



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

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**From The European Association of Jehovah's Christian Witnesses**

**Contribution to the Report of the U.N. High Commissioner for Human Rights  
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established by GA Resolution 60/251  
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# Georgia

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## EXECUTIVE SUMMARY

This submission to the Human Rights Council (HRC) on Georgia highlights human rights issues in the past four and half years and Georgia's failure to implement accepted recommendations during the previous review.

As described below, serious issues of concern persist. Jehovah's Witnesses in Georgia and as a worldwide organization respectfully request the government of Georgia to:

- (1) Ensure that the judgments of the ECHR and CCPR concluding observations are respected, implemented, and followed. This would involve the law enforcement authorities providing appropriate human rights protection against the physical attacks on Jehovah's Witnesses in Georgia; and
- (2) Conduct prompt and effective investigations of criminal acts committed against Jehovah's Witnesses; and
- (3) Prosecute and punish individuals guilty of religiously motivated crimes against Jehovah's Witnesses; and
- (4) Provide adequate protection for the Kingdom Halls and prosecute all criminals who vandalize these houses of worship; and
- (5) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Georgia, the European Convention on Human Rights (Convention) and, the International Covenant on Civil and Political Rights (ICCPR) for all citizens, including Jehovah's Witnesses.

## I. INTRODUCTION

1. The European Association of Jehovah's Christian Witnesses is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world.
2. The Christian community of 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. In general, Jehovah's Witnesses in Georgia freely practice their religion. They gather for religious worship, construct houses of worship (Kingdom Halls), and share their religious beliefs with others by means of their public ministry.
3. Although religious freedom for Jehovah's Witnesses has improved over the years, serious problems persist. They continue to experience religiously motivated acts of physical violence and harassment by common citizens and members of the Orthodox Church. In many cases, law-enforcement authorities fail to conduct prompt and effective investigations. The inaction of the authorities continues to convey to the attackers that violence is tolerated. These unjustified attacks have been repeatedly expressed before the main executive and judicial authorities in

Europe, as well as UN bodies for more than two decades. Georgia is infringing on the freedom of religion and freedom of association of Jehovah's Witnesses in Georgia.

4. This submission is based on the reports submitted by victims to the national office of Jehovah's Witnesses in Tbilisi, Georgia.

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

5. Georgia ratified the Convention on 20 May 1999 and the ICCPR on 3 May 1994. The following information highlights that Georgia has failed to implement the guarantees of the ECHR and the ICCPR. Jehovah's Witnesses are clearly being discriminated against because of their beliefs, contrary to articles 18 and 26 of the ICCPR and articles 9 and 14 of the Convention.

### **A. Physical assaults and harassment against Jehovah's Witnesses amounting to inhuman and degrading treatment, vandalism (ICCPR—Articles 2, 7, 18, 19, 21, 22, 26 and 27; Convention—Articles 3, 6, 9, 10, 11, 13, and 14)**

#### *Physical assaults against Jehovah's Witnesses*

6. Tskhaltubo village. On March 20, 2014, Omar Lomaia, and Giga Gakhokidze, while engaged in their religious community service, were approached by an elderly man Zurab Kintsurashvili, who tried to hit Omar Lomaia with a saw. However, the man threw the saw at Omar and hit his hand. Later that day a man in a car followed Omar Lomaia and Giga Gakhokidze and shouted that he would kill them if he saw them in that village again. The victims reported the matter to the authorities. On November 4, 2014, the court found Zurab Kintsurashvili guilty under Article 156 of the Criminal Code of Georgia (persecution) and fined him GEL 500 (USD 229).
7. Vicinity of Tbilisi "Freedom Square" metro station. On June 10, 2014, Rafael Arutinov and Nunu Metreveli were engaged in their religious community service near the metro station using a public witnessing stand when a young man verbally insulted them and punched Rafael Arutinov in the head. Mr. Arutinov suffered a brain concussion from the physical assault. The authorities were notified but the investigative results are unknown. On September 22, 2014, the Ministry of Internal Affairs, the Main Prosecutor's Office, and the Ombudsman were informed on the lack of an effective investigation of this incident.
8. Kutaisi. On June 17, 2014, at the intersection of Muskhelishvili and Chkhobadze streets, Bachana Janiashvili and Grigol Besiashvili were helping with the construction of a residential home next to the Kingdom Hall of Jehovah's Witnesses when Koba Jelias and Givi Jelias approached and began cursing and insulting them because of their religious affiliation as Witnesses. Givi Jelias punched Bachana Janiashvili in the face, breaking his nose, resulting in the need for medical assistance. The patrol police were contacted and the two perpetrators were identified. The prosecutor's office later charged Bachana Janiashvili in accordance with Article 125 of the Criminal Code of Georgia (beating), approximately one month after he was recognized as a victim.
9. On August 25, 2014, Bachana Janiashvili had nasal surgery. The violent assault had caused curvature of a nasal septum with post traumatic deformation, and this caused acute respiratory failure. Three to four hours after the surgery he experienced cardiac arrest and was put on a respirator. Bachana Janiashvili died on August 29, 2014.

10. On October 7, 2014, Givi Jelia was found guilty under Article 120 of the Criminal Code of Georgia (deliberate attack with minor injuries) and the court fined him GEL 3,000 (USD 1,374).
11. Tbilisi, Gldani, 2 micro districts. On July 7, 2014, near “Respublika” Bank, Beka Tabatadze, Archil Didebashvili, and Nanuli Vadaqaria were engaged in their public religious service using a cart, when five drunk individuals aggressively demanded literature. After receiving some books, they went away a little distance and tore the books, came back and demanded books again. When this was refused, one of them overturned the cart; another punched Beka Tabatadze in the face and threw him on the ground. Then all five of them started to beat Beka Tabatadze. A report was made to the authorities and an investigation is underway.

### ***Harassment***

12. Kaspi, Metekhi village. On April 14, 2014, Natela Sharipashvili was verbally assaulted by her neighbor George Shaburishvili, who used foul language and threatened to kill her. He fired his shotgun in the direction of her house. The following day he attempted to physically assault Natela's daughter, Elene Sharipashvili, whom he encountered on the road, but was prevented from doing so by a neighbor. Religious meetings of local Jehovah's Witnesses have been held in Sharipashvili's home for the last 17 years. During this time period, George Shaburishvili often harassed them. This incident was reported to the law enforcement agencies, whereupon George Shaburishvili was served a warning.
13. Tbilisi, Vazisubani 4th micro region. On April 21, 2014, two irate young men approached Sergo Piranishvili and Isabella Ishkanova while they were carrying out their religious community service using a public witnessing stand. The young men threatened and cursed at them. When Sergo Piranishvili and Isabella Ishkanova decided to leave the area, one of the men tried to stop them by force, not letting them get in their car. The authorities were contacted. The perpetrators were given a warning and signed a notarized statement that they will not cause further offenses.
14. Vicinity of Tbilisi “Isani” metro station. On May 7, 2014, while Beka Kurtsikidze, Nino Bichinashvili, and Anna Megrelishvili were engaged in their religious community service using a public witnessing stand, a cleric approached and started cursing and threatening them. On previous occasions, this cleric has insulted and threatened Jehovah's Witnesses. This incident was reported to the law enforcement agencies, but the prosecutor's office informed no case was instigated because of a lack of evidence.
15. Vicinity of Tbilisi "Rustaveli" metro station. On May 29, 2014, Boris Kharebava and Esma Jijiashvili were engaged in their religious community service using a public witnessing stand when they were accosted by a group of about 10 people. The perpetrators verbally insulted them, threatened to kill them, and tried to grab the stand and burn it. The perpetrators left the area when the authorities were contacted. A report was provided to the law enforcement agencies, but the result of the investigation is unknown. On September 22, 2014, the Ministry of Internal Affairs, the Main Prosecutor's Office, and the Ombudsman were informed on the lack of an effective investigation of this incident.

16. Terjola. On June 22, 2014, twice in one evening, unidentified perpetrators threw stones at the house of Teimuraz Tsartsidze, who is one of Jehovah's Witnesses. This home is also used to conduct religious meetings. The patrol police were contacted and an investigation is underway.

***The State's failure to promptly and effectively investigate***

17. The inaction and indifference of authorities violates the State's legal obligations to protect the rights of Jehovah's Witnesses as a minority group to practice their religion without being subject to criminal acts. The European Court of Human Rights (ECHR) highlighted this responsibility in its decision against Georgia, *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, no. 71156/01, § 97, May 3, 2007 and firmly condemned Georgia stating that:

A prompt response by the authorities in investigating allegations of ill-treatment may generally be regarded as essential in maintaining public confidence in their maintenance of the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts. Tolerance by the authorities towards such acts cannot but undermine public confidence in the principle of lawfulness and the State's maintenance of the rule of law.

18. Georgia was again condemned by the ECHR for similar violations just a few months ago in the decision of *Begheluri v. Georgia*, no. 28490/02, 7 October 2014. The Court found in particular that the State authorities had been ineffective in preventing and stopping religiously motivated violence. State officials had either directly participated in the attacks on Jehovah's Witnesses or they had tolerated violence by private individuals against members of the religious community. The authorities had thus created a climate of impunity, which encouraged further attacks throughout the country. Three applications involving Jehovah's Witnesses and alleging similar human rights violations are pending before the ECHR (*Tsartsidze v. Georgia* no.18766/04, *Biblaia and Others v. Georgia* no. 37276/05 and *Tsulukidze and Others v. Georgia*, no. 14797/11).
19. In its concluding observations adopted on 23 July 2014 (CPR/C/GEO/CO/4), the CCPR expressed serious concerns about cases of religious intolerance, including harassment and verbal and physical assault against persons belonging to religious minorities, in particular Jehovah's Witnesses, as well as interference in their worship activities and vandalism and made the following recommendations:

The State party should guarantee in practice the freedom of religion and belief and freedom to manifest a religion or belief either individually or in community with others and in public or private, in worship, observance, practice and teaching. It should:

(a) Strongly condemn any acts of violence and hate speech against religious minorities and institute awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity;

(b) Step up efforts to ensure that such crimes are properly qualified in accordance with article 53, paragraph 3, of the Criminal Code and thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated;

(c) Take all necessary measures to ensure the restitution of places of worship and related properties of religious minorities and provide adequate compensation when restitution is not possible.

**B. Acts of vandalism against houses of worship.**

20. Zugdidi. On May 21, 2014, the night security lights in the yard of the Kingdom Hall of Jehovah's Witnesses were broken by stones thrown from the street. Afterwards, the perpetrators broke into the yard and tried to break the window shutters. Following this occurrence, they returned on another occasion with the same intention. They failed to break the shutters but damaged them. The trespassing and attempted vandalism was recorded by a security camera. This incident was reported to local law enforcement officials. The result of the investigation is unknown.

**III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS**

21. Following Georgia's previous review held on 28 January 2011, 54 delegations made statements and Georgia accepted specific recommendations.
22. Countries such as Bulgaria, Slovakia, Denmark, Ecuador, underlined Georgia's failure to ensure equal enjoyment of the right of freedom of religion or belief. They encouraged Georgia to take steps and to adopt appropriate measures to ensure equal enjoyment of these rights (Recommendations n°105.60; 105.61; 105.62; 106.49).
23. The lack of effective investigation and prosecution to bring to justice those responsible for human rights violations was a major concern for numerous countries. For example, Georgia accepted Poland's recommendation to enhance efforts to guarantee freedom of speech and to ensure that complaints in this regard are promptly investigated and that the perpetrators are prosecuted and punished (n° 105.65 Poland), (please see also recommendations n° 105.56; 105.57; 105.58; 105.59; 105.65, 105.68; 105.69; 106.20; 106.41; 106.35; 106.43; 106.45).
24. As demonstrated in this report, Jehovah's Witnesses regret that Georgia has not fully implemented the aforementioned recommendations despite having internationally accepted them.

**IV. CONCLUSION**

25. Jehovah's Witnesses in Georgia, and as a worldwide organization, respectfully request the government of Georgia to take the necessary steps to:
- (1) Ensure that the judgments of the ECHR and CCPR concluding observations are respected, implemented, and followed. This would involve the law enforcement authorities providing appropriate human rights protection against the physical attacks on Jehovah's Witnesses in Georgia; and
  - (2) Conduct prompt and effective investigations of criminal acts committed against Jehovah's Witnesses; and

- (3) Prosecute and punish individuals guilty of religiously motivated crimes against Jehovah's Witnesses; and
- (4) Provide adequate protection for the Kingdom Halls and prosecute all criminals who vandalize these houses of worship; and
- (5) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Georgia, the Convention and the ICCPR for all citizens, including Jehovah's Witnesses.