

Freedom of Religion in Georgia

Problems and Recommendations



Tbilisi, 2015

Report was prepared by Human Rights Center

Author: Nino Tsagareishvili

Editor: Aleko Tskitishvili

Translation: Nino Tlashadze

Project Monitors: Tamar Avaliani
Tamar Kurtauli

Project Journalist: Natia Gogolashvili

Non-governmental organization the Human Rights Centre (HRIDC), formerly Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia.

The Human Rights Centre (HRIDC) is dedicated to protection and promotion of human rights, rule of law and peace in Georgia. It is free of any political and religious affiliation. The Human Rights Centre (HRIDC) believes that everyone is entitled to exercise her/his civil, political, social, economic and cultural rights freely and without any discrimination as guaranteed by national and international law.

We consider that protection and promotion of these rights and respect for rule of law are the key preconditions for building sustainable peace and democracy in Georgia. The Human Rights Centre (HRIDC) has five priority areas of action: strengthening the rule of law, supporting freedom of expression and media, promoting equality and social inclusion, reinforcing democratic processes and supporting transitional justice.

Address:

M. Kantaria St. 11a, Floor 3rd, 0160 Tbilisi, Georgia.

Tel.: (+995 32) 237 69 50, (+995 32) 245 45 33, (+995 32) 238 46 48

Fax: (+995 32) 238 46 48 E-mail: hridc@hridc.org

Web-portal: www.humanrights.ge; www.hridc.org.



**Government of Canada
Embassy of Canada**

**Gouvernement du Canada
Ambassade du Canada**

The Report was prepared by the financial support of Embassy of Canada. The report does not necessarily reflect the views of the donor. Human Rights Center bears sole responsibility for the content of the report.

Contents

Introduction	4
Freedom of Religion – Fundamental Right	4
Cases Studied In the Frame of the Project.....	5
❖ Kobuleti - Oppression on Muslim Boarding School	5
❖ Case of Lela Shvelidze	9
❖ Case of Plate Mosque	12
❖ Religious controversy in Tchela and Mokhe	16
❖ Blocked road to Tchela Mosque	22
❖ Festival of Hope	22
❖ Religious controversy in Samtatskaro.....	25
Recommendations	27
Annex 1	29
Annex 2	30
Annex 3	32

Introduction

The report below presents the findings of the project Promoting Freedom of Religion in Georgia implemented by Human Rights Center with the financial support of the Canadian Embassy in the period from November 2014 to February 2015.

In the frame of the project, lawyers of Human Rights Center studied alleged facts of religious intolerance and violation of freedom of religion in Georgia which took place in recent years in Georgia. Representatives of Human Rights Center paid field visits to the sites of religious controversy, met conflicting parties and documented observed violations. When studying the cases, the Center relied on the public information requested from relevant state institutions as well as the information obtained by local human rights organizations. Lawyers of Human Rights Center provided legal assistance to citizens on issues of freedom of religion. A round table about freedom of religion with participation of the representatives of religious minorities, NGOs working on religious issues, representatives of the Public Defender's Office and Ministry of Internal Affairs was organized in the frame of the project.

In the frame of the project, a journalist of Human Rights Center prepared **13 articles** about documented cases (see Annex 1); training about hate speech in Georgian media was also organized in the frame of the project.

Freedom of Religion – Fundamental Right

Freedom of Religion is a fundamental right guaranteed by core international human rights documents and is essential for every democratic state. In accordance to the International Covenant on Civil and Political Rights and European Convention on Human Rights, Georgia has positive obligation to take effective measures to insure freedom of religion and effectively investigate alleged facts of violation of freedom of religion and punish perpetrators in accordance to the law.

Freedom of religion comprises rights of individual to manifest his religion or belief, in worship, teaching, practice and observance, in public or in privacy, alone or in group. Restriction of this right is subject to limitations which are prescribed by the law, serve legitimate aim enshrined in international conventions and reasonably balance public and private interests.

In accordance to the principle of freedom of religion, Georgia is obliged to ensure free exercise of freedom of religion for religious minorities and protect them from violence and discrimination on religious grounds.

Although freedom of religion is guaranteed by the Constitution of Georgia and national laws, its implementation in practice is still problematic. Law enforcement bodies have not adequately responded to the recent facts of religious intolerance in Georgia. Therefore, these acts have irreversible character. Intimidation and illegal interference in the religious rituals of Muslim

community in Nigvziani, Tsintsikaro and Samtatskaro villages in 2012-2013 have not been investigated so far.¹ In some cases, the state uses repressive mechanisms against religious minorities. For example, illegal deconstruction of the minaret in Tchela village, Adigeni district on August 27, 2013.² Monitoring of Human Rights Center revealed a case where signs of the religious-motivated persecution by law enforcement officers were detected against the representative of religious minority. See more details into this case below.³

Cases Studied In the Frame of the Project

❖ Kobuleti - Oppression on Muslim Boarding School

On September 10, 2014 vandal fact occurred against Muslim boarding school in Lermontov Street in Kobuleti; the school was preparing to accept students. Local inhabitants, who declare themselves Orthodox, killed a pig in front of the boarding school and nailed its head to the door of the building. They claim they will not allow launching of Muslim boarding school in their neighborhood.⁴ Organization Georgian Muslims Relation has rented the building.

According to the organization, concrete group of local residents permanently intimidated Muslim students registered in the boarding school during 6 months when the building was renovated. They verbally insulted the students and created obstacles for them when entering the building.⁵

Similar activities particularly intensified after the incident of September 10 and still continue. Organized group of local residents permanently monitors the building. They insult Muslims, who enter the boarding school; block their way and force them not to enter the building.⁶⁻⁷ The entrance to the building is blocked with artificial barriers. Barricades with wooden materials and tires are set up at the entrance to the building; cross is erected in front of the barricades.⁸

¹ p. 3, Petition of NGOs and Religious Organizations, December 2, 2014.

http://www.scribd.com/doc/249013556/%E1%83%A0%E1%83%94%E1%83%9A%E1%83%98%E1%83%92%E1%83%98%E1%83%A3%E1%83%A0%E1%83%98-%E1%83%93%E1%83%90-%E1%83%90%E1%83%A0%E1%83%90%E1%83%A1%E1%83%90%E1%83%9B%E1%83%97%E1%83%90%E1%83%95_%E1%83%A0%E1%83%9D%E1%83%91%E1%83%9D-%E1%83%9D%E1%83%A0%E1%83%92%E1%83%90%E1%83%9C%E1%83%98%E1%83%96%E1%83%90%E1%83%A_A%E1%83%98%E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%9E%E1%83%94%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98%E1%83%90#scribd

² pages 163-163; Annual Report of Public Defender of Georgia 2013;

<http://ombudsman.ge/uploads/other/1/1934.pdf>

³ P. 5 Case of Lela Shvelidze

⁴ <https://www.youtube.com/watch?v=o6J8Ka-0pPI>

⁵ <http://emc.org.ge/2014/09/10/gancxadeba-kobuletis-incidentze/>

⁶ <http://humanrights.ge/index.php?a=main&pid=18085&lang=eng>

⁷ <http://transparency.ge/en/post/general-announcement/csos-respond-recent-attacks-muslim-community-kobuleti>

⁸ <http://humanrights.ge/index.php?a=main&pid=18085&lang=eng>



Vicinities of the boarding school/photo by Human Rights Center

Although law enforcement officers are informed about these facts, they do not adequately respond to the restricted movement of Muslim people.

Public Defender's Office also underlines inactivity of police. "According to the explanation letters of the representative of the Georgian Public Defender, during protest rallies of September 15 and 16, 2014, local Muslims were in the building and protesters did not allow them leave it. On the other side, protesters did not allow students to enter the building. Although patrol police officers were mobilized in the territory on both days and observed ongoing protest demonstration, they did not isolate protesters so that students had possibility to enter the building or people inside the building had possibility to leave it," the statement of the Ombudsman disseminated on October 6, 2014 reads.⁹

On January 16, 2015 representatives of Human Rights Center visited the boarding school to study the situation on the spot. Although the building is ready to accept students and is equipped with necessary furniture, the education process has not started in the boarding school yet.¹⁰

⁹ http://new_ombudsman.site.itdc.ge/en/about-us/struktura/departamentebi/martlmsadjulebis-departamenti/siaxleebi-jus/the-public-defender-plans-to-visit-ajara.page

¹⁰ <http://humanrights.ge/index.php?a=main&pid=18085&lang=eng>



Bedroom of the Kobuleti boarding school/photo by Human Rights Center



Kitchen of the Kobuleti boarding school/photo by Human Rights Center

Students enrolled in a boarding school were placed in an old building of the boarding school in Kobuleti which is accepting twice as many beneficiaries this time. As a result, children have to live in poor living conditions.¹¹

Local inhabitants allow only one person to enter the building. If more than one person tries to enter the boarding school, locals start mobilization to control the situation. Representatives of

¹¹ <http://emc.org.ge/2014/09/24/gancxadeba-kobuletshi-muslimta-uflebebis-shezgudvaze/>

Human Rights Center witnessed this fact when they arrived on the place on January 16 and interviewed the young man living in the boarding school. He confirmed the aforementioned problems during the conversation. As soon as the monitors left the building, local resident approached them and aggressively demanded them to explain purpose of their visit and asked about their religion. Although the representatives of Human Rights Center clarified to the person that they were not obliged to make clarifications to the strange person, the woman continued insisting. She said she was local Orthodox inhabitant and would not allow anybody to open Muslim boarding school in their neighborhood. She said she could mobilize local inhabitants on the spot, who could confirm her statements.¹² The woman insulted and used hate speech against Muslim community. “If it is charity action and they intend to open a school here, then let them accept Georgian children too and teach them Georgian and Christianity, because Georgian Muslims do not exist in reality,” she told us.¹³

Activities against Muslim community contains signs of crimes punishable under Article 156 of the Criminal Code of Georgia (persecution of a person based on his/her religion, faith or creed). Police has positive responsibility to combat similar criminal activities, ensure freedom of movement for Muslim people and allow them to freely use their property. As a result of the police inactivity, rights of Muslim community in Kobuleti are still blatantly violated.

Investigation into the incident of September 10 was launched under the offense of intimidation though signs of persecution on religious grounds were clearly obvious. The investigation is still underway without any results.¹⁴

As for other facts of the violence against Muslim boarding school, nobody has been punished for these violations so far.

On September 11, 2014 law enforcement officers arrested three persons because of the incident during the demonstration against the boarding school in Lermontov Street. The detainees were fined with 100 GEL for the public disorder. The detention protocol did not mention any connection between the incident and demonstration against the boarding school.¹⁵ Offenders stated that they were arrested because of personal incident.¹⁶

Kobuleti district governor Sulkhan Evgenidze said the building was not sold with the purpose to open boarding school there and locals were “deceived” because they thought Christians were going to live in the building.¹⁷ Similar statements and loyalty towards violent acts contradict the principles of religious neutrality and secularism that is obligatory for any public servant to follow in accordance to the Constitution of Georgia and international agreements.

Human Rights Center calls on law enforcement bodies to ensure freedom of movement for Muslim people and to allow them to use their property without obstacles; also to effectively

¹² <http://humanrights.ge/index.php?a=main&pid=18085&lang=eng>

¹³ Ibid

¹⁴ <https://www.youtube.com/watch?v=jt5wx2k0sh4&list=TLWpOLW-JU9CA>

¹⁵ <https://www.youtube.com/watch?v=O5yrMJFRlcM>

¹⁶ Ibid

¹⁷ <http://ick.ge/articles/19385-i.html>

investigate and punish offenders allegedly associated with the September 10 incident and other facts of violence.

Human Rights Center addresses to the Parliament of Georgia and requests to ensure parliamentary control over the MIA and prosecutor's offices in accordance to the Parliament's regulations.

❖ Case of Lela Shvelidze

On November 25 and December 2 of 2014, Human Rights Center monitored trials into the criminal case against Lela Shvelidze at Akhaltsikhe district court. The monitoring revealed blatant human rights violation by law enforcement officers. Since December 2014, lawyer of Human Rights Center joined the defense team of the defendant. The case was heard by the Judge Giorgi Londaridze.

Lela Shvelidze, who is a Jehovah Witness, was accused of the physical assault of her neighbor Zina Zedginidze-Ninua living in Aspindza; the crime is punishable under Article 125 of the Criminal Code of Georgia. However, the accusation was not reinforced by valid evidence in the case.

The evidence in the case materials cause doubt that accused Lela Shvelidze was victim of oppression by the “victim.” In accordance to the collective letter signed by 11 neighbors, Zina Zedginidze-Ninua was particularly aggressive person and permanently abused neighbors. “Neighbors living in the dormitory in Erekle II Street in Aspindza are permanently bothered by Zina Zedginidze-Ninua, who is aggressive towards them, scolds and insults both grown-ups and children. She does not allow us to live normally and use short road to walk. We had to endure insulting from her during many years. We never predict which of us will become target of her aggression tomorrow,” the neighbors’ letter reads.¹⁸

One of the neighbors Eka Gorelishvili said she arrived at the police office several times and wrote notification about oppression by Zina Ninua on the family of the Shvelidzes but the police did not take her notification into account.¹⁹

Lela Shvelidze and her husband clarified that they requested law enforcement bodies to react on Zina Zedgenidze-Ninua’s behavior but in vain. They said the case was launched against Lela Shvelidze after they rejected the offer of the prosecutor and chief investigator to use deviation mechanism against her which envisioned lighter sentencing. Their lawyer Manuchar Tsimintia also confirmed their statement. “On July 29, Gela and Lela Shvelidzes were summoned to police and offered to apply for deviation mechanism. On July 30, at 10 pm, they were called to the police office together with their young son where Aleksandre Kenchoshvili repeatedly offered

¹⁸ <http://humanrights.ge/index.php?a=main&pid=18002&lang=eng>

¹⁹ Ibid

them deviation. The refusal irritated them very much and law enforcement officers threatened the applicants to impose charges against them.”²⁰

According to the case material, Lela Shvelidze personally called police and reported about the possible attack from Zina Zedginidze-Ninua. It is noteworthy that the incident occurred in Lela Shvelidze’s house.

Significant violations were observed during expertise. Lela Shvelidze’s physical injuries were not properly studied – the expertise conclusion reads that hair of Lela Shvelidze was sent for expertise. The question put in front of expertise reads: “Does the presented hair belong to a person and if yes are they cut or torn out?” Expertise concluded that the hair was torn out. Regardless the conclusion, the investigation did not take this fact into account. No other questions were asked to the expertise. No expertise was conducted to estimate whether the hair really belonged to Lela Shvelidze. This issue should have been particularly important for impartial investigation. (See Annex 2)

Statement of the only witness in the case materials, Giorgi Gorelishvili, according to which he had seen Lela Shvelidze insulting Zina Ninua, was denied by the witness himself. On December 16, 2014 Giorgi Gorelishvili said at the trial that police officers had compelled him to sign the initial testimony when he was drunk and that he read the testimony on next day. According to the witness, he was not on the scene of incident and had not witnessed anything.²¹

Before making a statement at the trial, Giorgi Gorelishvili spoke with the journalist of the online newspaper of Human Rights Center humanrights.ge. “I was drunk during interrogation. They dictated me what to write and then made me sign it. Investigator Kakabadze made me sign it. I did not see anything. I was very drunk, when they came and took me in the evening. As I remember I was in the street. To tell the truth I do not remember anything. Next day, they came to my work place and read my testimony; they said nothing would happen if I sign that document.”²² It must be noted that because of alcohol influence interrogation of Giorgi Gorelishvili was postponed twice at the trial.²³

Daughter of Giorgi Gorelishvili, Eka Gorelishvili said that when she learned about the father’s testimony she went to the police to find out the situation. “I asked why they had questioned my father when he was drunk. Police officers asked why I act against my father. Investigator Kakabadze calmed me down and promised me to help me to get back my daughter, who lives in the house of my divorced husband,” Eka Gorelishvili said.²⁴

At the trial on November 25 inspector-investigator Shmagi Papidze was questioned, who had interrogated Giorgi Gorelishvili during investigation. At the trial he could not recall exact day of

²⁰ <http://humanrights.ge/index.php?a=main&pid=18002&lang=eng>

²¹ <http://humanrights.ge/index.php?a=main&pid=18098&lang=eng>

²² <http://humanrights.ge/index.php?a=main&pid=18002&lang=eng>

²³ *ibid*

²⁴ <http://humanrights.ge/index.php?a=main&pid=18002&lang=eng>

interrogation. It is noteworthy that interrogation date was not indicated in the protocol either. The inspector explained this as a technical mistake. Shmagi Papidze said Giorgi Gorelishvili went to Aspindza district police office voluntarily and that the interrogation process was conducted in accordance to the law. The inspector claimed the witness was not drunk, that he read the testimony and then signed it.

The activities of law enforcement officers contain signs of criminal offence – abuse of professional power (Article 333 of the Criminal Code of Georgia). In accordance to the Article 17 of the Criminal Procedural Code of Georgia (CPCG), a person shall be charged if there is well-grounded assumption that he/she really committed the crime. The evidence in the case materials did not create basis for the assumption. Just the opposite, according to the evidence, Lela Shvelidze was victim of oppression. Statements of the main witness and his family members about the alleged oppression by police officers are alarming. In accordance to the Article 335 of the CCG, forcing of the suspect, victim or witness to give evidence by law enforcement officers through threats or any other illegal action is punishable under the criminal law. Signs of this crime were detected in the activities of the law enforcement officers with regard to Giorgi Gorelishvili and his family.

In accordance to the Article 37 of the CPCG, investigator is authorized to conduct investigation in an impartial, comprehensive and thorough manner. They were obliged to demonstrate interest and study alleged facts of oppression on Lela Shvelidze that was claimed by the neighbors. The law enforcement officers did not demonstrate any interest and did not take relevant measures to study these facts. They did not comprehensively examine and consider presumed physical injury of Lela Shvelidze.

Ignoring these circumstances groundlessly, which proved innocence of Lela Shvelidze, demonstrates that investigation was conducted in a biased manner.

Launching criminal case against Lela Shvelidze without valid evidence creates well-grounded doubt that she became subject of the prosecution because of her religion. In accordance with part 3¹ of article 53 of the CCG, committing crime because of the person's religious background or because of other forms of discrimination is aggravating circumstance.

On January 15, 2015 Judge Giorgi Londaridze acquitted Lela Shvelidze (see Annex 3).

On January 12, Samtskhe-Javakheti regional prosecutor's office launched investigation into possible facts of abuse of professional power by the officers of Aspindza district police with regard to Lela Shvelidze's case.²⁵

Investigation was not launched against the prosecutor, with regard to whom there are well-grounded doubts that he abused professional power in this particular case. Lela Shvelidze and her husband state that Prosecutor Otar Sandodze tried to convince Lela Shvelidze to sign

²⁵ <http://humanrights.ge/index.php?a=main&pid=18098&lang=eng>

deviation agreement and that she would not face any problems for that. They said the main witness in the case Giorgi Gorelashvili was questioned after Lela Shvelidze rejected deviation. The fact that date of interrogation is not indicated in the protocol on Gorelishvili's interrogation, [investigator also admitted it], reinforces this doubt. Aforementioned circumstances indicate that Lela Shvelidze was offered deviation despite the fact that there was no valid evidence against her. Unreasonable negligence of the evidence which proved possible oppression on Lela Shvelidze, demonstrates biased supervision of the investigation process by the prosecutor.

Human Rights Center addresses the Chief Prosecutor's Office of Georgia to investigate this case. Investigation of the case by the office, whose employees allegedly committed crime, contradicts the principle of impartial and unbiased investigation. One of the main principles of the effective investigation is to conduct investigation by independent and unbiased body that includes both personal and structural independence. According to the recommendation by the Public Defender of Georgia, investigation of the cases into alleged violations by law enforcement officers shall be assigned to the Chief Prosecutor's Office of Georgia for further investigation.²⁶

❖ Case of Plate Mosque

On December 25, 2014 monitoring group of Human Rights Center visited historical mosque in Plate village, Adigeni district. The mosque is largely damaged. Monitoring group decided to arrive in Plate village after they received information from Muslim community of the neighboring villages of Mokhe and Tchela in Adigeni district. According to their statement, leader of Zarzma Monastery, Nikoloz Getsadze organized deconstruction of the historical mosque in the village; the construction materials were used to build cells in the Zarzma Monastery. Locals said the Muslim population, who makes minority in the village, denies the information because they avoid further controversy with local Orthodox people, who represent majority in the village. During the visit in Plate village, monitoring group conversed with local Muslim population who really denied the information about deconstruction of the mosque however significant evidence proves the opposite.²⁷

Public Defender's Office also studied the situation in Plate village. Head of the Tolerance Center under auspice of the Public Defender's Office, Beka Mindiashvili, said they had seen stolen stones and talked with a clergyman at the monastery who confirmed that they had used the mosque stones for the construction of the building in the monastery. In his conversation with Human Rights Center, Beka Mindiashvili stated: "Part of the Orthodox Georgian people believe mosques must not function in the territory of Christian Georgia and ethnic Georgian must necessarily be only Orthodox. As a result of this approach, Islamophobia and aggression

²⁶ <http://ombudsman.ge/uploads/other/1/1702.pdf> p. 63

²⁷ <http://humanrights.ge/index.php?a=main&pid=18058&lang=eng>

originated that finally result into verbal assaults and extremist behaviors. The incident of Plate village was one of those examples, when the parish of the Zarzma Monastery voluntarily started deconstruction of the mosque to construct monastery cell with its stones. I and my colleagues personally saw those stones. My colleague talked with one of the clergymen of the monastery who confirmed that they had taken the stones from the mosque to use them for the construction. As a result of our petitions, the process stopped however, regardless the Public Defender's request to investigate the fact, it did not start. Some procedures were conducted but the process did not continue. It is necessary that government and law enforcement bodies had immediate and adequate reaction on similar facts. On the other hand, the church must change its attitude towards other religions and stop appeals for the persecution of religious minorities.”²⁸

2008 Report of Public Defender reads: “Since 2007, after one part of the parish of Zarzma Monastery and some local inhabitants started deconstruction of the functionless mosque in Plate village to use the construction materials for the construction of the chapel in the territory of Zarzma Monastery, Muslims of Adjara autonomous republic and eco-migrants from Adjara started loudly complaining about their problems.”²⁹

Leader of the Zarzma Monastery also confirmed the fact of the mosque deconstruction. “People had requested to dismantle the building there because it was ruining during the rain and they were afraid stones could fall on children. Besides that, it was not used as mosque, pigs were there and the territory was full of manure,” the clergymen told newspaper Samkhretis Karibtche last summer.

Human Rights Center took photos of the historical mosque in the village. The building looks like the mosque and is almost similar to the disputed building in the neighboring village of Mokhe whose origin is now studied by the State Agency of Religious Issues. The buildings are constructed with similar stones and the architecture is also identical.

The historical mosque is in alarming conditions. Its roof is ruined; the remnants of the roof are stuck inside the building. The right wall of the building is completely removed and the back wall is ruined. Part of the stones is scattered on the place but another part is allegedly stolen.

²⁸ *ibid*

²⁹ <http://ombudsman.ge/uploads/other/0/80.pdf> p. 209

Current conditions of the historical mosque of Plate / Photo by Human Rights Center



On December 17, 2014 Human Rights Center addressed to the Chief Prosecutor's Office of Georgia and requested to launch investigation into the alleged premeditated damage of the historical mosque in Plate. The organization requested to study the fact and punish alleged perpetrators. However, the Chief Prosecutor's Office of Georgia forwarded the case for further investigation to Adigeni district police.

On December 23, investigator Besik Apraimashvili at Adigeni police office called deputy executive director of Human Rights Center Tamar Avaliani on the phone and rudely demanded

her to arrive in Adigeni police office to be interrogated as a witness in the case about the mosque in Plate village. He said if she did not appear to the interrogation timely, they would use force to bring her to the police office.³⁰

On December 24, monitoring group arrived in Adigeni district police where Tamar Avaliani was questioned as a witness. The interrogation was conducted through blatant violation of the procedural law. Namely, during interrogation process investigator Besik Apraimashvili often contacted unidentified persons on the phone and received instructions. Tamar Avaliani made a note about this violation in the interrogation protocol that irritated the investigator. The interrogation lasted more than three hours. The investigator Besik Apriamashvili told Tamar Avaliani during interrogation that his ancestors fought against Muslims for many centuries and now he is sorry that nobody “protects rights of Orthodox people.” He added that Muslim population of Adigeni district exaggerates the problems and in fact nobody breaches their rights.

Similar statements demonstrate biased approach of the investigator to the problem and substantially contradict the fundamental principle of the investigation process – impartiality and objectivity. Human Rights Center calls on the Chief Prosecutor’s Office to get interested in this case and punish possible perpetrators under the law.

On December 24, ten minutes after Tamar Avaliani’s interrogation finished, Adigeni district police called Samtskhe-Javakheti region Mufti Mamuka Vashakmadze and Imam of Tchela Mosque Jambul Abuladze and summoned them to police for interrogation as witnesses. They were given only three hours to bring lawyer which is unreasonable time for finding a lawyer. After the monitoring group members told local police officers that they would contact news agencies and report them about the violation, the police changed its decision and allowed Mamuka Vashakmadze and Jambul Abuladze to appear at the Adigeni police office together with the lawyer from 12:00 pm to 14:00 pm on December 25.

Considering the violations by the investigators in this particular case, Human Rights Center calls on the Chief Prosecutor’s Office to get interested in the case and conduct effective investigation into it.

Human Rights Center is alarmed with the fact that human rights defender is interrogated into the case she monitors. The lawyers of the organization often address to the prosecutor’s office with the request to launch investigation into different cases but they are never questioned as witnesses. The behavior of the investigator at Adigeni district police demonstrates a threat that investigative bodies might start interrogation of human rights defenders as witnesses in the cases they monitor.³¹

The concrete case showed that if similar practice is introduced in the country, human rights lawyer will never participate in the case as an attorney after she/he is interrogated in it as a witness. Tamar Avaliani, who was interrogated as a witness in the case on December 24, could

³⁰ <http://humanrights.ge/index.php?a=main&pid=18058&lang=eng>

³¹ <http://humanrights.ge/index.php?a=main&pid=18049&lang=eng>

not continue defense of the Samtskhe-Javakheti region Mufti Mamuka Vashakmadze and leader of the Tchela Mosque Jambul Abuladze; for that reason the organization assigned a new lawyer to represent interests of the leaders of Muslim community during interrogation process.

Enhanced islamophobia among one part of local population, who declare themselves Orthodox, is a serious problem in Plate village; problem is dissemination of wrong and unchecked information about historical facts. According to the information collected by the monitoring group, local leaders of the Orthodox Church preach that the Muslims constructed mosques in Adigeni district villages with the stones of the ancient churches.³² Local Orthodox population of Plate village insisted with the representatives of Human Rights Center that last century, when Muslim Meskhs constructed mosques in the neighboring villages, they used stones of the ancient churches for the construction. Member of the Plate orthodox community showed old ruins of the church to the monitoring group members, which still contain ruins of the Orthodox alter and some stones. However, color of those stones is darker and different from the light pinkish stones of the mosques. Despite this difference, the orthodox person claimed the Muslim Meskhs used the stones of that ancient church to construct the mosque in Plate village in the beginning of the last century.

As a result of this disinformation, orthodox community and clergymen demand “to return” the church stones back. Taking stones to construct the cell in Zarzma Monastery is manifestation of this approach.

The state shall ensure protection of the cultural heritage of Muslim community and grant status of historical-architectural monument to historical mosques to protect them from illegal infringement.

The state shall launch special informational and educational programs to raise public awareness and to eradicate islamophobia in the society.

The state shall organize special trainings about religious neutrality and minority rights for public servants and law enforcement officers.

❖ Religious controversy in Tchela and Mokhe

On August 26, 2013 Revenue Service of the Ministry of Finances of Georgia demolished minaret in Tchela village, Adigeni district. The form of the minaret’s deconstruction and conflicting situation on the place caused concern of nongovernmental organizations including Human Rights Center.³³

³² <http://news.ge/ge/news/story/109834-meufe-teodore-sofel-mokheshi-arceboli-sadavo-shenobis-sapatriarqostvis-gadatsemas-moitkhovs>

³³ <http://humanrights.ge/index.php?a=main&pid=17043&lang=eng>

Revenue Service of the Ministry of Finances declared there were some faults in the import documents of the minaret construction when it was transported across the Turkey-Georgia border and in order to study the problem, it was necessary to demolish the minaret and take it to Tbilisi;³⁴

According to the Public Defender's evaluation the minaret in Tchela village was demolished without any legal grounds and contradicted the requirements of the Georgian legislation.

"The office of the Public Defender of Georgia studied the legality of dismantling the minaret by the LEPL Revenue Service of the Ministry of Finance of Georgia. It has been consequently concluded that the post-clearance by the LEPL Revenue Service of the goods declared at customs by I.M. and J.A. on 14 July 2013 was not expedient. During the declaration of the goods at customs, the authorized personnel of the Revenue Service categorized the goods under a particular commodity code, which exempted the minaret from import duty. The need for the verification of the accuracy of this very code became the formal ground for dismantling the minaret. It needs to be pointed out in the first place that it was the obligation of the Revenue Service personnel to examine the goods in detail and order its experts to establish its respective code, which was not done in this particular case. Moreover, as the result of the assessment carried out after the dismantling, the minaret was given the code that exempted it from import duty, because goods "Made in Turkey" are exempted from import duty under Articles 4 and 16 of the International Agreement on Free Trade concluded between Georgia and the Republic of Turkey on 21 November 2007. This would exclude I.M. and J.A. from being at fault. Furthermore, Article 115.5 of the Instructions on Movement and Clearance of Goods in the Customs Territory of Georgia exhaustively determines the list of those powers vested in the competent authority in case of post-clearance audit. Accordingly, LEPL Revenue Service had no legal authority to dismantle the minaret," the Public Defender's Report states.³⁵

The Muslim community gathered in the village of Tchela to express their protest about dismantling the minaret. The road to the minaret was blocked by the officers of the Ministry of Internal Affairs. The protest and objections of the local Muslims, who were unable to approach the minaret, was followed by a physical confrontation. 22 demonstrators were arrested by the officers of the Ministry of Internal Affairs; later, 13 persons were released after questioning. Administrative responsibility was imposed on six persons and three persons were charged with criminal offences.³⁶

According to the clarifications of the Muslim community, MIA officers were aggressive towards them - Otar Makaroidze, local Muslim resident, recalled with Human Rights Center. "They pushed me down the ground and kicked. I managed to cover the face with hands but I almost died. Then they twisted my wrists, dragged me away and pushed into the car. They verbally insulted me and called Tatar. My clothes were torn."³⁷

³⁴ <http://humanrights.ge/index.php?a=main&pid=18032&lang=eng>

³⁵ <http://ombudsman.ge/uploads/other/1/1934.pdf> p. 164

³⁶ Ibid

³⁷ <http://humanrights.ge/index.php?a=main&pid=18032&lang=eng>

The scope of the conducted operation and resources used for the demolition of the minaret are alarming. Locals said about 200 law enforcement officers, at least one helicopter, about 45 vehicles, truck and crane participated in the operation. Special riot police controlled the village during three hours, where only about 50 families live.³⁸

Demolition of the minaret was illegal act that had no legal grounds. In accordance to the European Convention on Human Rights, freedom of religion can be subject of limitation as are prescribed by the law and necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals or for the protection of the rights and freedoms of others. The operation against Muslim community in Tchela village did not have any legitimate interest; it was therefore a blatant violation of the freedom of religion of Muslim people.

The State Minister of Georgia for Reconciliation and Civic Equality, Mr. Paata Zakareishvili stated regarding the demolition of minaret and the protest actions of Muslim congregation to the media outlet *Netgazeti*: "If you ask me what the protestors should do, I think they should go home... They should say that their actions were against the law... In future, they will do this in accordance with law"³⁹.

Right to peaceful assembly is fundamental right guaranteed by Georgian Constitution and international agreements and is essential part of democratic society. High government officials must realize the meaning and content of fundamental human rights.

On November 27th of 2013, the city council of Adigeni municipality issued permission for construction of minaret and the minaret was returned to the Muslim congregation. The Muslim community states that the minaret was returned in damaged form and it cost them 2500 GEL to repair it, but it could not be fully repaired. Monitors of Human Rights Center noticed the damages as well.

³⁸<https://tdigeorgia.wordpress.com/2013/08/29/%E1%83%90%E1%83%A0%E1%83%90%E1%83%A1%E1%83%90%E1%83%9B%E1%83%97%E1%83%90%E1%83%95%E1%83%A0%E1%83%9D%E1%83%91%E1%83%9D-%E1%83%9D%E1%83%A0%E1%83%92%E1%83%90%E1%83%9C%E1%83%98%E1%83%96%E1%83%90%E1%83%A/A/>

³⁹ <http://www.netgazeti.ge/GE/105/opinion/22880/>



Minaret was returned in damaged form to Muslim Community/Photo by Human Rights Center

On November 27, 2013 Adigeni municipal board issued permit on the construction of minaret in Tchela village and the minaret was re-erected on its original place.

In December 2014, monitoring group of Human Rights Center visited Tchela and Mokhe villages, where they met conflicting parties. Samtskhe-Javakheti Mufti Mamuka Vashakmadze told the monitoring group members. “Jambul Abuladze and I were unofficially questioned. They forced me to dismantle the minaret but I would have never agreed on that. They even verbally and physically assaulted me but I cannot prove it because I was alone during interrogation. They took me to a separate room and said unless I would dismantle the minaret within 2-3 hours, they would do it by force. They imposed the responsibility on me. Head of security service department Akaki Machutadze was very aggressive; he is regional governor now.”

Mokhe village is another scene of religious controversy in Adigeni municipality, where local Muslim and Orthodox population argue about the origin of the building located in the village center.

The problem became particularly acute in October, 2014, when Adigeni district administration decided to arrange a library in the disputed building. The situation got particularly tense on October 22, when the workers of the building company, which won the bid competition, arrived at the place to deconstruct the building; local Muslims protested it. Police officers made live chain around the building to allow the workers to work freely. However, it caused astonishment of the Muslim community. Police used force to disperse the demonstration.⁴⁰

⁴⁰ <http://ombudsman.ge/en/news/developments-in-the-village-of-mokhe-require-adequate-response-from-the-authorities.page>



*Disputed building in Mokhe village;
Photo by Human Rights Center*

Public Defender's Office studied the situation in Mokhe village. "Words of local Muslims confirm that, on October 22 workers of patrol police used excessive force against participants of a peaceful rally. Protocols of external examinations drawn up in temporary detention isolators affirm that marks of various kinds were noted on bodies of detained persons." – reads the extract from statement of the Public Defender about Mokhe incident.⁴¹

The Public Defender of Georgia called on law enforcement bodies to immediately launch investigation into the facts of possible excessive use of force by the policemen on October 22 and in the shortest period of time to let the Public Defender and the public know the results of this investigation.⁴² The investigation results are still unknown for the society.⁴³

Lawyer Tamta Mikeladze of the Human Rights Education and Monitoring Center said the investigation is being carried out in an unfair manner because MIA is investigating the alleged crime committed by the MIA officers. "Our organization appealed to the Prosecutor's office and requested them to adequately respond to the facts of the use of excessive force and arbitrary detentions by police officers. However, it is a problem that the prosecutor's office forwarded

⁴¹ Ibid

⁴² Ibid

⁴³ p. 3, Petition of NGOs and Religious Organizations, December 2, 2014.

<http://www.scribd.com/doc/249013556/%E1%83%A0%E1%83%94%E1%83%9A%E1%83%98%E1%83%92%E1%83%98%E1%83%9A%0%E1%83%98-%E1%83%93%E1%83%90-%E1%83%90%E1%83%A0%E1%83%90%E1%83%A1%E1%83%90%E1%83%9B%E1%83%97%E1%83%90%E1%83%95%E1%83%A0%0%E1%83%9D%E1%83%91%E1%83%9D-%E1%83%9D%E1%83%A0%E1%83%92%E1%83%90%E1%83%9C%E1%83%98%E1%83%96%E1%83%90%E1%83%AA%E1%83%98%8E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%9E%E1%83%94%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98%E1%83%90#scribd>

our appeal to the MIA and now the latter is investigating the alleged crimes committed by its officers that contradicts the principle of institutional impartiality.”⁴⁴

Currently the State Agency on Religious Issues studies the status of the disputed building in Mokhe. In November, 2014 Human Rights Center applied to the Agency and requested public information about implemented activities but the organization has not received reply yet.

According to the nongovernmental organizations, the building in Mokhe is historical mosque.⁴⁵ “We arrived at the place and saw that the building has staircase leading to the minaret. The place, where Mola conducts the ritual, is also marked – it is constructed in the direction of Meka. There is a Muslim cemetery in the building yard. You will detect the mosque construction of the building at a very first sight. However, of course, the final conclusion must be made by experts. I think the building must be conserved and returned to its historical owner,” Tamta Mikeladze told Human Rights Center.⁴⁶

Signs of hate speech are detected in the statements of local orthodox population in Mokhe. They use degrading and discriminative terms with regard to Muslim community.

“Soon Turkish religious expansion will happen here. We will not have to wait long. Turkish side spends money here to reinforce local Muslims. The religion has become part of politics. Money flows from Turkey but I cannot prove it; I have no evidence. The state and security service shall find out it. They need at least 100 or 200 thousand GEL to construct and arrange mosque here. Now divide 200 000 GEL into 30 families and you will receive huge portion of money for each family. Do you believe that 30 families of one village could afford to collect such a huge sum?” local Aleksi Kobiashvili told Human Rights Center.

Local population in Mokhe state that voice amplifiers are installed in the Muslim mosques that bother them.⁴⁷ Mufti Mamuka Vashakmadze said they switch on microphones in Mokhe only for five minutes during Friday prayers; as for Tchela village, the voice amplifiers were not installed at all based on the request of local population.

It must be noted that in Georgia orthodox churches also use voice amplifiers and it is not prohibited for them. In this direction, there is no legislation to impose restrictions for different religious confessions.

In February of 2015, Gela Kokhodze, who used to be the head of Adigeni regional police agency, was appointed to the position of head of newly opened police department in Mokhe⁴⁸. According to the Muslim congregation, Gela Kokhodze has often shown discriminative policies against Muslim congregation. According to their information, he was especially active during the crackdown of Muslim protest action on October 22nd of 2014 where excessive force used against peaceful protestors, according to the assessment of Public Defender of Georgia.

⁴⁴ <http://humanrights.ge/index.php?a=main&pid=18032&lang=eng>

⁴⁵ <http://emc.org.ge/2014/10/23/gancxadeba-moxes-incidenttan-dakavshirebit/>

⁴⁶ <http://humanrights.ge/index.php?a=main&pid=18032&lang=eng>

⁴⁷ <http://www.hridc.tv/index.php?a=view&id=1028&lang=geo>

⁴⁸ <http://sknews.ge/index.php?newsid=4897#.VOsDlfmUfgg>

❖ Blocked road to Tchela Mosque

On December 26, Muslims going to Friday prayers found wood-logs loaded in front of the gate of the mosque in Tchela village, Adigeni district. Leader of the Tchela Mosque Jambul Abuladze informed Human Rights Center about it and sent photos as evidence; the photos show that logs are loaded in front of the gate so that entrance into the yard is blocked.



*Territory nearby the Tchela mosque.
Photo by Jambul Abuladze, Imam of the
Tchela Mosque*

According to Jambul Abuladze, one hour after the fact was made public; strangers removed the logs from the area and cleaned the entrance to the mosque.

Assistant to the Adigeni district Governor Lazare Chilingarishvili said the district administration really purchased firewood as aid to socially indigent families. However, he claims the wood had no connection with the mosque.

"3 cube meters of firewood was loaded at the Tchela mosque. It did not block the entrance to the mosque at all. We brought it for socially indigent families who live near the mosque. The vehicle could not carry them on the long distance. The photos were taken on purpose. You are aware of the current tense situation in the village and they try to escalate the situation again," Lazare Chilingarashvili told [humanrights.ge](#).

❖ Festival of Hope

On June 6-8, 2014 international evangelical event Festival of Hope was planned in the sport palace in Tbilisi; local and international protestant churches were to participate in it. The

festival organizers had signed contract with the sport palace administration long before and had paid the service fee. Several days before the scheduled festival, a fire broke in one of the parts of the sport palace roof; as a result of the incident the palace administration refused the religious confederations to hold festival in the building.

PR manager of the festival, Lela Khonelidze said they offered the sport palace administration to bring group of specialists who could repair everything in the building to make the organization of the festival possible. "We told them we would not use the space where the fire broke up but they refused. They said nothing will be held in the place for the net 4-5 days. We spent so much resources on the organization of the festival and nobody even apologized us for the fact. Then they brought expert and made them speak loudly; they staged cheap performances. The administration did not allow us to bring our expert. After the fire in the sport palace, no hall in Tbilisi accepted us to organize the festival; we applied for the dynamo and locomotive stadiums too but in vain."

Head of the Emergency Situations Service at the Tbilisi City Hall Temur Giorgadze made a statement about the fire; he said the fire did not cause significant damage. "The fire broke up early in the morning; some remains were burning in the entrance of the sport palace; there is no serious damage; nobody was injured. The fire was liquidated soon. As for the causes, the investigation will estimate them," Temur Giorgadze told Netgazeti.⁴⁹

*Site of fire in the sport palace;
photo by Tako Gegelia, Netgazeti*



⁴⁹ <http://www.netgazeti.ge/GE/105/News/32155/>

Lela Khonelidze spoke with the monitoring group of Human Rights Center about the problems the festival organizers faced during the advertisement campaign. "When we started working about PR and outdoor advertisements, we faced some obstacles. We cooperated with many advertisement companies but communication with the Outdoor.ge resulted in the most complications. We signed different agreements with them. According to one contract, they had to place advertisements in the underground stations and on the billboards in the streets. We paid the money; everything was agreed but three days later our billboards disappeared from the airport road. When we asked clarifications from the company, they said they had placed the billboards on the place of other advertising company. It was official reason but no other advertisement has been placed on those billboards for three days; after the argument they restored our advertisements," Lela Khonelidze said.

On February 13, 2015 nongovernmental organization Human Rights Education and Monitoring Center (EMC) petitioned to the Public Defender based on the Law of Georgia on the Elimination of All Forms of Discrimination; they requested the PDO to study alleged facts of religious discrimination by private persons – administration of the sport palace and advertisement company Outdoor.ge during the planning of the International Festival of Hope.

Tamta Mikeladze of EMC said that in his clarification to the EMC about the incident Teimuraz Giorgadze said the fire in the sport palace was so minor that it could be assessed as middle level. "In his explanation letter the witness [Teimuraz Giorgadze] noted that in order to secure the building of particular threat, their service automatically sends 10-11 fire-engines to the place; from that place 5-6 cars (water-tanks) returned back full. T. Giorgadze clarified that due to the scope and level of the fire, the incident could not threaten the sustainability of the building," Tamta Mikeladze said.

According to the EMC, Levan Samkharauli National Bureau of Expertise issued the conclusion on the fire impact on the sport palace 27 days later. In accordance to the conclusion dated by June 30, 2014 the fire in the 15th sector of the building could not damage the sustainability and validity of the iron-concrete constructions.

Before this conclusion, on June 6, Levan Samkharauli National Bureau of Expertise issued so called interim conclusion which stated that due to the conditions of the sport palace constructions, it was necessary to conduct more detailed laboratory research and the exploitation of the building was to be suspended before the results of the detailed research were known. The sport palace administration relied on this conclusion when they refused the festival organizers to hold the event in the palace. According to the EMC's assessment, the expert evaluation of the possible risks of the sustainability of the building was not presented in the interim conclusion. "Necessity of the laboratory research of the building in the situation of small scaled and superficial damage by the fire, concrete term of the suspended exploitation of the building and practice of identical evaluations in other cases by the bureau require additional study because the bureau did not provide the suitors with the relevant information," the letter of the organization to the Public Defender's Office reads.

"The sport palace administration did not consider any offers of the festival organizers, which were necessary to meet contract requirements. The sport palace director did not allow the applicants to conduct alternative expertise despite many appeals that could allow them to receive the conclusion about the conditions in the palace on time. The applicants stated that if experts confirmed risks in the building, they would also cancel the festival in the palace. The refusal of the defendant organization on admitting alternative expertise in the palace did not rely on reasonable explanation and grounds. On June 6, 2014, the so-called interim conclusion was not ground to restrict alternative expertise in the building because the document did not mention anything about the risks of the sustainability of the building and about the restriction of individual persons into the palace," the EMC's letter to the Ombudsman reads.

Groundless refusal from the management of sport palace to allow alternative expertise and categorical prohibition of the planned event raises suspicion that the discriminative treatment took place against the Protestant Church.

❖ Religious controversy in Samtatskaro

In December of 2014 Human Rights Center contacted Muslim population of Samtatskaro village in Dedoplistsdkaro district to study the facts of restricted freedom of religion against them in May and June of 2013.⁵⁰ According to the clarification of the Muslim community in Samtatskaro, they refuse to speak about the facts because they face problems for that.

Chairman of the Georgian Muslims Union Tariel Nakaide told Human Rights Center about the issue. "Nobody will agree to meet you because situation is very difficult in Samtatskaro. They do not want to renew this problem because they are afraid the old oppression will renew. There was serious oppression on the local Muslim leader Suliko Khozrevanidze; he does not answer phone calls even now. About 200 men attacked his family and threatened them with assault. The man nearly went crazy. He was attacked after Friday prayers. People from the Tbilisi security service arrived there. It is verified facts. They took the Mullah by car and did something with him. He was brought back in terrible conditions and they ordered him to join the service. There were people in the building who were shouting and cursing. In fact, the man was unconscious on that day. Not only people participated in this controversy. Unless they had support from the government, the Muslims would not keep silence and they would have been braver. The police denies the information about the controversy. They launched some investigation. Irakli Shiolashvili was local governor then. So, the situation is very complicated in Samtatskaro. Local Muslims are unprotected."⁵¹"

⁵⁰ <http://www.ombudsman.ge/uploads/other/1/1934.pdf> p 161 -163

⁵¹ <http://humanrights.ge/index.php?a=main&pid=18055&lang=eng>

It is alarming that local Muslims still live in fear in Samtatskaro and they refrain from speaking about their problems loudly. One of the reasons is that nobody was punished for the violence that occurred in 2013.⁵²

Alarming violence occurred against local Muslim community in Samtatskaro village in May and June of 2013. According to the information of the Public Defender's Office and nongovernmental organizations local orthodox population hindered the Muslim people to hold Friday prayers several times; they blocked roads and did not allow the people to enter the village when they were going to the prayers.⁵³⁻⁵⁴ Although police officers observed the incidents, they did not do anything to combat the illegality.⁵⁵ According to the information collected by the Public Defender and nongovernmental organizations, family members of the local leader Suliko Khozrevanidze were insulted and physically abused.⁵⁶

With regard to these incidents the Public Defender's Report reads: "According to the documentation in the case file, as well the reports from the local Muslim population, the patrol police failed to safeguard the freedom of religion of the Muslims living in Samtatskaro. While the patrol police took adequate measures to avert physical confrontation, they failed to ensure freedom of religion of the Muslim population as they were prevented from performing their religious rites.

The Public Defender of Georgia considers that on this occasion the representatives of the Ministry of Internal Affairs failed to react adequately with regard to the above-mentioned incidents. Namely, in none of the above-mentioned cases, the law-enforcement officers fulfilled the positive obligations undertaken by the state to protect the religious group of Muslims from the manifestation of religious hatred and violence."

The Public Defender of Georgia suggested to the Minister of Internal Affairs to institute an investigation into the above-mentioned incident. According to the information provided by the Minister of Internal Affairs, the investigation was instituted by the Major Regional Division of Kakheti regarding the allegations of illegal prevention of the exercise of religious rites in the village of Samtatskaro, Dedoplistskaro municipality and the threats issued by the inhabitants of Samtatskaro, Dedoplistskaro municipality, to E.Kh.'s family (S.Kh.'s son).⁵⁷

⁵² Petition of the religious and nongovernmental organizations p3 December 2, 2014
<http://www.scribd.com/doc/249013556/%E1%83%A0%E1%83%94%E1%83%9A%E1%83%98%E1%83%92%E1%83%98%E1%83%A3%E1%83%A0%E1%83%98-%E1%83%93%E1%83%90-%E1%83%90%E1%83%A0%E1%83%90%E1%83%A1%E1%83%90%E1%83%9B%E1%83%97%E1%83%90%E1%83%95%E1%83%A0%E1%83%9D%E1%83%91%E1%83%9D-%E1%83%9D%E1%83%A0%E1%83%92%E1%83%90%E1%83%9C%E1%83%98%E1%83%96%E1%83%90%E1%83%A0%E1%83%99>

⁵³ <http://gyla.ge/geo/news?info=1590>

⁵⁴ <http://www.ombudsman.ge/uploads/other/1/1934.pdf> p. 161-163

⁵⁵ <http://gyla.ge/geo/news?info=1590>

⁵⁶ <http://www.ombudsman.ge/uploads/other/1/1934.pdf> p. 162

⁵⁷ <http://www.ombudsman.ge/uploads/other/1/1934.pdf> p 162

“During the reporting period, the Ministry of Internal Affairs have not notified the Public Defender’s office about any measures taken by the investigative bodies with regard to these criminal cases,” the Public Defender’s 2013 Report reads.⁵⁸

Recommendations

- Human Rights Center addresses to the **Ministry of Internal Affairs and Chief Prosecutor’s Office of Georgia** to investigate the following incidents and punish alleged perpetrators under the law:
 - Intimidation of Muslim community and illegal hindering of religious rituals in Nigvziani village (Guria region), in Tsintskaro village (Tetritskaro district) and in Samtatskaro village (Dedoplistsdkaro district) in 2012 -2013
 - Illegal dismantling of the minaret in Tchela village on August 26, 2013
 - Excessive use of force by police officers in Mokhe village in October of 2014;
 - Purposeful damage of the historical mosque in Plate village
 - Illegal activities against the Muslim boarding school in Kobuleti
 - Illegal activities of the law enforcement officers in the case of Lela Shvelidze
 - The causes of the fire related with the Festival of Hope
- Human Rights Center calls on the **law enforcement bodies** to ensure freedom of movement for Muslim people and to allow them to use their property in Kobuleti without any obstacles
- Human Rights Center addresses to the **Prime Minister and Government of Georgia** to select candidatures for the local administration officials in the regions with minorities according to their tolerance and neutrality. At the same time, local officials, who were detected in the restriction of the religious minority rights or negatively impacted the existing conflicting situation, should have their authority suspended before the investigation ends.
- Human Rights Center addresses to the **Parliament of Georgia** to ensure parliamentary control over the MIA and Prosecutor’s Office in the frame of the control mechanisms set by the parliament’s regulations.

⁵⁸ Ibid

- **Executive government, with active participation of the Ministry of Culture and Monument Protection** shall ensure protection of the Muslims' cultural heritage and grant status of historical-architectural monument to historical mosques in order to protect them from illegal infringement
- For the public awareness raising and elimination of the islamophobia in the country **the executive government** shall implement special awareness-raising and educational programs
- **The government** shall organize special trainings about religious neutrality and minority rights for public servants and law enforcement officers
- It is desirable if representatives of religious minorities also occupy positions of officials in local administrations and municipal boards in order to ensure their more engagement in the eradication of local problems

Annex 1

Articles of Human Rights Center published within the frameworks of the project:

- 1) Tolerance and Fears of Religious Majority
<http://humanrights.ge/index.php?a=main&pid=17987&lang=eng>
- 2) Charge without Eyewitness
<http://humanrights.ge/index.php?a=main&pid=17987&lang=eng>
- 3) Government does not respond to persecution of Jehovah Witnesses
<http://humanrights.ge/index.php?a=main&pid=18019&lang=eng>
- 4) Tchela and Mokhe – Two Dangerous Sites of Religious Controversy
<http://humanrights.ge/index.php?a=main&pid=18032&lang=eng>
- 5) Address of Human Rights Center about Alleged Premeditated Damage of Mosque in Plate Village
<http://humanrights.ge/index.php?a=main&pid=18049&lang=eng>
- 6) Mistakes of the Government in Relation to Muslim Population
<http://humanrights.ge/index.php?a=main&pid=18055&lang=eng>
- 7) Mosque damaged in 2007 and investigation launched in 2014
<http://humanrights.ge/index.php?a=main&pid=18058&lang=eng>
- 8) Muslims Found Road to the Gate of the Tchela Mosque Blocked
<http://humanrights.ge/index.php?a=main&pid=18061&lang=eng>
- 9) Barricades Set Up in front of the Kobuleti Muslim Boarding School
<http://humanrights.ge/index.php?a=main&pid=18085&lang=eng>
- 10) Akhaltsikhe District Court Justified Jehovah Witness
<http://humanrights.ge/index.php?a=main&pid=18098&lang=eng>
- 11) The Problem of Hate Speech in Georgian Media – Training by Human Rights Centre
<http://humanrights.ge/index.php?a=main&pid=18132&lang=eng>
- 12) Presumable Facts of Discrimination in the Planning of Hope Festival
<http://humanrights.ge/index.php?a=main&pid=18154&lang=eng>
- 13) Round Table – Religious Minorities and Alleged Violations of Religious Freedom
<http://humanrights.ge/index.php?a=main&pid=18158&lang=eng>

Annex 2

Case of Lela Shvelidze/Expert Conclusion

ექსპერტის წინაშე გადასაწყვეტად დასმულია შემდეგი კითხვები:

- ექსპერტიზაზე წარმოდგენილი თმები მიეკუთვნება თუ არა ადამიანს და დადებით შემთხვევაში ამოგლევილია თუ მოჭრილი?

საქმის ვითარება მოკლედ არის აღწერილი დადგენილებაში:

აღწერილობითი ნაწილი: 29.07.2014 წ. ექსპერტიზაზე წარმოდგენილი იყო პოლიეთილენის პაკეტი FCI0047152. პაკეტის რეკვიზიტებში გაკეთებულია ჩანაწერები: "პაკეტი №1. სსს №014030714001; თარიღი: 03.07.2014წ. ობიექტი: ლელა შველიძის თმები. (ხელმოწერა) /ლ. შველიძე/. გამომიებული: ლიანა ფილიშვილი". (ფოტო №1-2).

პაკეტში აღმოჩნდა ერთმანეთში გადახლართული და გადაკვანძული თმისმაგვარი ღერების ბლუჯა. ბლუჯიდან დაუზიანებლად მოხერხდა ამოღება მზოლოდ 6 ღერის - ობიექტი №1-6.

გ ა მ ო კ ვ ლ ე ვ ა

თმების მორფოლოგიური გამოკვლევა:

თმის ღერების ფერი, ფორმა და სიგრძე /გაზომვა წარმოებდა სახაზავით/ შესწავლილი იქნა მაკროსკოპულად. თმის ღერები გაირეცხა თბილი საპნიანი წყლით და გაივლო გამოხდილ წყალში. თმის ღერები მოთავსდა სასაგნე მინაზე დაფიქსირდა საფარი მინით. ქერქოვანი შრის და გულის გამოკვლევა ტარდებოდა გლიცერინის ხსნარით გაშუქებულ პრეპარატებში. თითოეული ღერი, მთელ სიგრძეზე დათვალიერდა მიკროსკოპის დიდ და მცირე გადიდებაზე. ქერქოვან შრეში შესწავლილი იქნა პიგმენტების ფერი, მისი მარცვლების ზომა და არქიტექტონიკა. სისქის გაზომვა ტარდებოდა ოკულარ-მიკრომეტრის საშუალებით. კუტიკულა შესწავლილი იქნა ნეგატიურ ანაზეჭდზე.

გამოკვლევით დადგინდა:

ბლუჯიდან ამოღებული თმისმაგვარი ღერები /ობიექტი №1-6/:

თმები მუქი ყავისფერია, ტალღოვანი, სიგრძით 11,4-43,8სმ. თმის საშუალო მაქსიმალური სისქე უდრის 0,081 მმ. თმების მირული ბოლოებში აღინიშნება



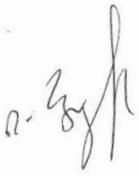
კაუჭისებური ბოლქვი გარსით /თმები ამოგლეჯილია/. თმებში აღინიშნება გული წყვეტილი ჭიმის სახით. 5 თმის პიგმენტი ძირული ბოლოს პატარა მონაკვეთში მუქი ყავისფერია წვრილ და საშუალომარცვლივანი, პერიფერიულ ბოლოსკენ პიგმენტის მარცვლების კონტურები ძნელად შესამჩნევია, ქერქოვანი ნივთიერება ყავისფერია მოწითურო ელფერით, ხოლო 1 თმაში პიგმენტი არ აღინიშნება, ქერქოვანი ნივთიერება ღია ყავისფერია მოწითურო ელფერით /თმები შედებილია/. თმების ოპტიკური კიდეები თითქმის სწორია. კუტიკულას სურათი რთულია, ხაზები ტალღისებურია, წვრილ-დაკბილული და დაახლოებული. თმები მიეკუთვნება ადამიანის თმას თავის არედან.

თმები დაილუქა FCI0004872 (ფოტო №3).

დ ა ს კ ვ ნ ა

- ექსპერტიზაზე წარმოდგენილი თმის ბლუჯიდან ამოღებული 6 ღერი /ობიექტი №1-6/ მიეკუთვნება ადამიანის თმას თავის არედან. ისინი ამოგლეჯილია.

მთავარი ექსპერტი:



/ი. გაგამათურია/

Annex 3

Case of Lela Shvelidze/Verdict

სარეზოლუციო ნაწილი:

სასამართლომ იხელმძღვანელა საქართველოს სისხლის სამართლის საპროცესო კოდექსის 20-21-ე, 255-ე, 258-260-ე, 268, 270-ე, 276-277-ე, მუხლებით

დაადგინა:

- ლელა შველიძე ცნობილი იქნეს უდანაშაულოდ საქართველოს სისხლის სამართლის კოდექსის 125-ე მუხლით წარდგენილ ბრალდებაში და გამართლდეს.
- განემარტოს გამართლებულს, რომ მას აქვს უფლება აუნაზღაურდეს მიყენებული ზიანი;
- სისხლის სამართლის საქმეზე არსებული ნივთიერი მტკიცებულება - ადამიანის თმები, რომელიც ინახება ახალციხის რაიონულ სასამართლოში, განადგურდეს საქმეზე საბოლოო გადაწყვეტილების მიღების შემდეგ.
- განაჩენი მიღებისთანავე შედის კანონიერ მაღაში და ექვემდებარება აღსრულებას.
- განაჩენი შეიძლება გასაჩივრდეს სააპელაციო წესით თბილისის სააპელაციო სასამართლოს სისხლის სამართლის საქმეთა პალატაში განაჩენის გამოცხადებიდან ერთი თვის განმავლობაში, ახალციხის რაიონული სასამართლოს მეშვეობით.

მოსამართლე

გიორგი ლონდარიძე

10