



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association of Jehovah's Christian Witnesses

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EXECUTIVE SUMMARY OF THE SUBMISSION

This submission to the UN Human Rights Committee (the “Committee”) on Georgia highlights violations of provisions of the International Covenant on Civil and Political Rights (the “Covenant”):

The main issue discussed in this submission is the continued failure of Georgian authorities to proceed with prompt and effective investigations of repeated acts of violence against Jehovah’s Witnesses and their places of worship, thus violating the following articles of the Covenant:

- Articles 2, 18, 26, and 27.

Jehovah’s Witnesses, in Georgia and as a worldwide religious organization, respectfully request the government of Georgia to promptly investigate acts of violence against the persons or properties of Jehovah’s Witnesses and prosecute those responsible for such acts in order to ensure the rights guaranteed in the Covenant of which it is a State party.

I. INTRODUCTION

1. The *European Association of Jehovah’s Christian Witnesses* is a charity registered in the UK. It provides support to Jehovah’s Witnesses facing violations of fundamental human rights in various parts of the world.
2. Jehovah’s Witnesses have been active in Georgia since 1953 and enjoy national registration. There are currently more than 32,000 people who worship with Jehovah’s Witnesses in Georgia. Although religious freedom for Jehovah’s Witnesses has improved since 2005, some serious problems persist.
3. The main issue of this submission is the continued failure of authorities to proceed with a prompt and effective investigation of repeated acts of violence against Jehovah’s Witnesses and their places of worship. Consequently, Georgia is infringing on the freedom of religion and freedom of association of Jehovah’s Witnesses in Georgia.

II. FAILURE OF THE AUTHORITIES TO RESPOND TO CRIMINAL ACTS AGAINST JEHOVAH’S WITNESSES

4. The facts described at paragraphs 8-14 are based on the information provided in a letter sent to the Committee of Ministers of the Council of Europe on 5 February 2013. The letter was sent in view of the failure by the government of Georgia to fully implement the principles set out by the European Court of Human Rights (ECHR) in the *Gldani* judgment.¹ A copy of this letter is attached along with the list of incidents that was annexed to it. It describes more than 50 criminal acts against Jehovah’s Witnesses that took place between August 2008 and November 2012.
5. In the *Gldani* case, the ECHR unanimously ruled that members of the Gldani congregation had been subjected to inhuman treatment and their right to freedom of religion had been violated. The ECHR also rebuked the former government of Georgia for its failure to carry out a prompt and effective investigation of these crimes. On 17 October 1999, some 120 members of the Gldani congregation of Jehovah’s Witnesses were attacked by a large mob of men and women armed with wooden clubs and iron crosses and led by a defrocked Orthodox priest. Many congregation members were injured, one woman sustained permanent damage to her eye, and at least 16 people needed medical attention. The police were reluctant to intervene and took no effective action against the attackers. The incident was captured on video and the perpetrators could easily be identified.
6. There are two applications filed by Jehovah’s Witnesses regarding this issue and currently pending before the ECHR: *Begeluri and Others v. Georgia*, 28490/02, and *Tshulukidze and Others v. Georgia*, application no. 14979/11. The 117 victims represented in these two applications complain about the failure of the Georgian authorities to carry out prompt and effective investigations of crimes committed against them.

¹ *Members of the Gldani Congregation of Jehovah’s Witnesses and Others v. Georgia*, no. 71156/01, 3 May 2007

7. The facts described at paragraphs 15-22 below provide more recent information showing the continued inaction of Georgian authorities following new acts of violence against Jehovah's Witnesses during the period of January-March 2013.

A. Information Based on the 5 February 2013 letter to the Committee of Ministers of the Council of Europe

8. The **8 February 2009** incident occurred in the **Gldani region** of Tbilisi, which is where the Gldani congregation was savagely attacked in 1999. In the 2009 incident, Madona Zakaraia and Mariam Gegechkori, a 14-year-old girl, were pushed down a flight of stairs. Mariam Gegechkori hit her head against a wall, suffering a brain concussion that resulted in a five-day hospital stay and required long-term medical treatment. A criminal complaint was filed and repeated visits and inquiries to the investigator brought no results. Now four years later, neither the victim nor her attorney has ever been notified of the results of the investigation. This is in spite of the fact that the perpetrator, a 60-year-old man, had been immediately identified at the time of the attack.

9. In the **19 February 2009** incident involving criminal acts against the Kingdom Hall (church of Jehovah's Witnesses) located on Guramishvili Street in **Tbilisi**, an effective and complete investigation was never carried out. This is seen by the fact that similar acts of vandalism against the same property occurred again on 6 June 2009, and 18 December 2009. Several visits were made to the prosecutor's office regarding these incidents and a video recording was even provided to the investigator. Again, neither the victims nor their attorney were notified of the results of the investigation.

10. In the incident of **21 March 2009** in the city of **Sagarejo**, two Jehovah's Witnesses were assaulted and beaten on their return home from a religious meeting. Policemen witnessed these events but failed to intervene. The criminal investigation was terminated by the prosecutor. His decision was appealed and the prosecutor was ordered to reopen the investigation. Neither the victims nor their attorney were notified of the results of the investigation.

11. In the **13 December 2009** incident in **Martvili**, the attackers were identified by name and were known government workers. A criminal investigation was opened and the investigator closed the investigation on the basis of the testimony of friends and family members of the aggressors. The victims' testimony was totally ignored. Such ineffective actions by law-enforcement authorities have led to a climate of impunity and ongoing harassment in the region.

12. In the **22 October 2009** attack in **Tbilisi**, a man beat Giorgi Muradov, pointed a gun at him, and threatened to kill him. It was later learned that the vehicle involved in the incident actually belonged to the Ministry of the Interior. However, instead of carrying out a serious and effective investigation, the investigator simply claimed that because the car was securely parked, it was impossible that it was involved in the incident. Neither the victim nor his attorney was notified of the results of the investigation. The prosecutor's inaction has also emboldened aggressors like Irakli Khomeriki, an Orthodox priest, who has attacked and beaten Jehovah's Witnesses on

several occasions. (See the following incidents: 9 and 23 December 2008, 3 July 2009, and 4 December 2009.) All efforts to stop the criminal actions of this priest have failed.

13. On **20 and 21 October 2009**, in the city of **Zugdidi**, mob action against workers, who were building a Kingdom Hall, resulted in several criminal acts including physical assaults against some of the workers. Policemen called to the scene did not react. Criminal complaints were filed and a criminal investigation was instigated on 24 March 2010. Neither the victims nor their attorney were ever notified of the results of the investigation.

14. The **18 June 2012** attack by neighbours on a group of 100 worshippers should have been promptly investigated and action should have been taken immediately against the aggressors. However, nothing was done.

B. Additional Information regarding Acts of Violence against Jehovah's Witnesses during the period of January-March 2013

15. **Borjomi, 3 January 2013**: Unknown persons removed the sign "Kingdom Hall of Jehovah's Witnesses" from a Kingdom Hall in Borjomi. A local representative of Jehovah's Witnesses, Sergo Avakiani, informed the police. A criminal case was instigated but on 14 May 2013, the case was terminated. On 28 May 2013, Jehovah's Witnesses appealed this decision with the prosecutor of the Akhaltsikhe Region. On 17 June 2013, the prosecutor of the Akhaltsikhe Region refused to re-open the case and on 26 June 2013, Jehovah's Witnesses appealed this decision with the prosecutor of the Samtskhe-Javakheti District, who on 28 June 2013, also refused to rule that the case should be re-opened. On 10 July 2013, Jehovah's Witnesses appealed this decision with the General Prosecutor of Georgia.

16. **Tskaltubo, 20 January 2013**: At night, unknown persons removed one of the windows of the Kingdom Hall in Tskaltubo, entered the hall and stole one generator, three microphones, one vacuum cleaner, and other small items with a total value of GEL 700 (USD 422). Furthermore, a box reserved for religious donations was destroyed. Gia Gulbiani, a local representative of Jehovah's Witnesses, informed the police. As yet, there have been no results from the investigation.

17. **Vani, Tamar Mepe str.32, 23 January 2013**: Unknown persons threw stones at the Kingdom Hall and broke three windows. Roman Imerlishvili, a local representative of Jehovah's Witnesses, informed the police. On 24 January 2013, a criminal case was instigated but Jehovah's Witnesses received on 11 June 2013, the decision that on 27 January 2013, the case was already closed. On 21 June 2013, Jehovah's Witnesses appealed this decision with the prosecutor of the Samtredia Region. On 26 June 2013, the prosecutor of the Samtredia Region refused to re-open the case and on 12 July 2013, Jehovah's Witnesses appealed this decision with the General Prosecutor of West Georgia, who on 2 August 2013, also refused to re-open the case.

18. **Dusheti, 31 January 2013**: At night, unknown persons broke five walkway lights and damaged the electrical system of a Kingdom Hall in Dusheti. Iago Kakhurashvili, a local representative of Jehovah's Witnesses, informed the Dusheti Division of the MIA and the Public Defender. As yet, there have been no results from the investigation.

19. **Lagodekhi, 17 February 2013:** While a meeting was being conducted in the local Kingdom Hall of Jehovah's Witnesses, three teenagers threw bricks and stones on the roof of the hall. Mamuka Sulikashvili, a member of the local congregation, along with a fellow believer, went after the teenagers who had run towards a group of people gathered in front of a nearby church, but the teenagers had disappeared. A complaint was filed with the police but without results.

20. **Rustavi, 20 February 2013:** While a meeting was being conducted in a Kingdom Hall of Jehovah's Witnesses, three boys threw stones at the Kingdom Hall and damaged the door. The police were informed and Tamaz Benashvili, Irakli Kikilashvili, and Andro Beruashvili, members of the local congregation were questioned as witnesses. As yet, there have been no results from the investigation.

21. **Vani, Tamar Mepe str.32, March 2013:** Unknown persons threw stones at the Kingdom Hall and broke the windows. A complaint was filed with the local police but without results. A criminal case was instigated on 8 March 2013, but on 11 June 2013, Jehovah's Witnesses received the decision that the case had been closed on 11 March 2013. On 21 June 2013, Jehovah's Witnesses appealed this decision to the prosecutor of the Samtredia Region. On 26 June 2013, the prosecutor of the Samtredia Region refused to re-open the case and on 12 July 2013, Jehovah's Witnesses appealed this decision with the General Prosecutor of West Georgia, who on 2 August 2013, also refused to re-open the case.

22. **Vani, village of Zeindari, 10 March 2013:** While Qetevan Makhareishvili was talking with local people about the Bible, Avtandil Sulaberidze, a local citizen insulted her and kicked her twice. As a result, Qetevan had to go to the doctor for medical treatment because of the pain. A complaint was filed with the police and a criminal case was instigated. The investigator of the case, however, stated that in order to punish the attacker there should be at least another similar incident. An appeal was addressed to the General Inspector of the MIA of Georgia, the Public Defender, and the Tolerance Center, requesting a different investigator to examine this incident. On 10 March 2013, a criminal case was instigated, but on 11 June 2013, the victim received the decision that the case was closed on 28 March 2013. On 21 June 2013, Jehovah's Witnesses appealed this decision with the prosecutor of the Samtredia Region. On 26 June 2013, the prosecutor of the Samtredia Region refused to re-open the case and on 12 July 2013, the victim appealed this decision with the General Prosecutor of West Georgia, who on 2 August 2013, also refused to re-open the case.

III. VIOLATIONS OF THE COVENANT

A. Violation of Articles 2, 18, 26, and 27

23. As the incidents mentioned above show, authorities in Georgia continue to ignore victims' testimonies, deny access to relevant documentation, and fail to communicate results of investigations to the victims or their lawyers. Such actions prevent victims from challenging ineffective investigations by law-enforcement officials. These actions violate the State's obligation to protect the right of Jehovah's Witnesses, as a minority group, to profess and

practise their own religion without being subjected to criminal acts, as protected by Article 26 of the Covenant.

24. Because of the inaction of law-enforcement officials, religiously motivated criminal acts continue in different parts of Georgia, often with total impunity. These acts of violence regularly prevent the members of local communities of Jehovah's Witnesses from worshipping peacefully and freely. In view of this, authorities in Georgia have violated Article 18 paragraphs 1 and 3 of the Covenant.

25. As illustrated above, law-enforcement officials often fail to carry out prompt and effective investigations when confronted with victims that are Jehovah's Witnesses. Such discrimination is in direct violation of Article 26 of the Covenant.

IV. CONCLUSION

26. In its Concluding observations on the second periodic report of Georgia: Georgia. 04/19/2002 (CCPR/CO/74/GEO § 17), the Committee addressed this problem when it stated:

17. The Committee notes with deep concern the increase in the number of acts of religious intolerance and harassment of religious minorities of various creeds, particularly Jehovah's Witnesses.

The State party should take the necessary measures to ensure the right to freedom of thought, conscience and religion as provided in article 18 of the Covenant. It should also:

- (a) Investigate and prosecute documented cases of harassment against religious minorities;
- (b) Prosecute those responsible for such offences;

27. The incidents mentioned in this submission and its annexes show the continued failure of authorities, even after more than 10 years, to comply with this recommendation.

28. Jehovah's Witnesses in Georgia, and as a worldwide organization, respectfully request the government of Georgia to promptly investigate acts of violence against Jehovah's Witnesses or their properties and prosecute those responsible for such acts in order to ensure the rights guaranteed in the Covenant of which it is a State party.