <sup>7</sup> Corley, 'Georgia's Jehovah's Witnesses ...'
- <sup>8</sup> *ibid.* Sharadze made these points in a telephone interview with *KNS* on 29 June 2000. He also insisted that the Witnesses 'work against the twenty-centuries old Orthodox Church'. Corley, 'Georgia's Jehovah's Witnesses ...'; *HRWF*, 10 July 2000. Despite Sharadze's claims that religious entities could not be registered, the Witnesses presented to the court a list of 16 religious bodies registered as social organisations, including the Union of Orthodox Christians and the Methodist Church.
- <sup>9</sup> Jehovah's Witnesses press release *Jehovah's Witnesses Appeal Revocation of Registration to Georgian Supreme Court*, 27 June 2000.
- <sup>10</sup> Jehovah's Witnesses press release, 21 December 2000.
- <sup>11</sup> OSCE Mission to Georgia, *Spot Report: Violent Attacks against Religious Minorities in Georgia*, 31 May 2001.
- <sup>12</sup> *KNS*, 26 February 2001.
- <sup>13</sup> *ibid.* Levan Ramishvili of the human rights NGO Liberty Institute argued that the ruling was questionable on legal grounds: 'Under the constitution and civil code, a non-profit organisation's registration can be revoked only if it begins commercial activity or its activities harm territorial integrity or national security.' 'In any case', he continued, 'only the Ministry of Justice can initiate liquidation proceedings, not a private individual, so there was not the correct plaintiff.' Felix Corley, 'Georgia: condemnation of Supreme Court liquidation of Jehovah's Witnesses', *KNS*, 26 February 2001.
- <sup>14</sup> OSCE Mission to Georgia, *Spot Report: Violent Attacks ...*
- <sup>15</sup> *Freedom of Religion*, August 2001. This monthly newsletter is put out by the Liberty Institute, supported by the European Union.
- <sup>16</sup> BBC World Service, 'Focus on Faith', 7 August 2001.
- <sup>17</sup> A Georgian official told a US government delegation to the OSCE's Implementation Review Meeting in Warsaw in October 2000 that she had personally been accosted on the street by Jehovah's Witnesses missionaries and had found the experience unpleasant.

- <sup>18</sup> In a recent example of this line of thinking, Levan Ramishvili of the Liberty Institute said 'What is happening now is the same thing the Russians did to Georgia in the 18th and 19th centuries ... . They are spreading rumors that the West is trying to destroy the Georgian Orthodox religion.' *Freedom of Religion*, August 2001.
- <sup>19</sup> 'Russian neo-imperialism: playing the religious card', *United Press International (UPI)*, 11 June 2001, reproduced in *Freedom of Religion*, August 2001.
- <sup>20</sup> *Freedom of Religion*, August 2001.
- <sup>21</sup> BBC World Service, 'Focus on Faith', 7 August 2001.
- <sup>22</sup> *ibid.*
- <sup>23</sup> *Kavkasioni*, no. 115, 3 July 1997, pp. 1, 4. Basil Kobakhidze, a priest of the David Aghmashenebeli Cathedral, who wrote about the book-burning to the newspaper *Kavkasioni*, noted that the Georgian Orthodox Church was not involved. He nevertheless claimed that a neutral state policy towards all religions, on the American model, was unacceptable for a 'traditionalist' country like Georgia, and suggested that the Georgian Orthodox Church be granted special status to check on the activities of various religious sects in the country.
- <sup>24</sup> Hugh Pope, 'Soul searching: missionaries flock to save ex-Soviets – outsiders spread the word, inflaming local clerics; sainthood for Miss Liberty', *Wall Street Journal*, 21 July 1997. According to Pope, at that time Bishop Songulashvili was coordinating 51 Baptist congregations in Georgia with a total of about 5000 people, which represented a 100 per cent increase in membership over the previous five-year period.
- <sup>25</sup> 'Schism in Georgian Orthodox Church deepens', *Interfax*, 29 July 1997. In July 1997 Patriarch Ilya declared that the dissenters were aiming to split off from the Georgian Orthodox Church and form an independent religious group, dividing the nation and causing confrontation. He called their demands 'fanatical and absurd'.
- <sup>26</sup> US State Department, *Country Reports on Human Rights Practices for 1998*, p. 1273.
- <sup>27</sup> Supporters of the campaign called themselves 'patriots' while disparaging their opponents as 'Freemasons'.
- <sup>28</sup> *RFE/RL Newswire*, 29 April 1999.
- <sup>29</sup> US State Department, *Country Reports on Human Rights Practices for 1999*.
- <sup>30</sup> 'Jehovah's Witnesses Mobbed', *HRWF*, 20 October 1999.
- <sup>31</sup> *Kokosadze*, p. 14.
- <sup>32</sup> *ibid.*, p. 15. That decision was overturned by the Supreme Court only in October 2001. OSCE Mission to Georgia, *Activity Report*, 1–26 October 2001.
- <sup>33</sup> Human Rights Watch/Helsinki, *Memorandum to the US Government on Religious Violence in the Republic of Georgia*, 29 August 2001.
- <sup>34</sup> Most of the information in this section comes from Jehovah's Witnesses press releases as well as from *KNS* and *HRWF* reports.
- <sup>35</sup> This remark is cited in a chronology of assaults provided by the Jehovah's Witnesses: *Human Rights Violations against Jehovah's Witnesses*, 25 April 2002.
- <sup>36</sup> 'Repeated Attacks on Jehovah's Witnesses', *HRWF*, 11 January 2001.
- <sup>37</sup> No police came to protect those attending the conference. The volumes were eventually retrieved and the petition was delivered to the State Chancellery for President Shevardnadze on 13 February 2001.
- <sup>38</sup> *KNS*, 15 March 2001. See *KNS*, 9 February and 14 March 2001, for information about previous attacks.
- <sup>39</sup> *Religion Today*, 6 April 2001.
- <sup>40</sup> Jehovah's Witnesses press release, 18 June 2001.
- <sup>41</sup> Jehovah's Witnesses press releases, 28 and 30 September 2001.
- <sup>42</sup> Felix Corley, 'Georgia: patriarchate condemns Bible-burning priest', *KNS*, 4 February 2002.
- <sup>43</sup> *loc. cit.*
- <sup>44</sup> Jehovah's Witnesses, *Persecution and Discrimination against Jehovah's Witnesses in Georgia* (Watch Tower House, The Ridgeway, London, July 2002), p. 25.

- <sup>45</sup> *ibid.*, p. 23.
- <sup>46</sup> *loc. cit.*
- <sup>47</sup> BBC World Service, 'Focus on Faith', 7 August 2001.
- <sup>48</sup> Cited in Human Right Watch/Helsinki *Memorandum ...*, 29 August 2001.
- <sup>49</sup> *Akhali Era*, 8 May 2001.
- <sup>50</sup> Cited in Human Right Watch/Helsinki, *Memorandum ...*, 29 August 2001.
- <sup>51</sup> BBC World Service, 'Focus on Faith', 7 August 2001.
- <sup>52</sup> Human Rights Watch/Helsinki, *Memorandum ...*, 29 August 2001.
- <sup>53</sup> Jehovah's Witnesses, *Religious Registration Issues of Jehovah's Witnesses in Armenia, Georgia, Russia, Turkmenistan and Uzbekistan* (Patterson, NY), 11 October 2001.
- <sup>54</sup> OSCE Mission to Georgia, *Activity Report*, 1–15 January 2002.
- <sup>55</sup> See Jehovah's Witnesses, *Persecution and Discrimination ...*, pp. 12–13; Giorgy Lomsadze, 'Georgian priest on the rampage', IWPR's *Caucasus Reporting Service*, no. 126, 25 April 2002; and OSCE Mission to Georgia, *Activity Report*, 16–31 May 2002.
- <sup>56</sup> Eda Kadagishvili, 'Violence against religious minorities is not a matter of religion', *Georgian Times*, 6 June 2002.
- <sup>57</sup> BBC Monitoring, Rustavi-2 Television, 1 July 2002.
- <sup>58</sup> *Rustavi*, 2–5 May 2001.
- <sup>59</sup> Jehovah's Witnesses, *Religious Registration Issues ...*
- <sup>60</sup> Jehovah's Witnesses press releases, 28 and 30 September 2001.
- <sup>61</sup> *Kokosadze*, p. 13.
- <sup>62</sup> Letter from Shevardnadze, delivered in English translation to the Helsinki Commission in Washington DC via the Georgian Embassy, 2 November 2000.
- <sup>63</sup> Jehovah's Witnesses, *Religious Registration Issues ...*
- <sup>64</sup> *Freedom of Religion*, August 2001.
- <sup>65</sup> *KNS*, 10 July 2001.
- <sup>66</sup> *ibid.*
- <sup>67</sup> Those attending were: Metropolitan Danieli, archbishop of Sukhumi and head of the Georgian Patriarchate's mission and evangelisation department; Bishop Giuseppe Pasotto of the Roman Catholic Church; Bishop Gert Hummel of the Lutheran Church; Baptist Bishop Malkhaz Songulashvili; Archbishop Kevork Seraidaryan of the Armenian Apostolic Church; Muslim leader Ali Ahund; and the deputy chief rabbi of the Jewish community Alexander Rosenblatt.
- <sup>68</sup> Bishop Oleg Khubashvili, the head of the Pentecostal Union, claimed to Keston that 'No-one has informed me about it.'
- <sup>69</sup> *KNS*, 10 July 2001.
- <sup>70</sup> *Freedom of Religion*, August 2001.
- <sup>71</sup> *Address of his Excellency Eduard Shevardnadze, President of Georgia*, at the Caucasus and Central Asia Institute, the Johns Hopkins School of International Affairs, 5 October 2001.
- <sup>72</sup> Cited in Felix Corley, 'Georgia: religious minority leaders condemn religious violence – again', *KNS*, 8 July 2002.
- <sup>73</sup> Letter from Shevardnadze, delivered in English translation to the Helsinki Commission in Washington DC via the Georgian Embassy, 3 June 2002.
- <sup>74</sup> Letter to the author, 8 February 2002, from Bishop Malkhaz Songulashvili (Baptist), Archbishop G. Seraidaryan (Armenian Apostolic), Bishop Professor G. Hummel (Evangelical Lutheran), Bishop G. Pasotto (Roman Catholic), Acting Chief Rabbi A.A. Rosenblatt (Jewish) and Gazi Ali Aliyev (Muslim).
- <sup>75</sup> *Resolution of the Parliament of Georgia on Manifestations of Religious Freedom* (in English), March 2001. Original title: *Sakartvelos parlamentis rezolutsia regiguri ekstremizmis gamovlinebebis shesaxeb*.
- <sup>76</sup> Unfortunately, despite repeated efforts, it has not been possible to obtain transcripts of the testimony or even a summary.
- <sup>77</sup> *Akhali Taoba*, 3 April 2001.

- <sup>78</sup> Cited in Jehovah's Witnesses, *Persecution and Discrimination ...*, p. 26.
- <sup>79</sup> *ibid.*, p. 5.
- <sup>80</sup> Cited in Jehovah's Witnesses press release *Priest's 'Trail of Terror' Continues*, 16 March 2002.
- <sup>81</sup> Corley, 'Georgia: religious minority leaders ...'
- <sup>82</sup> *Rezonansi*, no. 180, 5 July 1999, p. 7; Mikhail Vignansky, 'Gruzinskaya Patriarkhiya ob"yavlyayet voinu sektantam', *Segodnya*, 7 July 1999. Andriadze said that the Patriarchate could not demand the banning of the Baptists or Adventists, which being 'traditional sects' enjoyed the protection of international law.
- <sup>83</sup> Jehovah's Witnesses, *Religious Registration Issues ...*
- <sup>84</sup> Statement given to the author by Witnesses in Tbilisi, June 2001.
- <sup>85</sup> OSCE Mission to Georgia, *Spot Report: Violent Attacks ...*
- <sup>86</sup> *Rezonansi*, 8 June 2001; *Dilis Gazeta*, 8 June 2001.
- <sup>87</sup> *KNS*, 11 July 2001.
- <sup>88</sup> BBC Monitoring, Rustavi-2 Television, 18 July 2002.
- <sup>89</sup> Felix Corley, 'Georgia: Patriarchate "astonished" at bishop's execution call', *KNS*, 13 February 2002.
- <sup>90</sup> *ibid.*
- <sup>91</sup> OSCE Mission to Georgia, *Spot Report: Violent Attacks ...*
- <sup>92</sup> Statement e-mailed to the author from the Liberty Institute.
- <sup>93</sup> Fr Basil subsequently charged *Rezonansi* with slander and demanded \$20,000 in compensation. Report from Center for Journalism in Extreme Situations, 5 September 2001.
- <sup>94</sup> *Aliya*, 25-26 January 2001.
- <sup>95</sup> Watchtower Public Affairs Office, *European Parliament Delegation Condemns Violence against Jehovah's Witnesses in Republic of Georgia*, 9 September 2000.
- <sup>96</sup> Reuters press release *Georgia: Europe Council Backs Georgia Jehovah's Witnesses*, 6 July 2001.
- <sup>97</sup> The letter, initiated by the Commission on Security and Co-operation in Europe, was signed by Commission chairman Rep. Christopher Smith, Sen. Tim Hutchinson, and Reps Frank Wolf, Steny Hoyer, Benjamin Cardin, Joseph Pitts and Michael Forbes.
- <sup>98</sup> The letter was signed by Senator Ben Nighthorse Campbell, Rep. Christopher H. Smith, Senator Christopher J. Dodd, Rep. Steny H. Hoyer, Senator Gordon Smith, Rep. Joseph R. Pitts, Senator Hillary Rodham Clinton, Rep. Benjamin L. Cardin, Senator Joseph Lieberman, Rep. Zach Wamp, Rep. Robert B. Aderholt, Rep. Alcee L. Hastings, Rep. Louise McIntosh Slaughter, Rep. Anthony Weiner and Rep. J.C. Watts.
- <sup>99</sup> 'Georgia lets attacks on religious believers go unpunished: a letter to Georgian president', on Human Rights Watch website.
- <sup>100</sup> *Kokosadze*, pp. 4-5.
- <sup>101</sup> *ibid.*, p. 45.
- <sup>102</sup> Jehovah's Witnesses, *Religious Registration Issues ...*
- <sup>103</sup> Jehovah's Witnesses press release *Thirty New Cases against Georgia Filed with the European Court*, 22 July 2002.
- <sup>104</sup> Human Right Watch/Helsinki, *Memorandum ...*, 29 August 2001.
- <sup>105</sup> *Keston News Service* reported on the agreements much later: Geraldine Fagan, 'Major confessions gave advance consent to patriarchate-state concordat', *KNS*, 11 October 2001.
- <sup>106</sup> For example, the Catholic Church is hoping to regain control of five churches.
- <sup>107</sup> Private communication with the Liberty Institute in Tbilisi.
- <sup>108</sup> *KNS*, 10 July 2001.
- <sup>109</sup> BBC World Service, Focus on Faith, 7 August 2001.
- <sup>110</sup> Felix Corley, 'Georgia: draft religion law consultation', *KNS*, 9 July 2002.
- <sup>111</sup> Felix Corley, 'Georgia: serious concerns over draft religion law', *KNS*, 9 July 2002.
- <sup>112</sup> *ibid.*
- <sup>113</sup> *ibid.*
- <sup>114</sup> Felix Corley, 'Georgia: draft religion law consultation', *KNS*, 9 July 2002.

- <sup>115</sup> *Georgia: Vicious Assault on Rights Leaders; Georgian Government Must Investigate*, Human Rights Watch press release, New York, 12 July 2002.
- <sup>116</sup> Ken Stier, 'Post-soviet Georgia struggles to find democracy', *Christian Science Monitor*, 24 July 2002.
- <sup>117</sup> *ibid.*
- <sup>118</sup> BBC Monitoring, Kavkasia-Press news agency, Tbilisi, in Georgian, 12 July 2002.
- <sup>119</sup> Sozar Subari, 'Georgia: attack inquiry under fire', IWPR's *Caucasus Reporting Service*, no. 139, 26 July 2002.
- <sup>120</sup> Stier, *op. cit.*
- <sup>121</sup> Stier, *op. cit.*
- <sup>122</sup> *KNS*, 11 January 2001.