

**International Religious Freedom Report 2009, Georgia**

Report

**October 26, 2009**

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The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The status of respect for religious freedom by the Government continued to improve during the reporting period, and government policy continued to contribute to religious freedom. As government attention shifted to national security challenges following the August 2008 conflict with Russia, implementation of new policies relating to religious freedom appeared to have slowed. Despite this, the Government was able to make progress on religious freedom, particularly in education.

There were continued reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Incidents of harassment were reported outside of Tbilisi involving local citizens, government officials, and Orthodox provocateurs. The Ombudsman's Office reported no new incidents of religious intolerance prior to August 2008 and a perceived increase in incidents following the August conflict. Systemic problems remained largely unchanged, such as the return of church property, legal registration of denominations, unequal legal frameworks, and negative media coverage of non-Orthodox religions.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. Embassy funded several projects to foster religious tolerance.

**Section I. Religious Demography**

The country has an area of 25,900 square miles and a population of 4.6 million, including the separatist regions of Abkhazia and South Ossetia, which are not under the control of the Government. There are strong correlations between ethnic group, religious affiliation, and often, geographic area.

Most ethnic Georgians (84 percent of the population, according to the 2002 census) associate themselves with the Georgian Orthodox Church (GOC). Orthodox Christians who are not Georgian accept the territorial jurisdiction of the GOC and generally use the primary language of their communicants (e.g., Russian, Armenian, or Greek). There remain a small number of mostly ethnic Russian adherents of three dissident Orthodox schools: the Molokani, Staroveriy (Old Believers), and Dukhoboriy (Spirit Wrestlers). The existence of radical Georgian Orthodox groups such as David the Builder and Orthodox Parents is recognized, but according to the Patriarchy, they are in no way associated with the GOC.

The Armenian Apostolic Church (AAC), the Roman Catholic Church (RCC), Judaism, and Islam have coexisted with Georgian Orthodoxy for centuries. Azeris comprise the second largest ethnic group (approximately 285,000, or 7 percent of the population) and are largely Muslim; most live in the southeastern region of Kvemo-Kartli, where they constitute a majority. Other Muslim groups include the ethnic Georgian Muslims of Ajara and Chechen Kists in the northeastern region, bringing the Muslims up to 10 percent of the population. Armenians are

the third largest ethnic group (estimated at 249,000, or 6 percent of the population) and belong predominantly to the AAC; they constitute the majority of the population in the southern Samtskhe-Javakheti region.

There are an estimated 35,000 Catholics, largely ethnic Georgians or Assyrians, and 18,000 Kurdish Yezidis. The ethnic Greek Orthodox community numbers 15,000. There are an estimated 10,000 Jews.

Protestant and other nontraditional denominations such as Baptists, Jehovah's Witnesses, and Krishnas have become more active and prominent. Each of these groups represents less than 1 percent of the population.

## **Section II. Status of Government Respect for Freedom of Religion**

### **Legal/Policy Framework**

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The Constitution recognizes the special role of the GOC in the country's history but also stipulates the independence of church from state. A 2002 concordat between the Government and the GOC also recognizes the special role of the GOC.

The Criminal Code specifically prohibits interference with worship services, persecution of a person based on religious faith or belief, and interference with the establishment of a religious organization. Violations of these prohibitions are punishable by fine and/or imprisonment; violations committed by a public officer or official are considered abuses of power and are punishable by higher fines and/or longer terms of imprisonment.

The Human Rights Protection Unit in the legal department of the Prosecutor General's Office (PGO) is charged with protecting human rights, including religious freedom. The Ombudsman (Public Defender) also monitors complaints of restrictions on religious freedom. The Ministry of Internal Affairs and the PGO remained active in the protection of religious freedom. Minority religious groups, such as the Jehovah's Witnesses, expressed satisfaction with the PGO commitment to protecting religious freedom.

The Government observes the following major Orthodox holy days as national holidays: Orthodox Christmas, Epiphany, Good Friday, Orthodox Easter, Easter Monday, the Day of Apostle Andrew, the Day of the Virgin Mary, Svetitskhovloba, and St. George's Day.

Under a 2006 law, religious groups other than the GOC may register with the Government as a Noncommercial Entity of Private Law (in one of several forms such as a union or a foundation) to receive legal status and tax benefits. A union is based on membership (a minimum of five members is required), while a foundation involves one or more founders establishing a fund for furtherance of a certain cause for the benefit of the particular group or the general public. In all cases registration is a function of the tax department of the Ministry of Finance, which must grant or deny registration within three days of application. A refusal may be appealed in court. There were no reports of any groups being refused registration during the reporting period. Some religious groups expressed dissatisfaction with having to register as a Noncommercial Entity of Private Law instead of as a religious group to receive legal status and tax benefits.

Article 18 of the Law on General Education specifies that "pupils, parents, and teachers enjoy freedom of religious belief, denomination, and conscience, according to the rule established by law, and have the right to choose and change any religious denomination at will."

A 2005 law separating state schools and religious teaching narrowed the interpretation of the government concordat with the GOC regarding teaching Orthodoxy as an elective part of the school curriculum. The law states that such Orthodox teaching may take place only after school hours and cannot be controlled by the school or teachers. Outside instructors, including clergy, cannot regularly attend or direct student extracurricular activities or student clubs and their meetings. Lay theologians, rather than priests, led such activities.

By law the GOC has a consultative role in curriculum development but no veto power. The GOC routinely reviews religious and other textbooks used in schools for consistency with Orthodox beliefs, although this review is not conducted within the government structure but rather as part of the GOC's pastoral activities. According to the Ministry of Education (MOE), priests are not as active on school grounds as they have been in the past and, in addition, some priests have offered more craft and science activities outside of school to attract children into groups at church.

During the year the government investigated several cases of interference, threats, intimidation, or violence. The PGO continued to exercise prosecutorial discretion to emphasize cases arising after 2003, given its limited investigative and prosecutorial resources. Investigations prior to 2003 were scheduled to continue where feasible, but priority was given to new cases. Religious minority groups pointed out that this could lead to the eventual elimination of cases that could be investigated under law predating 2003.

#### Restrictions on Religious Freedom

Respect for religious freedom by the Government continued to improve, and government policy continued to contribute to the free practice of religion in most instances. At the same time, an overarching complaint of religious groups other than the GOC was that they do not have equal legal status, are not recognized officially as religions, and do not enjoy the same privileges as the GOC. Minority religious groups also complained that local police did not always respond promptly to their complaints. Investigations of complaints are often left incomplete.

The 2002 concordat between the GOC and the state defines relations between the two entities. The concordat contains several controversial articles: giving the patriarch legal immunity, granting the GOC the exclusive right to staff the military chaplaincy, exempting GOC clergymen from military service, and giving the GOC a unique consultative role in government, especially in the sphere of education; however, many of the controversial articles require Parliament to adopt implementing legislation, which it had not done by the end of the reporting period.

The Jewish community has been registered as a union for several years, not because it preferred this designation, but simply because the designation allowed them to repair a synagogue. While the synagogue has not been returned to the Jewish community's ownership, the Government has leased it to them for the symbolic price of \$0.61 (one Lari) per month. The ability to "lease" the property satisfied the investors willing to put up the funding for the repair work. The AAC has refused to register as a union or a foundation, which leaves it without legal identity. The RCC has registered parts of its community in order to have legal control over its properties. This registration arrangement gives it physical control over church buildings and relieves it from the former practice of having to register its religious entities in an individual's name. Nonetheless, the RCC was very careful to underline its discontent with the registration options that "deny dignity." Baptists and the Jehovah's Witnesses shared this complaint. Only the Krishnas were satisfied with the registration options, because it gave the community of 100 practitioners the ability to repair and control its temple but did not focus additional government attention on their presence.

At the end of the reporting period, the RCC-owned Sul Khan-Saba Orbeliani Institute of Philosophy, Theology,

Culture, and History continued to be denied reaccreditation applied for in 2007. The institute claimed to have addressed the stated issues cited for denial: not knowing the exact number of text books in the institution; not posting the library hours outside the library; not posting the number of visitors on their website; and that its four-year diploma was for Humanities with a specialty in Theology, and Theology is not on the accepted MOE list of subjects for diplomas. Representatives of the Institute were informally told by the group called Orthodox Parents that they would not gain accreditation.

Muslim officials reported that local government and police erected 22 solid crosses in cement in Muslim communities in the Bolnisi District in 2009. The crosses were placed near community centers and cemeteries. The Patriarchy was aware that this happened and called the local bishop to Tbilisi and explained that the crosses were an act of provocation and must not be continued. No crosses were observed in a later visit to the area by a representative of the Ministry of Reintegration. Bolnisi District officials also asked Muslims to curtail or minimize the call to prayer. They did not intercede or fine the mosques but continued to refuse official permission for the public call to prayer.

In previous reporting periods, government authorities argued that the registration law provides an adequate balance between the demands of religious minorities and the desire to safeguard the special status of the GOC. The Government contended that creating a specific status for religious groups per se would result in unnecessary controversy between groups over whatever definition was to be adopted and that the current registration law effectively leads to equal treatment of religious groups. In the Government's view, the registration law was religion-neutral in that its principal concern is only whether an organization is for-profit or not-for-profit. Registered religious groups receive substantially the same legal protection of their property rights and tax status as the GOC, although authorities conceded that there may be confusion on the part of potential beneficiaries and government implementers. The GOC argued that only largely symbolic preferences remain, befitting the GOC's status under the concordat, such as exemption from initial payment of the value-added tax (versus paying and receiving reimbursement) and exemption from profit on sales of religious artifacts. The Ministry for Reintegration prepared to present a new proposal to the cabinet in early April 2009 to allow all religious groups that applied, to be recognized as Entities of the Public Law. However, the Deputy State Minister for Reintegration was advised not to present the proposal to the cabinet without consultation with the Patriarchy. Upon consultation, the Patriarchy advised that with the unrelated political protests then taking place, that the times were tense and the proposal should wait. The GOC was concerned that official recognition of religious status would result in smaller, better financed groups being better able to draw people to their institutions with the possibility of material assistance.

Restitution of property confiscated during the communist regime remained a contentious issue. During the reporting period, the Government did not return any additional churches, mosques, synagogues, or meeting halls. The main mosque and two synagogues in Tbilisi were operated by their respective religious communities but remained state property. However, restoration of GOC churches previously returned continued, in part with government subsidies on the grounds that the buildings are national cultural heritage sites. The Government also provided subsidies for the maintenance and preservation of mosques on similar grounds. Under an agreement with Turkey, the Ministry of Culture was expected to begin renovation of an Islamic prayer hall in Kobuleti during 2008 but had not begun by the end of the reporting period. Other minority religious groups claimed that state funding is not provided on a neutral and equitable basis. The AAC complained that the church it operates in Tbilisi, which AAC leaders said serves 100,000 congregants, had not received funding because the AAC refused to register with the Government. The Ministry of Culture stated it cannot fund a renovation project there as long as the church has no legally registered owner.

Officials of both the RCC and the AAC believed that property disputes were not resolved in a transparent legal process but rather on a case-by-case basis that distinctly favored GOC claims. They claimed that the Government was unwilling to resolve disputes over the ownership of disputed church properties for fear of offending GOC constituents.

In 2007 the Ministry of Justice adopted plans to rely on disinterested expert opinion for assessment of future ownership disputes, instead of a then-inactive commission that had included a GOC participant. Controversy continued to surround the disposition of the Norashen Church, claimed by both AAC and GOC, which has been closed since 1995. On November 16, 2008, Father Taniel Sikinchelashvili, a Georgian Orthodox Priest, brought a bulldozer into the churchyard, which a Georgian church shared with the Norashen church. To clear the grounds for the bulldozer to pass, he removed and later replaced several Armenian headstones in the yard. Armenian clergy called this action disrespectful to the Armenian remains buried there. At the end of the reporting period, the activity had stopped and the rubble that sat atop some of the Armenian graves had been cleared. A RCC-GOC commission formed to discuss disputed churches made no progress during the reporting period. In contrast to previous reporting periods, however, disputed ownership did not lead to additional interfaith disturbances.

The RCC, AAC, and several Protestant denominations continued to have difficulty obtaining permission to construct new churches, due to the reluctance of local authorities to issue building permits that could antagonize local GOC officials. During the reporting period, authorities referred the RCC to a local GOC bishop for permission to build a new church. The GOC bishop suggested that the RCC repair an old church instead, and that suggestion was accepted by local government.

Muslims in Adjara also were unsuccessful in regaining their pre-Soviet era properties. Local officials were unresponsive to repeated requests for the return of the mosques.

In contrast, the GOC had most of its properties restored. During the Soviet era the State seized most GOC properties. Nearly all of these have been returned to the Church. In addition to restoring GOC properties, the Government also allocates grants to the Church every year to help offset some of the damage done during the Soviet era. In 2009 the grant was in the amount of \$15 million (25 million Lari). The Patriarchy reported that those funds would be spent on educational activities and aid to the poor and orphaned.

Three cases filed by the Jehovah's Witnesses with the European Court of Human Rights (ECHR) in response to violent attacks committed against Jehovah's Witnesses by police and other government officials in 2001 were resolved during this reporting period. All three cases were decided in favor of the defendants. Four additional cases against the Government remain undecided at the ECHR and reflected complaints of violent persecution without subsequent judicial remedies, illegal actions of police officers and other government officials, and liquidation of Jehovah's Witnesses legal entities.

Minority religious groups, including Jehovah's Witnesses, continued to report difficulties obtaining permits to build or occupy houses of worship or to regain control of facilities confiscated during the communist era, although Jehovah's Witnesses no longer considered it necessary to hold services in private homes for security reasons.

Jehovah's Witnesses' construction plans for property bought in Tbilisi has been an ongoing problem. The necessary documents were filed with the Mayor's Office, but permission was denied. In August 2008 an appeal was filed against the Tbilisi City Administration for denying construction permission. In February 2009 the Administrative Court ruled in favor of the Jehovah's Witnesses; however, the defendants appealed that decision.

**Jehovah's Witnesses were involved in several problematic building projects (see Section III).**

Jehovah's Witnesses leaders stated they continue to be denied access to halls that seat more than 200 persons and the PGO had not brought charges against any individuals for these denials. Jehovah's Witnesses leaders stated they did not plan to press for prosecution but hoped to resolve the issue by receiving permission to build their own large hall. They have not proceeded with this plan but continued to try to rent venues.

Plans to build a Jehovah's Witnesses community center in the Avlabari region of Tbilisi were halted by municipal officials who questioned whether the group legally obtained the property. As of May 2008 the group had still not been granted a preliminary construction permit, the first step toward beginning the project. At the end of the reporting period, the city of Tbilisi was considering an application by the Jehovah's Witnesses to purchase a plot of land near the Tbilisi Sea (reservoir) for the construction of a large assembly hall.

The Ombudsman reported continuing problems with teachers reinforcing Orthodox theology through classroom prayer and the display of icons and other religious symbols in schools. The Ombudsman characterized this problem as especially common in Adjara, where Muslim students are frequently the target of religious pressure from Orthodox teachers. The MOE instituted a General Inspection Department to deal with complaints of inappropriate teacher behavior, including violations of the religious freedom of students. During the reporting period, the General Inspection Department stated that only one complaint of a violation of religious freedom was filed, in April 2008 by a Jewish teacher who felt her religion had led to mistreatment by her colleagues. An investigation by the General Inspection Department was underway at the end of the reporting period.

Minority religious leaders continued to complain to the Ombudsman's Office that some public school teachers and local Orthodox priests continued to criticize minority religious groups and interfaith marriages. Some teachers reportedly ridiculed Catholic and Protestant students, discouraging Orthodox followers from interacting with them.

In the 2009 reporting period, Roman Catholics noted that teachers said that children who make the sign of the cross in school in the orthodox manner are "making the sign of God," while children who make the sign of the cross in the Roman Catholic manner are "making the sign of the devil." At school, staff will assume a child is Orthodox Christian unless they are made aware otherwise, which can then be the source of difficulty at school. For this reason, Roman Catholics, Baptists, and Krishnas all remarked that parents found the school environment better for their children if their household did not announce its religious affiliations in its community.

Jehovah's Witnesses' leaders reported that harassment at school of their children's faith decreased significantly during the reporting period. They credited intervention by the Ombudsman's Office and the actions of the General Inspection Department of the MOE. Community leaders said they had received no complaints during the reporting period of Jehovah's Witnesses' children being harassed or discriminated against in school by teachers or students.

The separatist Abkhazia and South Ossetia regions remained outside the control of the central Government, and reliable information from those regions was difficult to obtain. A 1995 decree issued by the de facto Abkhaz leader that banned Jehovah's Witnesses in the region remained in effect but was not enforced. The group reported that it continued to hold services in Abkhazia but limited its activities because of the decree. Baptists, Lutherans, and Roman Catholics also reported that they were allowed to operate in the region, but the GOC reported that it was unable to do so.

In March 2009 the de facto Abkhaz authorities accused three GOC priests of spying and on April 4, 2009, expelled them from Abkhazia. In early April 2009 Abkhaz de facto authorities expelled four Georgian monks and three nuns of the Saint Giorgi Church in the village of Azhara in Kodori Gorge reportedly for not recognizing Abkhaz de facto jurisdiction over Kodori Gorge. According to press reports they were first taken to Sukhumi, interrogated, and urged to take Abkhaz "passports." They refused to accept the documents and said they were subordinate only to the GOC. They were then expelled. The monks crossed the administrative boundary at the Enguri Bridge into Georgian-controlled territory. While they were traveling, Russian forces shot guns in the air for five minutes, presumably to intimidate those waiting for the monks at the bridge.

In South Ossetia, GOC adherents remained unable to hold services in GOC churches located near the ethnic Georgian villages of Nuli, Eredvi, Monasteri, and Gera because these areas were under the control of de facto South Ossetian authorities.

### **Abuses of Religious Freedom**

There were no developments reported in the investigation into the May 2007 incident involving unidentified individuals who insulted and physically abused Jehovah's Witnesses Davit Shermadini and David Karamiani in Gldani and forcibly took their Jehovah's Witnesses literature, destroying it at the scene. At the end of the reporting period, the investigation continued.

There were no reports of religious prisoners or detainees in the country.

### **Forced Religious Conversion**

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

### **Improvements and Positive Developments in Respect for Religious Freedom**

Religious minorities generally welcomed the removal of religious education from public schools except for instruction about religion in a broad historical context; however, religious minorities and nongovernmental organizations (NGO) observed that practice did not always keep pace with the law. In the reporting period, the MOE noted a marked reduction in religious shrines at school and some additional effort by teachers to keep religion out of the classroom.

In the past, public schools offered an elective course on religion in society, which covered the history of major religions. Parents complained that the course's teachers and textbooks focused solely on the Orthodox Church. In July 2007 the MOE suspended work on a new curriculum that was to have addressed the public's complaints because the working group could not agree on content. The MOE was able to complete a curriculum in 2009 that met the needs of the education system. The MOE had some difficulty when it tried to introduce the course as an independent and required subject. However, they were able to successfully add the course into the existing history curriculum.

History and geography courses provided some coverage of world religious groups. The MOE replaced older textbooks that contained themes or materials considered inappropriate under legislation promoting religious freedom. The new textbooks include materials on religious groups other than the GOC and discuss them in a neutral fashion. During 2007 and 2008 new textbooks were introduced for the second, eighth, and eleventh

grades. In the national history and geography curriculum, schools must teach religious beliefs only as a component of a generally chronological or thematic treatment of history and culture, describing religious themes, texts, and beliefs without endorsement or favor. As early as the third grade, excerpts from religious texts with religious themes may be taught in literature courses, for instance. MOE guidelines state that such texts and themes are to be integrated with civic and moral teachings to emphasize interfaith tolerance and mutual understanding. Plans call for civic curriculum guidelines to make religious tolerance an element of mandatory civic training in the seventh through ninth grades. The MOE reported that the implementation of these plans, however, has been delayed because resources have been focused on other elements of the national curriculum.

At the end of the reporting period, the leaders of the Tbilisi Mosque, who had refused to register under the current law, and who had previously reported difficulties in importing religious materials, successfully received religious literature ordered in 2008 and 2009 from Azerbaijan and Turkey.

In the previous reporting period an intervention by the Ombudsman with the Directorate of Prisons led to improvements in ecclesiastical prison visits. At the request of the Directorate of Prisons, the Religious Council of the Ombudsman, which includes a wide range of religious groups, compiled a list of clergymen who were expected to be granted prison access for ecclesiastical visits. This procedure was designed to balance the interests of religious access and security. During this reporting period, the GOC took on the responsibility of monitoring access to religious freedom for prisoners. A rabbi reported that this worked well and he was able, with the help of the GOC, to provide kosher food to those inmates who require it and to visit prisoners every week.

On April 24, 2009, the Government and the GOC signed a memorandum of agreement stating that the GOC will take the responsibility to facilitate the resocialization of convicts through their involvement in church life and active participation in publically useful work. The details of this process were not spelled out, and much coordination remained in order to implement the agreement.

### **Section III. Status of Societal Respect for Religious Freedom**

There were continued reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Incidents of harassment were reported outside of Tbilisi involving local citizens, government officials, and Orthodox provocateurs. There appeared to be a general tolerance toward minority religious groups "traditional" to the country, including Catholics, Armenian Apostolic Christians, Jews, and Muslims. However, some members of the GOC and the public remained apprehensive toward "nontraditional" religious minorities, such as Jehovah's Witnesses and the Baptist Church. Some persons viewed minority religious groups as a threat to the national church and the country's cultural values.

During the year there were five attacks on members of religious minorities. Police were quick to respond to incidents of abuse but slower in their follow-up to crimes they viewed as minor "hooliganism," defined as actions that violate public order or demonstrate open contempt toward society by using violence or threats of violence.

A number of religious minorities reported continuing media hostility. Some religious minority leaders noted that the media simply ignored their communities, providing no coverage of their activities. Muslims said that no government official, with the exception of a representative from the Ombudsman's Office, had visited a mosque to celebrate any activity. Although local officials participate in GOC celebrations they do not participate in other local religious events, which may limit media coverage.



During this reporting period, the Jehovah's Witnesses provided a list of 27 incidents involving harassment reported to the authorities, eight of which were in Tbilisi (compared to the corresponding 18 and 9 reported last year). Approximately half of the complaints involved harassment when Jehovah's Witnesses, working in pairs, tried to talk with people about Bible stories. The other half involved physical damage to meeting places, especially kingdom halls (Jehovah's Witnesses' church buildings) under construction, and to cars associated with the buildings. Of the 27 incidents, 3 were prosecuted, 1 was dropped, and 23 remained unresolved. Of those incidents prosecuted, one was for physical violence to people proselytizing, an incident involving verbal abuse was excused, and an incident involving stones being thrown during a demonstration at a construction site was resolved with fines and warnings to the perpetrators. The perpetrators of these incidents reportedly included a mayor, local priests, and school teachers. These numbers do not include the numerous cases of crosses painted on opposing ends of kingdom halls and buildings (as if to contain the Witnesses with this sacred symbol) and other graffiti.

The GOC continued to complain that the Russian Orthodox Church (ROC's) Moscow Theological Seminary was training Abkhaz priests for service in Abkhazia, the breakaway region. Despite the fact that the ROC says that it recognizes the GOC as a legitimate church in Abkhazia, the GOC Patriarchate claimed that the ROC was sending in priests loyal to the ROC Patriarchate in Moscow under the pretext of setting up indigenous Abkhaz churches.

The RCC reported that in the southern region of Adygnei, as well as in the city of Akhaltsikhe, Roman Catholics faced a hostile environment.

During previous reporting periods, incidents of abuse were committed by or attributed to a small group of GOC extremists, who were subsequently repudiated by the GOC and prosecuted. On July 25, 2008, one such extremist, Basil Mkalavishvili, was released from prison and now has a small congregation in the Tbilisi area. According to the GOC Mkalavishvili is no longer officially connected to the GOC, because he was excommunicated and de-frocked. However, Mkalavishvili still acts and dresses like a priest and to his flock probably functions as such.

There were occasional media reports of minor incidents of violence between ethnic Azeris and ethnic Georgians or Armenians; however, according to the Ombudsman's Office, the incidents did not appear to be motivated by religious differences.

In the second half of 2008 the Ombudsman reported attacks and intolerance against Muslims, the True Orthodox Church, Salvation Army, Evangelical-Pentecostal Church, and Rerikh Society. Systematic problems such as the unfulfilled return of church property, registration of the so-called traditional denominations, unequal legal framework, and negative media coverage remained unchanged.

On October 9, 2008, the last of a series of damaging attacks occurred on the Evangelical-Pentecostal prayer house in the town of Vani. The pastor of the church met with the deputy head of the Vani Ministry of Internal Affairs, who explained to him that the existence of sects was unacceptable to the residents of Vani. After the intervention of the Ombudsman's Office, criminal proceedings were instigated against the police chief.

In the village of Plate of the Adigeni District (Samtskhe-Javakheti region) some local members of the GOC congregation had been tearing down an inactive mosque since 2007 (previously unreported). They were using the stone to build a church at the Zarzma monastery. As a result of complaints, the activity was halted by the end of the reporting period.

During the reporting period, Muslims living in the village of Chale in the Adigeni District reported verbal incidents of harassment in the streets, schools, and in other institutions. The former mosque located in the village of Mukhaestate in the Kobuleti region was occupied by local police, while another mosque in the town of Kobuleti itself "hosted" a dancing studio. In the Adigeni District, there were approximately seven mosques built by Meskhetian Turks that were inactive and were being used by others to keep their cattle. The Muslim population (composed mostly of migrants from Ajara) was not able to reclaim those mosques. Meskhetians who returned to the town of Abastumani also requested return of their mosque.

The Muslim community of Ajara has been barred from registration in the territory of the Ajaran Autonomous Republic. Only one Muslim organization of Ajara managed to obtain legal registration by coming to Tbilisi to do so after being refused by local officials.

There were some complaints in connection with the process of postponement of mandatory military service. An Adventist did not address the relevant agency in a timely manner with a request for substituting mandatory military service with alternative service. As a result, he was serving in the mandatory military service in the Penitentiary Department. On the recommendation of the Ombudsman's Office, the issue was being reviewed. The Adventist was relieved from his duty on Saturdays because of his religious beliefs.

On September 23, 2008, as a result of the involvement of the Ombudsman's Office, the right of a pastor from the Jehovah's Witnesses to defer military service was granted until 2012. On February 19, 2008, he had been summoned to the Tbilisi Vake-Saburtalo military district for conscription into military service. His request to postpone military service was rejected based on the "explanation" that the Government does not recognize Jehovah's Witnesses as a religion. No disciplinary action was taken against the official who initially denied his application.

In a second incident, in November 2008 the Administrative Court of Tbilisi ruled in favor of a member of Jehovah's Witnesses who was appointed as a ministerial servant of his congregation while he was serving his alternative military service. According to the "Law on Alternative Service" (article 17.3), the member of Jehovah's Witnesses claimed that he should be released from service without delay because he had become a religious minister. The Department of Alternative Service and the Ministry of Public Health and Social Matters both had denied the request before it went to the Administrative Court. The Department of Alternative Service complied with the order to free him from alternative service.

Since the country's independence 18 years ago, the AAC has claimed ownership of 6 inactive churches. The disputed churches are owned by the state. The government position is that the issues should be resolved with the consensus of the Government, the AAC, and the GOC.

In February 2009 the Ombudsman's Office confirmed that the doors of the Word of Life Church in Tbilisi were fired upon. Police were called, and a criminal case formally initiated. However, the Ombudsman believed that the comment made by the police officer, that this act was committed by some "disgruntled members of the church congregation," was not appropriate and expressed doubt that the case would be properly investigated.

#### **Section IV. U.S. Government Policy**

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. U.S. embassy officials, including the Ambassador, frequently met with representatives of Parliament, various religious groups, and NGOs concerned with religious freedom.

The Embassy funded several projects to foster religious tolerance, including research grants, visitor program presentations, and speaker program sponsorships. In July 2006 the U.S. Government began funding a four-year, \$2.7 million project to promote an increased sense of national unity among citizens through support to the

Government in forming its national integration strategy and action plan, designed to empower citizens and organizations to effectively discuss, debate, and resolve a range of matters related to building a cohesive multiethnic and multifaith nation. While inclusion of ethnic minorities is the focus of this activity, promoting interfaith tolerance is an important component of the work. The project provides technical assistance, diversity training, and small grants to local NGOs, and also supports a weekly talk/variety show on public television dedicated to integration and tolerance issues, on which prominent religious leaders have been featured.