

Table of Contents

- ***European Court upholds religious rights of Jehovah's Witnesses***
-

European Court upholds religious rights of Jehovah's Witnesses

JW.org (21.02.2017) - <http://bit.ly/2mc4DaI> - The religious freedom that Jehovah's Witnesses in Georgia enjoy today stands in sharp contrast to their situation a few years ago. The Witnesses now have legal registration, and the government allows them to worship freely. But the circumstances were much different from 1999 to 2003, when the government at the time allowed religious extremists to attack the Witnesses viciously and refused to prosecute the perpetrators.

The persecution the Witnesses experienced during that dark period led them to file several applications with the European Court of Human Rights (ECHR). One of these applications, entitled *Case of Tsartsidze and Others v. Georgia*, addressed three incidents that occurred in Georgia during 2000 and 2001 involving mob violence, disruption of religious meetings, destruction of property, and physical and verbal abuse by police.

On January 17, 2017, the ECHR released its judgment in the *Tsartsidze* case and found that the rights of the Witnesses had been violated. The ECHR recognized that Georgian police were either directly involved in the incidents or failed to intervene to protect the victims. It also found that Georgian courts and judges failed to restrain the aggression against the Witnesses by their own biased and superficial examination of the facts.

Third Judgment Condemning Government-Sponsored Persecution

This was the third judgment against Georgia released by the ECHR in the context of what the Court identified as "country-wide religious violence against Jehovah's Witnesses" that occurred between 1999 and 2003. In all three judgments, the ECHR found that Georgia had violated the European Convention on Human Rights by failing to uphold the religious freedom of Jehovah's Witnesses and by discriminating against them.

The Court described the situation existing in Georgia at the time in the following terms: "Through the conduct of their agents, who either participated directly in the attacks on Jehovah's Witnesses or by their acquiescence and connivance into unlawful activities of private individuals, the Georgian authorities created a climate of impunity, which ultimately encouraged other attacks against Jehovah's Witnesses throughout the country."

ECHR Upholds Rule of Law and Religious Freedom

In the three attacks examined by the ECHR in the *Tsartsidze* case, the victims suffered injustices because of the actions or complicity of the police.

On September 2, 2000, in the city of Kutaisi, police took Mr. Dzamukov to the police station. They confiscated the religious literature he was carrying and then insulted and beat him. The following day, a police officer assaulted Mr. Gabunia, punching him in the stomach and tearing up the religious literature he was carrying.

On October 26, 2000, in the city of Marneuli, police rudely interrupted a religious meeting and confiscated religious literature. They took Mr. Mikirtumov, who was giving a religious discourse, and Mr. Aliev, the owner of the home where the meeting was being held, to

the police station. The police later forced Mr. Mikirtumov into a car and drove him out of the city, ordering him never to return. They also ordered Mr. Aliev never to hold religious meetings of Jehovah's Witnesses in his home.

On March 27, 2001, in the city of Rustavi, a mob of Orthodox religious extremists stormed the home of Mr. Gogelashvili while a religious service was in progress. They insulted those in attendance and forced them to leave. The mob confiscated religious literature and publicly burned it at a nearby market the following day. Police refused to intervene to protect the victims.

In each case, the victims turned to Georgian courts for relief but found none. As the ECHR observed, Georgian judges were biased in favor of the police and failed to examine the victims' evidence properly. Regarding the domestic judges' attitude when considering such cases, the ECHR stated the following:

Such a superficial and one-sided consideration of the case coupled with an automatic reliance on law-enforcement officials and the unsubstantiated rejection of the applications' version of events cannot but amount, in the Court's view, to connivance on the part of the judiciary with the violent acts committed against the applicants.

Because the ECHR found that the applicants' rights under Articles 9 (freedom of religion) and 14 (discrimination) of the European Convention on Human Rights had been violated, it awarded damages of 11,000 euros (\$11,840 U.S.) in total, along with 10,000 euros (\$10,762 U.S.) for legal costs.

Will This Judgment Have Broader Implications for Russia and Azerbaijan?

In coming to its conclusion, the ECHR reiterated its verdicts in the earlier cases of *Gldani* and *Begheluri* from Georgia and the cases of *Kuznetsov* and *Krupko* from Russia. The Georgian government has gradually implemented the earlier judgments, and Jehovah's Witnesses in Georgia are grateful that they now enjoy better protection, which allows them to meet and share their faith in freedom and safety.

International human rights attorney André Carbonneau, who participated in the domestic hearings in Georgia as well as in the preparation of the application to the ECHR, commented: "By this excellent judgment, the ECHR has clearly indicated that it will not tolerate the actions of governments under its jurisdiction that promote or support the repression of religious freedom of citizens. Jehovah's Witnesses are pleased that the Georgian government is moving forward in implementing these judgments so that they can worship freely. Hopefully, other countries of the Council of Europe, such as Russia, will take note."

This latest judgment from the ECHR protects the cherished freedoms to meet together for worship and to share religious beliefs peacefully with neighbors. The worldwide community of Jehovah's Witnesses hopes that this robust ruling by the ECHR will have a bearing on the applications pending against Russia and Azerbaijan on these same issues.
