

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Joint statement of NGOs concerning violation of Muslims' rights in village Mokhe

Non-governmental organizations express deep concern about the recent cases of the violation of the rights of Adjarian Muslims and about the repressive and ineffective governmental policy. We call on the government to cease the religious oppression of the Muslim community that has recently become a regular occurrence.

There have been several cases of religious violence against Muslims over the past two years (Nigvziani, Tsintskaro, Samtatskaro, Chela, Kobuleti, Mokhe). All these cases

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were of communal character and were caused by the intolerant attitudes of the local, dominant religious group. The government was unable to handle the case of religious extremism adequately or to prevent the violence by certain individuals by conducting proper investigation. Moreover, the government frequently expresses its loyalty towards the majority and tries to cover up the problem by ignoring the rights of the Muslim community.

Furthermore to ineffective policy to prevent the violence, Government utilized repressive police force in the villages Chela and Mokhe. It was a violation of Muslim community rights and served as the confirmation of government's ignorance towards the religious oppression.

The recent events in village Mokhe has revealed a prevalent problem, namely, the lack of a policy concerning the restitution of sacred buildings of religious minorities. Based on the constitutional agreement, Orthodox Church reclaimed all the sacred buildings that had been confiscated during the Soviet Union. Yet, the governmental policy was not adequate towards the other religious groups.

The most part of the historical sacred buildings (both active and nonoperational) of religious minorities is the property of the government today. Some of them are on the verge of destruction. The approach of the government is discriminatory and the issue needs to be resolved in timely manner. Public defender and the NGOs frequently point out this matter to the government.

The Muslim community of Mokhe, representing the majority of the village population, has been trying for years to return the historical building of the mosque. They request conservation to the least in order to avoid its destruction. However, their efforts have been unsuccessful. Currently the Muslim community has to execute its religious activities in the rented private house.

Since 2007, the mosque of Mokhe has been the property of Adigeni municipality. Despite the promises given during the local elections, in 2014 the local municipality decided to turn the building into a cultural center. Local Muslim community protested against the decision. On October 16, at the meeting in Batumi, the Prime Minister promised them to resolve the matter. However, on October 22, 2014 the local authorities started the clearing the building with the help of massive police force.

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According to the Muslim community, the government failed to resolve the matter of transferring the historical mosque by legal and peaceful means and the negotiations that were held proved to be unsuccessful. The statement made by the State Agency of Religious Affairs proves that this case has not been reviewed by the agency; therefore the decision was made without their recommendations.

On October 22, the police used a disproportionate force against the Muslims, who were protesting the unexpected and repressive decision of the Government. As a result, 14 persons were detained[1].

According to the witnesses, the police used physical force against detainees and made insulting remarks. Also, as the witnesses declared several detainees were severely beaten by the police. Among them was a woman, who received serious injuries on her face. According to Muslims, the group of detainees also includes young people, who intended to record the police action by their phone cameras, but their cameras were confiscated and destroyed.

Considering all the above the statement made by the Prime Minister today is obviously inadequate and does not correspond to the needs and interests of the Muslim community.

Samtskhe- Javakheti Governor Akaki Machutadze was delegated to resolve the problem and this was the most negligent decision by the government, because as local Muslims restate, he has previously been aggressive in his treatment of the Muslims.

We believe that the State's actions, when it failed to study the historical and cultural status of the mosque as requested by the law and established that the sacred building should be converted into the cultural center, was unsubstantiated and was a serious violation of the rights of the Muslim community. The fact of using the police force to enforce the decision was, in its turn, the manifestation of the State's religious intolerance. It should be noted that the state has always been reluctant to use its legal and repressive mechanisms in the cases where the dominant religious group was engaged in religious persecution, while its methods towards the religious minorities are brutal and violent. It is obvious that this kind of policy is discriminatory.

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Taking all of the above into the consideration, the signing organizations believe that in order to restore the rights of the Muslim community, the following needs to be done:

- **The government** must stop the construction of the cultural center until the status of the mosque and the issue of transferring it to the Muslim community is decided in a democratic and unprejudiced manner.
- **Prosecutor's Office** must ensure that the alleged disproportionate use of force by the Ministry of Internal Affairs in the village Mokhe against the Muslims is investigated in an effective and timely manner and the results of the investigation are presented to the public;
- **The court** must ensure the proper assessment of the evidence and unlike previous years, do not rely solely on the testimony of the police officers. Among them, to apply the proper standard of proof when reviewing the cases of disobedience and resistance to police;
- **The legislative body** must the use available control mechanisms. Among them, immediately request the Government, especially the Ministry of Internal Affairs and the Prosecutor's Office, to report on the ongoing cases of religious persecution with regards to its ineffective and repressive policies;
- **The government and its Head** to provide adequate and fair assessment of the religious persecution incidents and to ensure the peaceful practice of freedom of religion for Muslims, including the proper functioning of the boarding school in Kobuleti where the police is demonstratively inactive and continuously violates the rights of the Muslim community.

Signing organizations:

Georgian Young Lawyers' Association (GYLA)

Human Rights Education (EMC);

Transparency International - Georgia (TI)

Georgian Democracy Initiative (GDI)

Media Development Foundation (MDF)

Tolerance and Diversity Institute (TDI)

International Society for fair Elections and Democracy (ISFED)

According to the information by the Ministry of Internal Affairs, 11 persons were

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detained under the article 166 of Administrative Code (hooliganism) and the article 173 (resistance to the legal requests by the police) and 3 persons were detained under the article 353, part 2 of the Criminal Code (resistance to the police by a group), the information [is available here](#)