



The Coalition for Equality Calls on the Government to Protect the Rights of the Muslim Community in the Village of Mokhe

The member organizations of the Coalition for Equality respond to the recent developments in the village of Mokhe (Adigeni Municipality) and call on the Government to defend the freedom of religion quickly and effectively.

Review of the Dispute over Historic Religious Building

The Muslim community of the village of Mokhe has been praying in the ruins of a disputed historic building over the last few days. They say that they made the decision to do so after they could not be prevented from using a private house as a mosque in which to pray. In addition, the Muslim community members have expressed their discontent with the dispute settlement mechanism developed by the State Agency on Religious Affairs. On October 14, 2016, the local bishop said that the Muslims were trying to provoke controversy by praying in the disputed building and called on the Government to respond. That same day, the doors to the historic building were nailed shut and the police placed "No Entry" signs on the doors. According to the statement made by the local Muslims, they will continue to pray in the vicinity of the disputed building every day but do so outside.

The conflict between the local Muslim and Orthodox communities over the historic building in the village of Mokhe began in 2014. According to the Muslim community, Muslim Meskhs in the 1920s-1930s built the mosque, as evidenced by its location, architecture and religious attributes. The older members of the community recall that every Friday they and their parents used to pray inside the building. The Muslim community addressed the Government on several occasions, asking that the right of ownership be transferred to them. Finally, in 2014, the Government publicly committed to doing so. Later in October 2014, however, the local government, which possesses the ownership of the disputed building, decided to use it for different purposes, initially as a village club and then as a library. After the Muslim community objected to this plan, the Adigeni Municipality tried to enforce the decision to demolish the building through large-scale police measures on October 22, 2014. During this incident, the police arbitrarily detained peaceful Muslims (14 people) who had gathered spontaneously on the grounds and used excessive force against them. On October 24, 2014, after this violent incident, the Metropolitan of Akhaltsikhe and Tao-Klarjeti made his first official statement, in which he said that originally the building was a Christian church and the Patriarchate of Georgia also claims ownership of the disputed building.

On December 27, 2014, the State Agency on Religious Affairs (hereinafter Agency) established a special commission (hereinafter Commission) to study the issues related to the disputed building in the village of Mokhe without addressing the validity of the assessments submitted by the Patriarchate. The essential objective of the Commission was to determine the historic and confessional origin of the disputed building. The Commission consists of representatives of religious organizations (Patriarchate and LEPL Supreme Religious Administration of Georgia's All Muslims) and state agencies. The Commission makes decisions based on consensus.

Criticism against the State Agency on Religious Affairs

Georgia's current legislation does not define the legal basis, procedures or responsible entity for resolving disputes regarding the restitution of religious and/or historic buildings. Under these conditions, the weight of the Commission's recommendations was questionable from the very beginning and the Commission, as a dispute resolution mechanism, was ineffective and illusory. Besides, the Commission's need to reach a consensus to determine the owner of the disputed historic building presents a

high risk of politicizing the process.

In the more than two years that have passed since it was established, the Commission has not yet made a final decision and has not even taken any steps towards determining the historic and confessional origin of the disputed building. The Agency claims that the major objective of the Commission is to de-radicalize the process and to build confidence between the parties. This is not the main goal of the Commission and turns the Commission into a public diplomacy tool, instead of being a dispute resolution mechanism for settling issues related to historic buildings. If confidence building is now the new purpose of the Commission, it is unfortunate that the representatives and trustees of the local Muslim community are not included in the Commission. In the current circumstances, the divide between the LEPL Supreme Religious Administration of Georgia's All Muslims and the local community is increasing. In addition, the changing purpose of the Commission and its lack of activity thus far have further undermined confidence in the process. As such, it will be difficult for the Commission to function as a confidence-building mechanism, if this were its purpose.

The Coalition believes that the recent developments are a result of the State Agency on Religious Affairs' ineffective policy, which is aimed at controlling religious organizations and mitigating problematic issues rather than protecting human rights. The social discontent of the Muslim community, including the self-organized group activities for the construction of a new mosque in Batumi and the current process in Mokhe, is the most obvious indicator of the inappropriateness of the Agency's policies.

Overview of the General Context

There have been seven incidents involving the Muslim community in recent years, including three cases of violence in the Adigeni Municipality (in Chela in 2013, Mokhe in 2014 and Adigeni in 2016).

In the case of Chela and Mokhe, the Ministry of Internal Affairs employed repressive tactics towards Muslims and thus promoted the further strengthening of Islamophobic attitudes of the society. The influence of the clergy on the local authorities and the problem of non-secular politics are also obvious in conflicts involving religious identity. None of these incidents has been investigated, nor have there been any repercussions for the perpetrators.

In addition to the above-mentioned incidents, there is the more general problem of the systematic oppression and exclusion of the Muslim community of Adigeni Municipality. There are numerous reports that substantiate the discriminatory policies towards Muslims in the region, including: the promotion of the police officers who were the most aggressive during the incidents in Chela and Mokhe, the total exclusion of members of the Muslim community from positions in the local public services and the selection of a person with close ties to the clergy who is actively participating in Islamophobic meetings as a majoritarian candidate by the ruling party.

Coalition Requirements

Given the above, the Coalition member organizations believe that

- The Government should reconsider the Commission's mandate, its objectives and the legal nature of its decisions regarding the disputed historic building in the village of Mokhe, and should immediately conduct the study of the historic and confessional origins of the disputed building and transfer its ownership to the relevant religious community;**
- In order to solve the challenges faced by religious organizations, the Government should develop a common policy on restitution of historic religious buildings and settlement of disputes over historic buildings, including by establishing legal, independent, effective and transparent procedures;**
- The Government should reconsider the mandate of the State Agency on Religious Affairs, its activities and obviously ineffective policy, and should ensure its fundamental transformation;**

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- The government, including the Ministry of Internal Affairs, should reconsider and revise the policies that allow for discrimination against the Muslim community, since these policies pose a fundamental threat to the public order, pluralism and equality.

Human Rights Education and Monitoring Center (EMC)

Women's Initiatives Support Group (WISG)

Open Society Georgia Foundation (OSGF)

Identity

Partnership for Human Rights (PHR)

Union Sapari

Georgian Young Lawyers' Association (GYLA)