




CSOs respond to recent attacks on the Muslim Community of Kobuleti

We, the signatory organizations, once again express concern over incidents of intolerance displayed relating to the opening of the Muslim boarding school in Kobuleti. We urge the authorities to immediately take necessary measures to protect the freedom of religion and the right to education of the Muslim community.

The new boarding school in Kobuleti should have opened on September 15, in time for the new school year. However, due to the violent and insulting act of September 10, when a pig  head was nailed to the door of the school, the opening was delayed. A group of local residents have organised themselves to be constantly on duty at the site of the new school. This organized group has blocked the way to the boarding school yard with artificial barriers and used physical force to prevent the boarding school staff and schoolchildren entering the building. Islamophobia and anti-Turkish sentiment have been the basis for verbal insults against the Muslim community and those entering the boarding school. According to the Muslim community, the boarding school also no longer has access to drinking water. The locally mobilized group states that local Christians will not allow the boarding school to open and hints at the potential for violent confrontation. There is a police presence at the site, but they are limiting themselves to passive observation and doing nothing to prevent blatantly illegal actions of local residents. In view of this, schoolchildren enrolled in the boarding school were accommodated in the old boarding school building, which currently has to host twice as many students. As a result, the children are living in inappropriate conditions.

The Kobuleti Municipality government is also inactive on the issue. The municipal agencies failed to connect the boarding school to the sewerage system for almost 2

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



months, excusing its own passivity on the grounds of the resistance of local residents. Worth noting in this respect are the statements of the local authorities made in the media, in which they openly stress their loyalty to the majority Christian community.

Negotiations to resolve the conflict between the authorities, local residents and the Kobuleti Muslim community have, thus far, been unsuccessful. The Muslim community is unwilling to give up the school, and state that the offers from the authority are not acceptable. As such, any negotiations are likely to be fruitless.

The policy pursued by the authorities to curb the religious violence displayed in Kobuleti is ineffective and should be criticised on several grounds.

The authorities are being deliberately disingenuous in referring to hypothetical provocations by the Muslim religious minority in Kobuleti, rather than discussing the current situation of attacks by the religious majority. There is a history of similar cases (Nigvziani, Tsintskaro, Samtatskaro and Chela villages) where religious aggression against the Muslim community arises from communal intolerance, anti-Turkish sentiment and islamophobia. Ineffective government policy and responses to hate crimes, and their loyalty to the dominant religious group during religious confrontations has resulted in increasing violence and rising tension among the public;

The government must act in a timely manner in the legal response, arrest and charging of the individuals responsible for the September 10 attack on the new school. The ceremonial slaughter of a pig outside the Muslim children's boarding school and nailing of the animal's head to the door has insulted the entire Muslim community. Even before the September 10 incident, a known group of local residents ran a campaign of persecution and intimidation against the boarding school staff on religious grounds. This included insulting the Muslims verbally and obstructing the construction of the boarding school. The September 10 developments were the foulest display of hatred and persecution. Actions of concern clearly include crimes covered detailed in Article 156 (Persecution) of the Criminal Code. Despite all the evidence, confirmed by statements from members of explanations from the Muslim communitys, the investigation wrongly qualifies the action (Article 151 of the Criminal Code - Threat). Persons involved in the September 10 incident, including suspected organizers of the group, still infringe upon the rights of the Muslim community and the state does nothing to avert risks coming from them. Despite signs of religious

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



persecution, currently only 3 persons were held liable for misdemeanor under Article 166 of the Code of Administrative Offences (Petty Hooliganism), for which each of them received a 100-GEL fine;

It is crucial the police take necessary measures to remove the current, and prevent future, obstruction of the boarding school by local residents. The police are allowing the dominant religious group to illegally occupy and control access to the boarding school territory and do nothing to restore the breached rights of the Muslim community, as owners of the property. Pursuant to Article 17.2.b of the Law "on the Police", the police are obligated to remove the obstruction preventing use of the real property. The police have thus far failed to fulfill this direct statutory obligation by not reacting to the limited freedom of movement of the building owners, or the obstruction preventing Muslims children entering the boarding school - their entry being the will of the building owners. The gathering of local residents by the boarding school building, accompanied by the curtailment of rights of others and the threat of violence, is beyond the protection warranted by freedom of peaceful assembly. It requires adequate legal response by the state;

It is essential that actions of representatives of the local authorities are constrained within the frames of secularism and they refrain from unjustifiably supporting the majority and violating the religious neutrality principle;

Negotiations between the authorities and the parties to resolve the conflict proven to be ineffective thus far. To observe procedural justice during negotiations, it is central that the authorities ensure the transparency of negotiation process and participation of neutral mediators, who will adhere to the principles of human rights and equality. It is essential that the negotiation process is carried out by observing the principles of religious freedom, equality and tolerance, and that the dispute is not resolved by suppressing the minority rights.

We, the signatory organizations, once again express solidarity with the Muslim community and request the authorities to pursue an effective and fair policy to protect the rights of the minorities.

Georgian Young Lawyers' Association (GYLA)

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Human Rights Education and Monitoring Center (EMC)

Tolerance and Diversity Institute (TDI)

Media Development Foundation (MDF)

Georgian Democratic Initiative (GDI)

International Society for Fair Elections and Democracy (ISFED)

Transparency International Georgia