

STATE OF CULTURAL HERITAGE OF  
RELIGIOUS MINORITIES  
IN GEORGIA



2016

## The Report was prepared by Human Rights Center

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Non-governmental organization the Human Rights Center, formerly Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia. The HRIDC aims to increase respect for human rights, fundamental freedoms and facilitate peacebuilding process in Georgia. To achieve this goal it is essential to ensure that authorities respect the rule of law and principles of transparency and separation of powers, to eliminate discrimination at all levels, increase awareness and respect for human rights among the people in Georgia.

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## Introduction

The following Report presents findings from the monitoring of the Project *Preservation of the Cultural Heritage of Religious Minorities*. The Project covered the period from November 1, 2015 to February 26, 2016 and aimed to raise public awareness about the state of historical places of worship of religious minorities.

In the frame of the Project, Human Rights Center organized field visits in the regions of Racha, Samtskhe-Javakheti, Imereti and Adjara Autonomous Republic to study the conditions of the places of worship of religious minorities. There they studied the state of synagogues, mosques and former catholic churches, as well as identified various problems on the sites. The monitoring group studied the state of the temples in Georgia which are claimed by the Armenian Apostolic Church as their properties. Among them are temples about which the Georgian Orthodox Church has different opinion.

In total, representatives of Human Rights Center photo and video documented the state of 17 places of worship in the regions of Georgia and in Tbilisi. The Project journalist prepared articles on various problematic issues, which were published on the online newspaper of the organization [www.humanrights.ge](http://www.humanrights.ge).<sup>1</sup>

Human Rights Center made a documentary film “Cultural Heritage of Religions Minorities”<sup>2</sup>. Several TV-companies aired social advertisement prepared in the frame of the project with the slogan: “Preserve cultural heritage of Georgia!”<sup>3</sup> Specialist of the cultural heritage participated in the project, who professionally evaluated the state of the places of worship of religious minorities. At the same time, he evaluated the authenticity, historical and cultural value of the monuments, which do not have the status of the cultural heritage yet.

In the frame of the Project, Human Rights Center advocated issue of granting the status of cultural heritage to the mosques in Plate and Adigeni villages with the Ministry of Cultural and Monument Protection. The Center also solicited rehabilitation of the mosque in Sakuneti village and Shamkaretsi Church in Tbilisi. The National Agency for the Preservation of Cultural Heritage considers possibility of the rehabilitation of the said places of worship. As for the mosques in the villages of Plate and Adigeni, as a result of the Center’s advocacy they received the status of cultural heritage.

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<sup>1</sup> See articles prepared in the frame of the project in the Annex

<sup>2</sup> [the film link](#)

<sup>3</sup> social advertisement was published on the video-portal of the Hridc.TV studio  
<http://www.hridc.tv/index.php?a=view&id=1139&lang=eng>

To study and evaluate the identified problems from different dimensions, the monitoring group of Human Rights Center met representatives of religious minorities, the Patriarchate of Georgia, various state institutions and the Center of Tolerance under auspices of the Public Defender of Georgia.

Human Rights Center organized a media-tour to Samtskhe-Javakheti region, where journalists from different media organizations participated.

At the end of the Project, Human Rights Center organized a photo-exhibition, screening of the documentary and presentation of the report in the National Library of the Parliament of Georgia.

*The following problems were identified during the monitoring:*

- ❖ Mass migration of the Jewish people to Israel that causes functionless synagogues in Georgia;
- ❖ Poor conditions of the disputed Armenian churches, which have the status of cultural heritage;
- ❖ Assigned Catholic temples to the Georgian Orthodox Church under ownership;
- ❖ Inadequate care of the mosques with the status of cultural heritage by the State;
- ❖ Absence of the status of the cultural heritage for the monuments which have historical and cultural values.

## Cultural Heritage of the Jewish People (Synagogues)

Synagogue is a place of worship for Jewish people. After the temple was destroyed in Jerusalem (70 A.D) and Jewish Diaspora wide-spread in the world, synagogues opened everywhere where Jewish people lived. They pray, read and comment on the Bible and Talmud, conduct ritual dinners in synagogues.<sup>4</sup>

Today, there are number of historical synagogues in Georgia, majority of which have status of the cultural heritage. The synagogues constructed before XIX Century have not survived; those which still exist, were constructed in the 1850s and another part in the beginning of XX century.

Representatives of Human Rights Center visited four synagogues throughout Georgia to evaluate the state of synagogues:

- ❖ Oni Synagogue – in Racha
- ❖ Two synagogues in Akhaltsikhe – in Samtskhe-Javakheti
- ❖ Batumi Synagogue – in Adjara

### ❖ Oni Synagogue

The Synagogue located in the Jewish district in Oni has status of the cultural heritage. Oni Synagogue is the third in size after Tbilisi and Kutaisi synagogues. Its construction is associated with Rabin Elia Amshikashvili.<sup>5</sup> With the financial support of the Jewish Maecenas the construction of the Synagogue started in 1890 in Oni and finished with opening ceremony in 1895.

Heavy earthquake in the western Georgia in 1991 significantly damaged the synagogue. With financial support of local and Israeli migrated Jewish people association Engineer Opinion prepared a project in 2005, which did not contain documents necessary for the restoration of the monument. Thus, in 2010 the National Agency for the Preservation of Cultural Heritage announced a competition to prepare rehabilitation documents on the Oni Synagogue and the same company won the bid.

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<sup>4</sup> See article: "Oni Synagogue is Still Closed" at <http://www.humanrights.ge/index.php?a=main&pid=18578&lang=eng>

<sup>5</sup> Rabin Elia (Eliau) Amshikashvili – public figure <http://akastudio.ge/map/index.php?do=page&id=106&lang=geo>

The rehabilitation works continued in 2012-2014. The Foundation for the Preservation and Safe of Historical Monuments of Georgia funded the rehabilitation works.

Today the Oni Synagogue is completely rehabilitated but because of small number of parish and visitors, the watchman of the synagogue rarely opens its locked door.



#### ❖ Synagogues in Akhaltsikhe

There are two synagogues in Guramishvili Street in Akhaltsikhe.

**Upper Synagogue** was constructed in 1863. It has status of the cultural heritage<sup>6</sup> and is the oldest among the synagogues in Georgia. In 2012, when Rabati Fortress was reconstructed, the synagogue was also rehabilitated and wooden elements were completely cleaned from oil paintings and damaged parts of the wall paintings were restored.

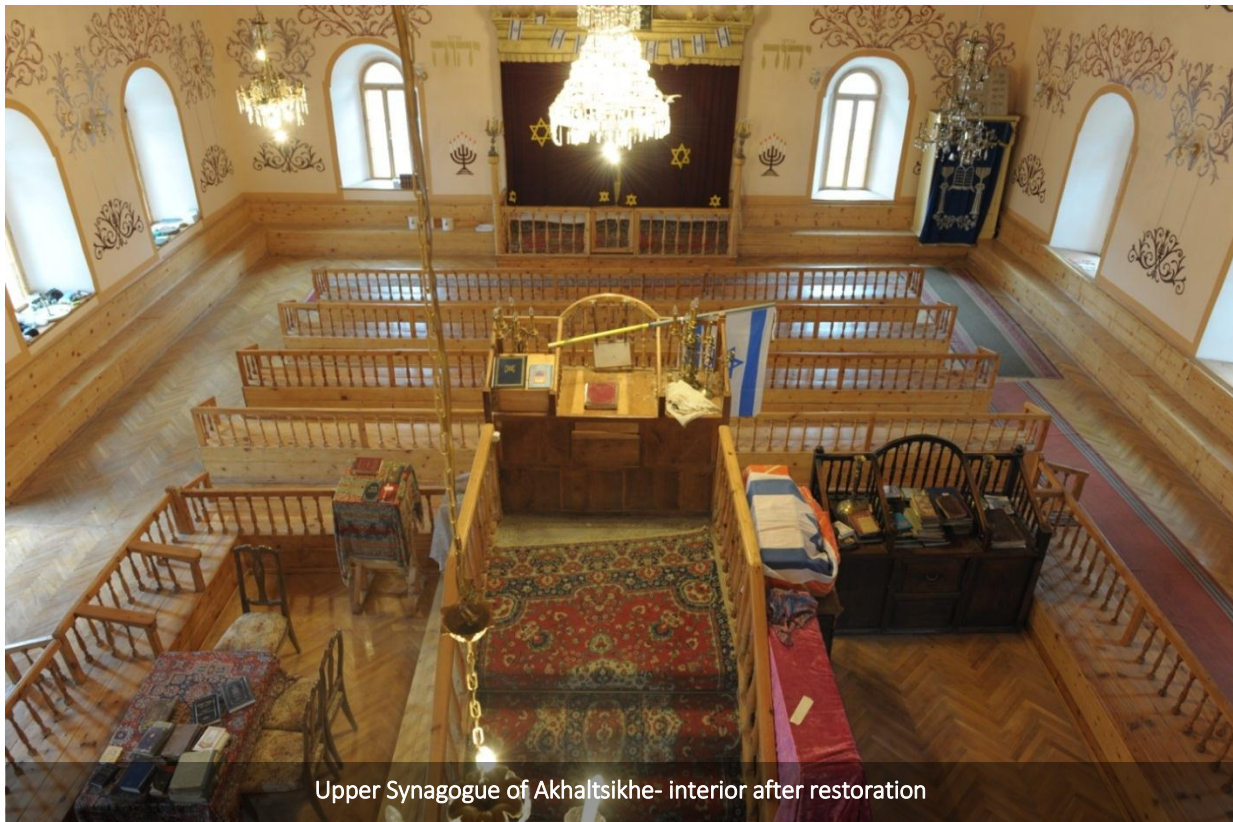
**Lower Synagogue**<sup>7</sup> was constructed in 1902. During the soviet regime different institutions functioned in it: library, cinema-club, billiard club, and finally it was used as a boxing hall.

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<sup>6</sup> October 28, 2011 Decree # 3/272 of the Ministry of Culture and Monument Protection of Georgia

<sup>7</sup> October 28, 2011 Decree #3/272 of the Ministry of Culture and Monument Protection of Georgia

Although the building is in good conditions, it is absolutely looted and demolished. Plants have grown on the facades and roof of the synagogue; the roof is very old. Interior also needs reconstruction because the floor is completely removed. After the boxers left the building the state wished to rehabilitate it but nothing was done at all. During the rehabilitation of the Akhaltsikhe Rabati Fortress it was planned to reconstruct-rehabilitate the entire lower district of the Rabat but after 2012 the rehabilitation activities stopped. According to the National Agency for the Preservation of the Cultural Heritage rehabilitation of the temple is not planned in near future.



Upper Synagogue of Akhaltsikhe- interior after restoration

#### ❖ Batumi Synagogue

The Batumi Synagogue was constructed in 1904. Currently non-profit organization Union of Georgian Jewish is user of the synagogue. Synagogue has particular architecture. Some rehabilitation works were done in the building in 19902s but with some faults. Today, the 2015 project prepared by the Ltd Sinuss envisages eradication of those problems and according to the same project Ltd Iridium (license on the construction activities is valid before April 3, 2016) will conduct rehabilitation works under supervision of the National Agency for the Preservation of



Cultural Heritage. Specialist on cultural heritage said the rehabilitation is going on without problems.



Lower Synagogue in Akhaltsikhe - interior

#### ❖ Migration of Jewish people

Today, majority of synagogues in Georgia are properly preserved by the State. Only one out of total four synagogues, the lower synagogue in Akhaltsikhe needs rehabilitation. Chairman of the Union of Jewish of Georgia Merab Chanchalashvili said the only problem, which hinders functioning of the synagogues is mass migration of the Jewish people from the country. This process started in 1970-80s, when Jewish people living in the Soviet Union republics received permission to move to Israel; thousands Jewish families used this chance and left.

Traditionally, Jewish people can pray if at least ten Jewish men come together. Nowadays, they cannot collect enough people to start rituals in the synagogue of Oni and Akhaltsikhe, for that reason they are mostly closed. Jewish people, who migrated to Israel, periodically arrive in Racha to visit their “second homeland”. However, because of hard economic and social situation in the country, they do not wish to return to Georgia forever.

“The problem is unemployment. Nobody wishes to come back from Israel. Before the Soviet Union collapsed people periodically migrated from Georgia. While they lived here, religious

holidays were usually celebrated. It is pleasant to recall the past. We had rituals three times a day. People used to come to the synagogue and pray. After rituals stopped, we have never had good periods,” local resident Abram Shimshilashvili said.<sup>8</sup>



Photo – Batumi Synagogue

Chairman of the Georgian Jewish Union Merab Chanchalashvili said their main problem in Georgia is large-scaled migration. He thinks it is important that historical synagogues had religious function. “It is bad if they become museums. It would be better if the synagogues will function and people will come to pray here.”

According to Jewish people, many migrated “Georgian Jewish people” have maintained cultural and spiritual links with Georgia; their children speak Georgian and consider Georgia as their second “homeland.” Many of them have dual citizenship that is clear basis for the State of Georgia to promote links of the Georgian-Jewish people with Georgia.

Human Rights Center addressed the Office of the State Minister of Georgia for Diaspora Issues to request statistic data about Jewish people who left or/and arrived in Georgia for the last years. In accordance to the information provided by the Office of the State Minister, they do not have statistic data about migration and entrance of Jewish people from and into Georgia.

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<sup>8</sup>See article: “Oni Synagogue is Still Closed” at <http://humanrights.ge/index.php?a=main&pid=18578&lang=eng>

According to the clarifications of the Office of the State Minister, they monitor movement of citizens of Georgia who live abroad and also of our compatriots who have dual citizenship. Their clarifications demonstrate that the Office of the State Minister does not consider Georgian Jewish people to be our compatriots as well as those Jewish people who hold dual citizenship.

Human Rights Center recommends the Office of the State Minister, who is responsible to monitor the migration (emigration) of the citizens abroad<sup>9</sup>, to create informational data base about the Jewish people who migrated to Israel from Georgia and particularly about those, who hold dual citizenship. At the same time, the Office shall cooperate with the Georgian Jewish Diaspora in the same way as they cooperate with Georgian Diaspora in other countries.

*To ensure proper functioning of the Synagogues, it is desirable that the Government of Georgia took measures to enhance contacts with Georgian Jewish people living in Israel and elaborate adequate state policy to encourage return of part of them to Georgia.*

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<sup>9</sup> Resolution # 284 of the Government of Georgia “on the Approval of the Resolution on the Office of the State Minister for Diaspora Issues”, Article 2 Section 1 –“e”

## State of Armenian Churches in Tbilisi

Monitoring group of Human Rights Center visited 7 churches located in Tbilisi, which are claimed by the Armenian Apostolic Church as their properties. They are: Surb Nishani (same as Surb Nshani), Mognisi St. George Church, Norasheni Church of Dormition of the Mother of God, Surb Mina and Shamkaretsi (same as Shamkaretsots), Surb Gevork and Surb Echmiadzin Churches.

Today, Surb Gevork and Surb Echmiadzin Churches are functioning and they belong to the Diocese of the Armenian Apostolic Church. The rest of the afore-listed churches, majority of which are significantly damaged, are topic of inter-religious dispute. In addition to that, they have status of the cultural heritage but the state does not preserve them properly.

According to the National Agency for the Preservation of Cultural Heritage, they implemented various rehabilitation projects at different times: dome-shaped Mognisi Church was fully rehabilitated and reinforced; conservation project, archeological excavations and rehabilitation works were conducted in Surb Nishani Church; conservation project was implemented in Norasheni Church where archeological excavations were conducted but results are not know yet – today the reinforcement works continue in the church.

### ❖ Surb Nishani (Surb Nshani)

According to the information provided by the National Agency for the Preservation of Cultural Heritage the Armenian places of worship in Tbilisi are not dated earlier than XVII century. Among them the oldest is Surb Nishani Church (Surb Nshan in Armenian), which was constructed in 1703-1720. On Vakhushti Batonishvili's map the church is named "Temple of the village head." Nobel family of The Bebutovs was head of the village and donated the church construction; they were mentioned as "Georgian Nobel family"– the Bebutashvilis. In the later documents, the Church is mentioned as St. Nikoloz Church and it is noted that multiparty miraculous icon of the St. Nikoloz, with the part of the Andria the Apostle's head skull in it, was placed in the church. During soviet period the book depository of the national library was functioning in the church; several years ago the fire destroyed the depository.

In 2011, the Georgian National Agency for the Preservation of Cultural Heritage announced a competition, which was won by the Georgian National Committee of International Council On Monuments and Sites - ICOMOS Georgia; the latter drafted full rehabilitation project for the Surb Nishani Church, according to which a new bid was announced for the reconstruction and Ltd Constructor 2012 won it; the company performed reinforcement works in one part of the building that stopped collapse of the northern part of the interior.



Namely, pillars and arches of the Church were reinforced by iron constructions, after what steel reinforced concrete slabs were poured into the basement. Since then the works stopped because the Tbilisi City Hall could not evict a citizen, living in the house to the south of the church.

Representatives of the Armenian Apostolic Diocese in Georgia stated that the church was full of ruins and rubbish for a long time. Today it is cleaned and scaffolds are also installed but the citizen living next to the church has arranged a dog shelter. The animals often pollute the surrounding area that causes unhygienic smell. The State could not give alternative space to the person that is the main problem according to the representatives of the Armenian Apostolic Church because they cannot continue the reconstruction of the church. The State Agency for Religious Issues and the National Agency for the Preservation of Cultural Heritage confirmed their statements.

#### ❖ **Moghnsi St. George Church**

According to the information provided by the National Agency for the Preservation of Cultural Heritage, Moghnsi St. George Church was constructed in 1751. On November 19, 2009 the dome and big part of the walls of the demolished building collapsed. The Tbilisi City Hall services immediately cleaned the surrounding area from ruins and afterwards in 2010 Ltd Architex, which won the competition announced by the National Agency for the Preservation of Cultural

Heritage, implemented rehabilitation works in the church. During geological excavations in the interior, remains of the older church were discovered, which was dated by XIV Century according to the archeological materials.



The Church received status of cultural heritage in 2007. Despite that, it is in poor conditions. Old grave stones are in the street that creates threat that they will be stolen or damaged. Steel network was installed in the ruined walls of the church but it is not enough to preserve the Moghnisi Church. According to the Georgian Diocese of the Armenian Apostolic Church, despite their many warnings, the State is not going to rehabilitate the church in near future.

#### ❖ **Norasheni Church of Dormition of the Mother of God**

According to the data provided by the National Agency for the Preservation of Cultural Heritage, Norasheni Church of the Dormition of the Mother of God was constructed after 1796. In 1925, the soviet government wanted to destroy the church but resistance of the Tbilisi population saved it from deconstruction and finally the building was assigned to the library of the Georgian Academy of Science.

In 2014, the National Agency for the Preservation of Cultural Heritage announced a bid competition and Ltd Engineer Opinion won it; the Ltd prepared full project documentation for the rehabilitation of the Norasheni Church. In September 2014, Ltd Aba Group started rehabilitation works in the church, which still undergo with financial support of the Foundation for the Preservation of Georgian Historical Monuments.



Representatives of the Georgian Diocese of the Armenian Apostolic Church said only reinforcement activities were conducted in Norasheni by now. According to official data, the following work was done in the church: steel-concrete belt was installed around the whole basement; the dome was also reinforced by the steel-concrete pillars.

Representatives of Human Rights Center visited ongoing rehabilitation works in Norasheni Church. Periodic flooding of the basement hinders the reconstruction process, for what the building company arranged bumping wells in the basement. With the support of the bumping system, in the future it will be possible to prevent flooding of the basement. Scaffolds are installed in the interior and archeological excavations and reconstruction activities are conducted simultaneously.

Today, Georgian Diocese of the Armenian Apostolic Church and Georgian Orthodox Church have

dispute over Norasheni. As secretary of the Georgian Patriarchate Father Michael (Botkoveli) told Human Rights Center,<sup>10</sup> nobody can insist that it is Armenian Church. It is good that archeological excavations are going on there and we will have a result. On their side, the representatives of the Armenian Apostolic Church state the Armenian origin of the Norasheni does not raise doubts and their diocese believes it shall not be topic of dispute because there are many indicators to prove that the church historically belonged to the Georgian Diocese of the Armenian Apostolic Church.

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<sup>10</sup> See Article: "Interview – Father Michael: "We Should Reach Agreement for Common Peace" at <http://www.humanrights.ge/index.php?a=main&pid=18635&lang=eng>

## ❖ Surb Mina

The church received status of the cultural heritage in 2007 based on the relevant decree of the Minister of Culture. IDPs live in the yard of the church. They said the Ministry of Georgia for IDPs, Accommodation and Refugees allocated the space on them. One of them privatized the basement of the church and arranged a cellar in it. He did not deny this fact in the conversation with the Human Rights Center's representatives. The locals said they are not determined to permanently live in the vicinity of the Surb Mina Church and if the state takes adequate measures, they are ready to leave the area.

On 7 October 2014, a representative of the Georgian Diocese of the Armenian Holy Apostolic Orthodox Church addressed the Public Defender with a request to study the legality of alienation of the so-called disputed temple named after Surb Mina and its adjacent territory.

On 12 March 2013, the diocese requested the Chief Prosecution Office to look into the legality of privatization of the temple and its adjacent territory. The Office of the Public Defender requested the Chief Prosecution Office to provide information about any investigative measures taken in regard to the mentioned case. By the letter of the Chief Prosecution Office on 26 April 2013 1st Unit, Old Tbilisi, Division, Interior Ministry launched investigation into a criminal case concerning the legality of alienation of the Armenian Surb Mina temple and its adjacent territory located at 13 Gelati Street, Tbilisi, to private persons and forgery of a document.<sup>11</sup>

Representatives of the Armenian Apostolic Church state the investigation was dropped because the Prosecutor's Office concluded there were signs of criminal offence in the case.

## ❖ Shamkaretsi

According to the information provided by the National Agency for the Preservation of Cultural Heritage God Mother's Church of Shamkori, same as Karmir Avetarani (Red Gospel) was constructed by the Armenians exiled from Shamkori in 1840s. It differed from other Armenian Churches of Tbilisi with the dome. In 1937, the soviet authority closed it down and used it initially for a bakery and then for a warehouse.

The earthquake of April 13, 1989 significantly destroyed the church. Representatives of the Georgian Diocese of the Armenian Apostolic Church found the survived ornaments (seven piles) in the ruins and took to the yard of Avlabari Echmiadzin Church; they are still there.

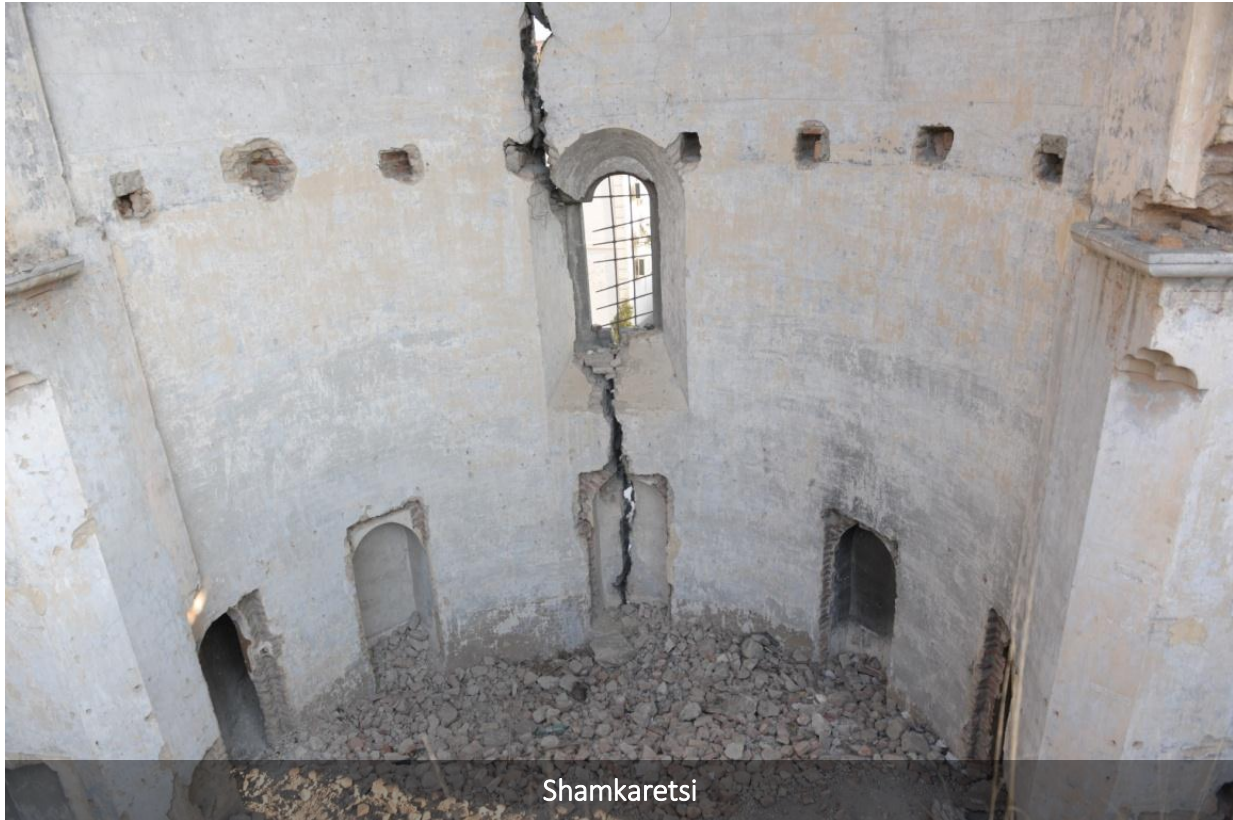
In 2013 the National Agency for the Preservation of the Cultural Heritage of Georgia announced a competition which was won by the Ltd Art building. The company presented a project on the

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<sup>11</sup> See Parliamentary Report of the Public Defender of Georgia "The Situation of Human Rights and Freedoms in Georgia 2014" p. 278



conservation of the God Mother's Church of Shamkori that aims: to clean the church from ruins, to categorize feasible materials, to reinforce the damaged parts and conservation of the walls to prevent further fall down. According to the National Agency, the winner company cannot implement the project because they could not get funding.



#### ❖ Surb Gevorg Church

Surb (saint) Gevorg on Meidan Square is one of the ancient Armenian churches in Tbilisi, which was main church of the Armenian population of the capital; now it is the Cathedral of the Armenian Apostolic Church in Georgia. Famous Armenian public figures, including Sayat Nova, were buried in its yard.<sup>12</sup>

The Church was named Surb Gevorg, same St. George, in 1938 when Cathedral of the Armenian Apostolic Church was established in it. Throughout XX Century the church was reconstructed several times.

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<sup>12</sup> See Article: "Armenian Apostolic Church Expects Registration of Saint Echmiadzin and Saint Gevorg Churches after Restoration" at <http://humanrights.ge/index.php?a=main&pid=18598&lang=eng>

Last reconstruction-rehabilitation of the Surb Gevorg Cathedral started in 2012. Research activities and rehabilitation was conducted eventually. Today, restoration works have finished. In 2010, based on the order of the Georgian Diocese of the Armenian Apostolic Church Ltd New SakKalakMshenProekti conducted engineer-geological research in the church, in 2012 the project for the construction reinforcement, rehabilitation of facades and interior walls was elaborated. Later some works were done which were finalized in 2015.

According to the Georgian diocese of the Armenian Apostolic Church the church needed immediate restoration which was done in 2013-2015 with the initiative of the leader of the Armenian Diocese in Georgia Archbishop Vazgen Mirzakhanyan and famous businessman Ruben Vardanian. Besides that foundation for the restoration of the Surb Gevorg was created where several Maecenas donated. Their names are written on the wall next to the church gate. In the beginning of the works projects on the reinforcement of the building fundament, walls, roof and dome were prepared. The church reinforcement, roof and walls restoration works were conducted by Armenian and Georgian specialists. Specialized organization Ltd Mgvime conducted main construction activities in it. Foundation for Preservation of Cultural Heritage also participated in the restoration of the Surb Gevorg Church.



Head of the service for legal issues and cooperation of the Armenian eparchy Mikheil Avakyan said unique frescos of the Surb Gevorg church were completely painted over during the communist regime; only small part of frescos were preserved. In 2013-2015, in parallel to the rehabilitation works, the Restoration Scientific-Research Center for Armenian Frescos and Italian

Restorer cleaned the frescos of the church and examined them. Together with the reconstruction activities the restoration of the frescos also finished. <sup>13</sup>

### ❖ Surb Echmiadzin Church

Today, one of the functioning Armenian churches in Tbilisi is Surb Echmiadzin Church in Avlabari. Armenian people exiled from Echmiadzin Village built the Church in 1805. Initially it was smaller with little bell tower and wooden roof. In 1846 the church was seriously reconstructed and dome was built on it. Before 1898, the building was in poor conditions and needed reconstruction which was done in 1912. In 1944-45, internal rehabilitation works were done. In 2005-06, the Reconstruction and Scientific-Industrial Service Center of Armenian Republic prepared a qualified project on its reconstruction and Georgian specialists also participated in the process. Finally, Ltd Mgvime conducted substantial reinforcement –rehabilitation of the demolished church.



There are several dozen churches including small chapels of the Georgian Diocese of the Armenian Apostolic Church in Georgia. Before 1930s, the Armenian community was owner of the churches but afterwards the Communist regime seized them. Liturgies were conducted only in two Tbilisi based Armenian churches – Surb Echmiadzin and Surb Gevorg. Today, only these two churches function in Tbilisi. Both of them have status of the cultural heritage. Ownership

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<sup>13</sup> [Ibid](#)

issue is the main problem – these churches were not assigned to the Armenian Diocese even with the right of user.

According to the Georgian Diocese of the Armenian Apostolic Church for years the State Agency for Religious Issues took some steps to assign places of worship to religious minority groups (Muslims, Jewish community) with the rights of user. However, Armenian Diocese has not yet received any church back, which the Soviet Authority seized from them. As representatives of the State Agency for Religious Issues said in December of 2014 the Georgian Diocese of the Armenian Apostolic Church petitioned the Prime –Minister of Georgia and requested assignment of 442 churches to them. The case was forwarded to the Agency for consideration which requested the applicant to provide relevant documents to prove the ownership of those churches. In September 2015 the Agency made decision to assign only 20 out of 442 churches to the Armenian Diocese under the status of user. The discussion on this case has not finished yet.

Secretary of the Georgian Patriarchate Father Michael (Botkoveili) said the Georgian Diocese of the Armenian Apostolic Church has unrealistic claims when they state 600 churches historically belong to them. It complicates the dialogue but the Patriarchate is ready to resolve all disputes through dialogue.

In his 2014 Parliamentary Report, the Public Defender of Georgia recommends to establish so-called Commission to Study Restitution Issues, which will be composed of the Public Defender, representatives of religious and nongovernmental organizations.<sup>14</sup>

*Human Rights Center believes that State Agency for Religious Issues shall issue positive recommendations on assigning the Surb Echmiadzin and Surb Gevorg Churches to the Georgian Diocese of the Armenian Apostolic Church under status of user in near future.*

*Issues of other disputed churches also need qualified and timely resolution that requires constructive dialogue between the churches and neutral engagement of the state in this process with the participation of historians and other experts.*

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<sup>14</sup> See 2014 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia” p 279

## Heritage of Catholic Community

### ❖ “Seized Property”

Today, there are five historical churches in Georgia which are claimed by the Catholic Church as theirs but all of them belong to the Georgian Orthodox Church. They are: Churches in Kutaisi, Gori, Batumi, Ivliita (Akhalsikhe municipality) and Ude (Adigeni Municipality) Churches.

Representatives of Human Rights Center met head of the Chancellery at the South Caucasus Latin-Catholics Apostolic Administration Padre Akaki Tchelidze. He said the main problem of the Catholic Church in Georgia is “deprived property rights” over the places of worship and purposeful erase of Catholic traces in the churches.

So-called renovation activities have been constantly conducted during past 25 years in the **God Mother’s Church in Gori**<sup>15</sup>. However the rehabilitation process time to time stopped because of protest from Catholic people but then continued. Several years ago Gori based Church was reconstructed. Padre Akaki Tchelidze said during reconstruction catholic frescos were completely scraped off and Greek frescos appeared on their place for what catholic trace was completely erased in the interior. The exterior of the church was damaged by the bell tower. The cross on the dome was replaced with new one. Stone from the grave of Catholic padre was removed and a new stone with different inscription was placed on it. Old floor of the church was replaced with new marble one for what materials with historic value was completely erased. The dome of the church has not been replaced yet.

Latin-Catholics Apostolic Administration believes **Ivliita God Mother’s Church**<sup>16</sup> needs reconstruction. The ceiling collapsed in one place. The Catholics were ready to replace the roof but it was not done. The floor was completely covered by concrete that hid the graves. Reportedly, Catholics were allowed to conduct liturgy in the Ivliita Church for some hours but catholic padre does not have permission to pray with them. Catholic parish finishes liturgy on the fixed time and afterwards Orthodox liturgy starts in the church.

As for **Ude God Mother’s Church**<sup>17</sup>, in 2012 the local orthodox leader selfishly started replacement of the dome on the Ude Church without any permission claiming that the ceiling was damaged and needed immediate rehabilitation. Local Catholics immediately identified that rehabilitators intended to make so-called wedge-shaped dome on the church that is not natural for Catholic churches. As a result of the protest of local Catholics, the Ministry of Culture of

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<sup>15</sup> The church received status of the Cultural Heritage on April 3, 2008 based on the Decree # 3/36 of the Minister of Culture

<sup>16</sup> Received status of the cultural heritage on March 20, 2012 based on the Decree #3/86 of the Minister of Culture

<sup>17</sup> Received status of the cultural heritage on March 30, 2006 based on the Decree # 3/133 of the Minister of Culture

Georgia interfered in the process after what the church was roofed with eclectic dome that is confirmed by the Center of Tolerance under auspices of the Public Defender of Georgia.<sup>18</sup>

*Monitoring group of Human Rights Center studied and photo/video documented conditions of the Batumi Annunciation Cathedral and Kutaisi Nativity Church during field visits.*<sup>19</sup>

### ❖ Kutaisi Nativity Church

Construction of the Kutaisi Nativity Church , formerly Catholic Church<sup>20</sup>, started in 1820 but after Catholic missionaries were exiled from Georgia, the construction temporarily stopped and later resumed. Finally it was sanctified in 1862. Based on the April 12, 1990 Decree # 183 of the Council of Ministers of the Socialist Republic of Georgia the building was assigned to the Orthodox Church of Georgia and it became Annunciation Church.



Kutaisi Annunciation Church

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<sup>18</sup> See Article (in Georgian) “Appearance of Catholic Church to Be Changed” at [http://tolerantoba.ge/index.php?news\\_id=293](http://tolerantoba.ge/index.php?news_id=293)

<sup>19</sup> See the monitoring results below

<sup>20</sup> Received status of the cultural heritage on March 30, 2006 based on the Decree #3/133 of the Minister of Culture

Today, the Kutaisi Annunciation Church is registered as property of the Georgian Patriarchate. Catholics claim the church was seized from them.

Expert of the cultural heritage said the huge church with dome was constructed in Pseudo-renaissance style that clearly indicates its origin. The renaissance style was characteristic for catholic churches whilst this style was never used by the eastern churches.

First examination shows that the roof needs replacement. Rain water leaks in the interior; paint is damaged in the building. The church needs rehabilitation that is not planned in the near future according to the information of Human Rights Center.

“At the first sight it is not easy to detect changes in the Kutaisi Annunciation Church. The Orthodox parish got rid of the old organ in the beginning of 1990s. As for the confession compartments, they are now used for the sale of candles. On the façade we now see an inscription stating that in the past there was Orthodox Church here, which was destroyed by Catholics and new one was constructed instead. It is historical fabrication, with which they are trying to justify seizure of property from the Catholics,” head of the chancellery at the South Caucasus Latin-Catholics Apostolic Administration Padre Akaki Tchelidze.<sup>21</sup>

In 2000, Catholic parish of the Western Georgia established a union Savardi to get the Kutaisi Church back which was seized during soviet regime. On December 21, 2001, the Union appealed the Tbilisi Regional Court to issue administrative act of the President of Georgia but the court did not satisfy their lawsuit and clarified that the disputed building was assigned to the Orthodox Church in 1990 and based on the Article 7 Paragraph 1 of the Concordat enacted in 2002 it was property of the Patriarchate. In addition to that the Court concluded that the union Savardi was not legal descendant of the Catholic Church. South Caucasus Catholic Church Administrator Monsignor Juzzeppe Pazzoto’s letter confirms that the Union Savardi was the only descendant of the Catholic Religious Community acknowledged by the Roman Catholic Church. The Court neglected this letter as of unclear origin claiming that the Vatican representation had not legitimized any institutions in Georgia.<sup>22</sup>

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<sup>21</sup> See article: Issue of Ownership over the Kutaisi Holy Annunciation Church Is Still Unresolved  
<http://humanrights.ge/index.php?a=main&pid=18602&lang=eng>

<sup>22</sup> Study of Religious Discrimination and Constitutional Secularism in Georgia p.36 at  
[http://www.tdi.ge/sites/default/files/study\\_of\\_religious\\_discrimination\\_and\\_constitutional\\_secularism\\_tdi.pdf](http://www.tdi.ge/sites/default/files/study_of_religious_discrimination_and_constitutional_secularism_tdi.pdf)



Kutaisi Annunciation Church, interior

Deacon of the Catholic Church Kote Otskheli said the court did not consider any evidence provided by the Catholic side. The Catholics could even appeal the Strasbourg court but that time ambassador of the Vatican suggested them not to aggravate the situation.”<sup>23</sup>

#### ❖ Batumi Cathedral Church of Nativity

At the end of XIX Century quite a large community of Georgian Catholics exiled from Meskheta settled in Batumi and in surrounding areas. It caused necessity to construct a catholic church. Famous Georgian entrepreneur and Maecenas Stepane Zubalashvili funded the construction and executed will of his late mother. The Church was being built in 1898-1902 and it was the most grand and spectacular building in Batumi with its size and architectural value.

In 1937 the Soviet authority closed the church and arranged a high-voltage substation in it. This story was screened in the famous movie “Repentance” directed by Tengiz Abuladze.

Based on the March 15, 1989 Decree #250 of the Council of Ministers of the Autonomous Soviet Republic of Adjara the building was assigned to the Georgian Orthodox Church.

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<sup>23</sup> Ibid p 28





Batumi Cathedral Church of Nativity

The building is in good conditions but in the interior, in the western part of church the wall paintings are significantly damaged that is caused by intensive leakage of rain water from the damaged roof. The expert of the cultural heritage said the roof shall be immediately rehabilitated and frescos restored-conserved.

In his conversation with Human Rights Center secretary of the Georgian Patriarchate Father Micahel (Botkoveili) confirmed that Batumi and Kutaisi based churches really resemble catholic churches by architecture but their origin cannot be estimated only by this indicator. Historical, archeological and other indicators must be estimated and dialogue is needed in this direction. Two-sided commission shall be created, which will be composed of clergymen and scientists.<sup>24</sup>

Head of the Legal Maintenance of the State Agency for Religious Issues Archil Metreveli told Human Rights Center that Catholic Church has never applied to the Agency with regard to disputed places of worship. The Commission can consider the ownership of the disputed churches only after relevant religious groups apply to them.<sup>25</sup>

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<sup>24</sup> See interview with Father Michael <http://humanrights.ge/index.php?a=main&pid=18635&lang=eng>

<sup>25</sup> See interview with Archil Metreveli <http://www.humanrights.ge/index.php?a=main&pid=18640&lang=eng>



Interior of the Batumi Cathedral Church of Nativity

## Cultural Heritage of Muslims – Mosques in Samtskhe-Javakheti

Places of worship of Muslim community – mosques are located in different parts of Georgia. Some of them are owned by state or individuals. Part of the mosques in Georgia is historical monuments and has status of cultural heritage. In 2012, based on the decree of the Minister of Culture and Monument Protection, 24 mosques in different regions of Georgia received status of the cultural heritage.<sup>26</sup>

Many mosques are located in Samtskhe-Javakheti region. Currently, Muslim Department of Georgia owns only Mirashkhani Mosque in Samtskhe-Javakheti region. The rest of the mosques belong either to the Ministry of Economics or to local self-governmental bodies or to individuals. Some mosques have status of the cultural heritage but others still maintain status of a club or a stable or a hay warehouse. It is the most painful issue for Georgian Muslims.<sup>27</sup>

In the frame of the project, representatives of Human Rights Center visited three mosques in Samtskhe –Javakheti region. They are: mosques in Sakuneti village<sup>28</sup>, in Adigeni village<sup>29</sup> and in Plate village.<sup>30</sup>

### ❖ Historical mosques in Adigeni and Plate

The mosque in Adigeni village is the oldest among those visited by the monitoring group of Human Rights Center. According to the inscription on the wall, it was constructed in 1885-86. Decoration of the entrance gate and Mihrab attracts particular attention, where allegedly the ornaments characteristic for Georgian traditional architecture is used.

A steal cross is erected several meters away from the mosque that shows that orthodox people also live in the village now. Muslim people informed Human Rights Center that Orthodox peasants wanted to transform the historical mosque into a church but then they changed mind and marked a place by a cross nearby where they intend to construct a new church.<sup>31</sup>

Today, only walls are left in the Adigeni Mosque. Despite grave damage, the building has not lost constructive validity. According to the expert of the cultural heritage, the ruins give opportunity to draft project on full or partial reconstruction and conservation.

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<sup>26</sup> Decree # 3/86 – 20.03.2012 of the Minister of Culture  
<http://culture.gov.ge/getattachment/ContentMenu/CulturalHeritage/Orders/2015-%283%29/1332928029.pdf.aspx>

<sup>27</sup> See article: “Historical Mosques in Plate and Adigeni Villages Are on the Edge of Collapse” at  
<http://humanrights.ge/index.php?a=main&pid=18613&lang=eng>

<sup>28</sup> The mosque is located in the Sakuneti village of Akhaltsikhe municipality

<sup>29</sup> The mosque is located in Adigeni village of Adigeni municipality

<sup>30</sup> The mosque is located in Plate village of Adigeni municipality

<sup>31</sup> See article: “Historical Mosques of Adigeni and Phlate Are on the Edge of Collapse” at  
<http://humanrights.ge/index.php?a=main&pid=18613&lang=eng>



According to the inscription **Plate Mosque** was constructed in 1927. It differs from Sakuneti and Adigeni Mosques with the tower on the right part of the northern entrance gate which leads into the Makhphil and was presumably used as a minaret. Today, the Plate mosque is in poor conditions. The ceiling is collapsed and wooden parts of the roof are in the building. There is real risk that the mosque will collapse. Local Muslims request rehabilitation of the mosque. Part of local orthodox people also requests rehabilitation of the mosque though they are against its functioning as a mosque. The orthodox people claim stones are falling from the ruined mosques and it can injure somebody. So it is necessary to restore and strengthen the building.

According to the Muslim community, leader of the Zarzma Monastery Father Nikoloz Getsadze acted as a key figure in the damage of the historical mosque. He used construction materials from the mosque in the construction of additional building in the Zarzma Monastery. This problem is discussed in the 2008 Report of the Public Defender of Georgia.<sup>32</sup>

Report by Human Rights Center – Freedom of Religion in Georgia<sup>33</sup> also reports about premeditated damage of the Plate Mosque. On December 17, 2014 Human Rights Center

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<sup>32</sup> See 2008 Report of the Public Defender of Georgia, p 63 <http://ombudsman.ge/uploads/other/1/1702.pdf> (available in Georgian)

<sup>33</sup> See Report by Human Rights Center “State of Freedom of Religion in Georgia – problems and recommendations” at <http://humanrights.ge/admin/editor/uploads/pdf/%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-%E1%83%98%E1%83%9C%E1%83%92-%E1%83%A1%E1%83%90%E1%83%91%E1%83%9D%E1%83%9A%E1%83%9D%E1%83%9D.pdf>

addressed the Chief Prosecutor of Georgia and requested investigation into alleged premeditated damage of the historical mosque in Plate village. The organization requested investigation of the facts and punishment of perpetrators. However, the Chief Prosecutor's Office forwarded the case to the Adigeni district police department for further investigation. The State has not reacted on the damage of the Plate mosque. The investigation into the case was stopped in December, 2014.

Executive director of Human Rights Center Aleko Tskitishvili thinks historical building of the Muslim Meskhs is under threat of collapse because of negligence and phobias that is instilled by some local Orthodox clergies. They teach the parish that Georgians cannot be Muslims, that "the mosque was constructed with the stones of the Orthodox Church."<sup>34</sup> During the media-tour in the frame of the project, residents of Plate and Adigeni villages told journalists that periodically transformation or deconstruction of the mosques are considered as well as use of the stones for the construction of new churches. This aggression is alarming and the State on the one hand and the Georgian Patriarchate on the other hand shall react on that.

One of the ways to preserve the mosque is to grant the status of the cultural heritage to it after what the government and the society will take responsibility to take care of it. Thus, on January 8, 2016 Human Rights Center requested the status of the cultural heritage for the mosques in Plate and Adigeni villages. The Ministry of Culture and Monument Protection forwarded the petition to the National Agency for the Preservation of Cultural Heritage for further consideration. In accordance to the legislation, on February 2, 2016 the session of the Culture Heritage Council was held which decided to grant the status to the mosques in Plate and Adigeni villages. In accordance to the Article 15 Paragraph 3 of the Georgian Law on the Cultural Heritage, it is basis of individual-legal act by the Minister of Culture according to which the mosques receive the status. On February 8, 2016 based on the Decree # 2/24 of the Director General of the National Agency for the Preservation of Cultural Heritage the mosques in Plate and Adigeni villages received status of cultural heritage.

Granting the status of cultural heritage to the mosques in Plate and Adigeni villages guarantee their better preservation because the law estimates higher standards of protection for the heritage.<sup>35</sup>

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<sup>34</sup> See article: "Historical Mosques in Plate and Adigeni Villages Are on the Edge of Collapse" at <http://humanrights.ge/index.php?a=main&pid=18613&lang=eng>

<sup>35</sup> See the Law of Georgia on the Cultural Heritage



Mosque in Plate village

#### ❖ Mosque in Sakuneti village

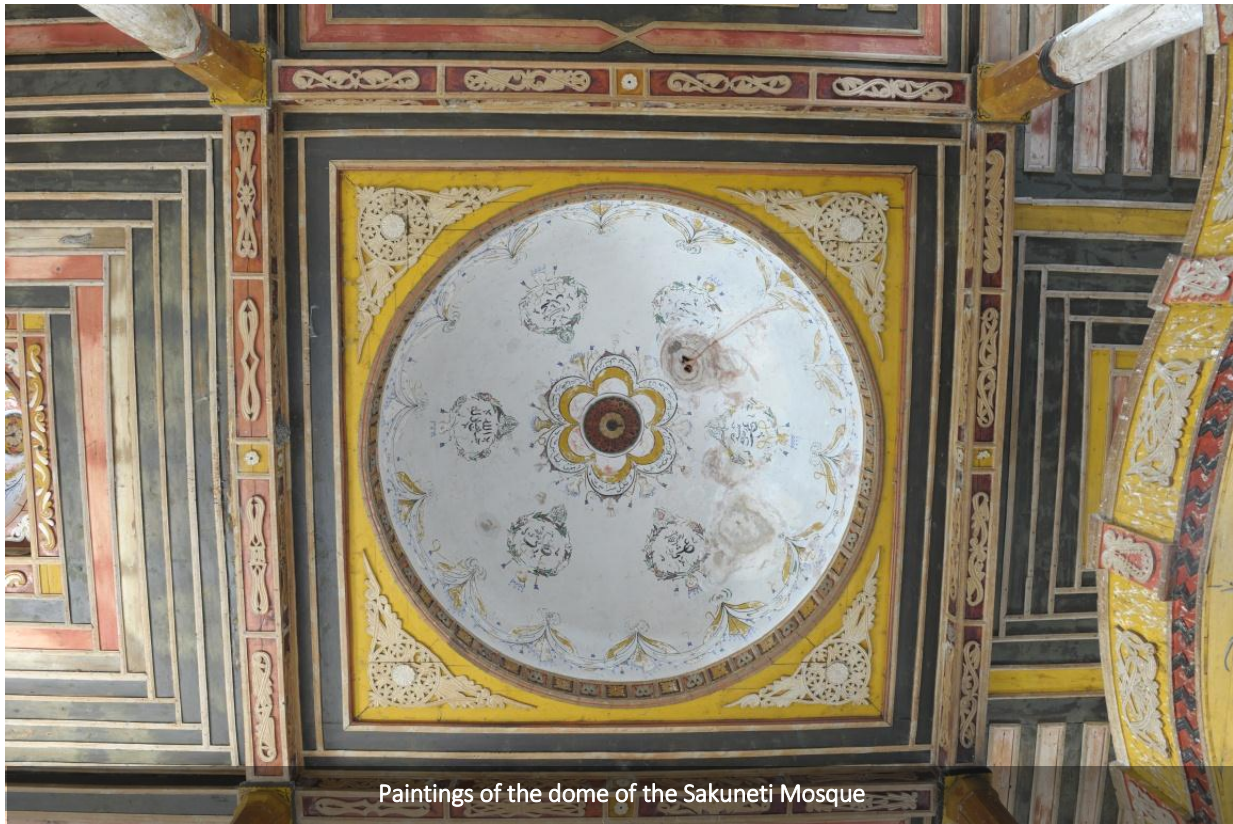
The mosque in Sakuneti village is located next to an orthodox church. According to the inscription, the mosque was constructed in 1927 and is fully preserved. The ceiling is decorated with wooden ornaments, the dome sphere is painted. The northern wall of the mosque has Makhphil and the staircase is built inside.

In the past the mosque belonged to Muslim Meskhs. In 1940s, Stalin exiled the Meskhs from Sakuneti village to the Middle East as “untrustworthy elements.” Since then the Sakuneti Mosque lost function and people used it for different purposes.

Although the Sakuneti mosque has status of the cultural heritage, there is no relevant banner in the territory and the mosque was not rehabilitated.<sup>36</sup> There are cracks in the south-eastern corner of the building. The expert of cultural heritage said the following rehabilitation works shall be conducted in the Sakuneti Mosque: the roof shall be replaced, cracks must be filled in, interior cleaned and conserved for what it is necessary to prepare relevant project.

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<sup>36</sup>TV-story – “What are the state of the Samtskhe-Javakheti based mosques – the buildings need immediate reconstruction” at <http://1tv.ge/ge/news/view/110731.html>



Paintings of the dome of the Sakuneti Mosque

Today the mosque is abandoned and the state does not protect it. A lady living next to the mosque was taking care of the mosque for free. After journalists prepared an article about her<sup>37</sup> and presented her behavior as a good example of tolerance, unidentified persons rebuked the lady for the behavior. Supposedly these people were from local state institutions or law enforcement bodies. They used hate speech with regard to religious minorities and told her she should not take care of the “chapel of Tatars.”

*Human Rights Center thinks this fact is another example when representatives of state institutions play negative role to instill negative feelings towards religious minorities in local communities. Phobias and aggressive feelings in the society are often promoted by the representatives of state institutions. However, it should happen in the opposite – the state shall take care of abandoned cultural heritage monuments including the places of worship of religious minorities and on the other hand shall encourage those people who feel enthusiastic to take care of them.*

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<sup>37</sup>Photo-project: Christian woman who takes care of the abandoned mosque  
<http://sknews.ge/index.php?newsid=6879#.VqtXrvl97cs>

*Human Rights Center thinks that first of all the State is responsible to care of historical mosques in Samtskhe-Javakheti region. The State shall take adequate measures to avoid purposeful damage and deconstruction of the monuments (regardless the fact the monument has status of the cultural heritage or not).*

*It is alarming that sometimes monuments are damaged and destroyed purposefully like it happened in the case of Plate mosque when the façade stones of the mosque were taken to the territory of the Zarzma Monastery. Sometimes the buildings are damaged because of low awareness, wrong assessment and disrespect of the cultural heritage for what the society does not feel responsibility to take care and preserve the heritage. Finally everything leads us to the state irresponsibility.*

*The government shall take measures, in accordance to the administrative or criminal law, to combat purposeful damage and deconstruction of the monuments; the Government shall be eager to grant the status of the cultural heritage to the monuments which do not have it yet to guarantee their adequate preservation and protection; the government shall be eager to provide the society with the information about the cultural wealth of the country.*



## Restitution of the Places of Worship to Religious Minorities

Restitution of the property seized during soviet time is one of the most significant problems of religious minorities in Georgia. The monitoring showed that the Georgian Diocese of the Armenian Apostolic Church and the Catholic Church have been unsuccessfully claiming the places of worship and other properties back for years.

Today, the so-called disputed chapels are several buildings in Tbilisi which are claimed by the Armenian Church as theirs and five former catholic churches in Georgia which are claimed by the Catholic community as their cultural heritage. The problem is reviewed in the 2010 Report of the Bureau for Democracy, Human Rights and Labor Issues of the State Department of the USA – “International Religious Freedom.”<sup>38</sup>

In the Qualitative survey of the Tolerance and Diversity Institute the religious minorities say that restitution of the property seized during the Soviet Union is one of the main pre-conditions of the restoration of historical justice and equality.<sup>39</sup>

In the end of 1980s, based on the conclusion of the Council of Ministers of the Soviet Republic of Georgia, places of worship were assigned to the Georgian Orthodox Church, which were seized by the soviet government. Based on the April 12, 1990 Decree # 183 of the Council of Ministers of the Soviet Republic of Georgia, all religious groups were abolished in Georgia except the Georgian Apostolic Church of Georgia.<sup>40</sup>

Among the places of worship which were assigned to the Patriarchate were those, which historically belonged to other religious communities. At the same time, religious buildings, seized during the soviet time, were not restituted which were not claimed by the Patriarchate and belonged to the state or individuals or functioned in different ways (theatre, sport gyms, dance halls, libraries, others).<sup>41</sup>

Places of worship were seized from religious groups during the soviet regime. Representatives of the State Agency for Religious Issues state assignment process of places of worship to religious minorities is conducted in compliance with the principle of justice. Georgian legislation does not recognize classic model of restitution. Georgia is not legal descendent of the state, which seized properties from religious groups but since those buildings are now under ownership of the State of Georgia, it feels responsibility to assign those buildings to those religious groups, which now are state properties but historically belonged to different religious groups.<sup>42</sup>

The State Agency for Religious Issues is aware of the ongoing dispute between the Catholic and Orthodox Churches about several buildings. However, as Archil Metreveli, head of the Legal

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<sup>38</sup> US State Department, Bureau of Democracy, Human Rights and Labor. International Religious Freedom Report 2010, Report <http://www.state.gov/j/drl/rls/irf/2010/148936.htm>

<sup>39</sup> See the survey by the TDI at <http://opinion.civil.ge/publications/291>

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> See article: “State Has Responsibility to Return Properties Seized during Soviet Period to Corresponding Religious Groups” at <http://www.humanrights.ge/index.php?a=main&pid=18640&lang=eng>

Maintenance Office of the State Agency told Human Rights Center, the Catholic Church has never applied to them with regard to the issue. "Today, the Catholic Church prefers to construct new chapels. The Agency can start discussion of property issue of any disputed chapels only after representatives of religious groups apply to us for help. Generally, the state shall not interfere in similar dispute," Archil Metreveli noted and added that it is topic of permanent discussions but procedurally the work on those cases has not started yet.

The Agency started consultations with relevant state bodies and institutions with regard to the disputed churches of the Georgian Diocese of the Armenian Apostolic Church – more precisely they cooperate with the Ministry of Culture and Monument Protection and the State Agency for the Preservation of Cultural Heritage. Unlike Catholic churches, the process is conducted more dynamically.

Secretary of the Patriarchate Father Michael (Botkovelevi) believes for the resolution of similar "disputes" it is necessary to create a two-sided commission which will be composed of the representatives of the claimant religious community and the Orthodox Church, as well as architects, historians and archeologists. It would be easier to achieve agreement in this way.<sup>43</sup>

Head of the Center of Tolerance under auspices of the Public Defender's Office Beka Mindiashvili said it is necessary to adopt a law which will ensure restitution of the properties to religious groups which were seized during the soviet time. Besides that, it is important that disputes over ownership settled through consensus.

As for synagogues and mosques, today the Georgian legislation assigns places of worship to religious communities under the status of user who cannot privatize them.<sup>44</sup> At the same time, the State recognizes ownership of the Orthodox Church over the orthodox chapels and monasteries (functioning or non-functioning) in the entire territory of Georgia, their ruins and plots where they are located on.<sup>45</sup>

According to the State Agency for Religious Issues, if places of worship are assigned under status of user, representatives of religious minorities enjoy all rights that are necessary for the care of the chapel.

The State Agency for Religious Issues plays the key role in the assignment of places of worship to religious groups, which issues recommendations with regard to concrete temples<sup>46</sup> but does not make final decisions.

The recommendation commission to study the financial and property needs of religious groups is created within the State Agency. The Commission is composed of the representatives of the Agency and other institutions, invited experts. A Representative of the religious minority, whose

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<sup>43</sup> See article: "Father Michael – We should reach agreement for common peace" at <http://humanrights.ge/index.php?a=main&pid=18635&lang=eng>

<sup>44</sup> Article 4 Paragraph 1 "L" of the Law of Georgia on State Property

<sup>45</sup> Article 7 Paragraph 1 of the Concordat between the State of Georgia and Georgian Apostolic Orthodox Church

<sup>46</sup> February 19, 2014 Decree #177 of the Government of Georgia about the creation of the Tbilisi public law legal entity – State Agency for Religious Issues

case is discussed by the Commission, also participates in the work of the Commission based on the rotation principle.

Since its establishment, the Commission permanently works and by now they have discussed the issues of synagogues, mosques and Gori based church. Head of the Legal Maintenance Office of the Agency Archil Metreveli said the Commission will continue functioning until the disputed properties exist in the country.

By now, the Commission has issued positive recommendations on 11 synagogues and 87 mosques which should be assigned to relevant religious minorities. The registration process of the user status is conducted eventually.

*Measures taken with regard to assignment of the places of worship to religious minorities shall be evaluated positively. However, the Agency has many challenges. It is important that the religious minorities received the places of worship for use in limited time-frame.*

*Besides that, relevant legislative amendments are necessary which make restitution of all seized properties to the religious groups possible.*

## Damage of the cultural heritage of religious minorities – responsibility

In accordance to the Georgian legislation, the Ministry of Culture and Monument Protection, Ministry of Justice, local self-governmental bodies and other state agencies, public and private legal entities are responsible to preserve cultural heritage in Georgia. In the territory of autonomous republics of Abkhazia and Adjara, relevant state institutions of the republics are responsible for the preservation of the heritage. According to the law, conduct of any sort of activities in the heritage is prohibited. Purposeful impact on the heritage which may damage or destroy it will result into criminal liability of a person in accordance to the Georgian law.<sup>47</sup>

Recently several facts of willful transformation and damage of the culture heritage monuments, including churches, have been observed in Georgia. As it is actively discussed in social networks, since based on the Constitutional Agreement – Concordat the state has assigned historical churches and monasteries to the Orthodox Church, the “owner” has right to use “its property” according to their decision.

According to the director of the National Agency for the Preservation of Cultural Heritage Nikoloz Antidze, the law protects the monuments of cultural heritage and regardless the fact who is the owner, everybody is obliged to respect the law<sup>48</sup>. Willful transformation of the cultural heritage is inadmissible. The Concordat does not give anybody the power to do whatever they want with the heritage. The Agency has become stricter to similar facts and in 2014 Inspection of Culture Heritage was established. If the heritage is damaged, yet the Commission just warns the relevant person/institution. At the same time, the Agency works on a new code on the cultural heritage and when it will go in force, they will apply stricter sanctions against concrete perpetrators. Nowadays, it is difficult to control the process. Acting Law of Georgia on the Cultural Heritage creates basis for criminal liability but due to current reality it is very difficult to apply this measure against concrete clergies. Nika Antidze said the National Agency has raised issue of criminal liability, have reported the prosecutor’s office about concrete violations but they do not know what was the result of their investigations. That’s why they insist to increase functions of the Inspection on Cultural Heritage. After the new code goes into force, the work of the Inspection will become more effective.

If monument is so damaged that it is impossible to improve, of course criminal liability will start against the perpetrator. There is alternative situation, which is more frequent, when “with kind purposes” a monument is damaged during rehabilitation. It is easier to improve this damage and mostly administrative sanctions are used in similar case.<sup>49</sup>

***Human Rights Center believes that for the preservation of the cultural heritage of religious minorities it is necessary to give relevant status to the heritage of religious minorities and on the other hand all necessary measures shall be taken against the perpetrators. Besides that it is necessary to introduce amendments in the law, which will give more leverage to the Inspection of Monument Protection. It is necessary to have adequate reaction on all violations and have equal approach to all perpetrators.***

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<sup>47</sup> Article 4 Part 1 of the Law of Georgia on the Cultural Heritage

<sup>48</sup> See interview with Nikoloz Antidze at <http://humanrights.ge/index.php?a=main&pid=18630&lang=eng>

<sup>49</sup> Ibid

## Media -Tour - Monuments of Cultural Heritage of Religious Minorities

On February 9, Human Rights Center organized a media-tour in the villages of Akhaltsikhe and Adigeni municipalities. Journalists of printed media, Radio and TV-companies and online newspapers studied the conditions of the places of worship of religious minorities. Representatives of the regional media also participated in the tour.

The media-tour aimed to visit the two synagogues in Guramishvili Street in Akhaltsikhe, a mosque in Sakuneti village, and mosques in the villages of Adigeni and Plate. Mr. Amar Karrer, Coordinator at the Canada Fund for Local Initiatives, Embassy of Canada also participated in the media-tour.

During the media-tour representatives of Human Rights Center informed journalists about present conditions of historical mosques and synagogues in the region. The journalists visited the places of worship and interviewed local people. Orthodox inhabitants of Sakuneti, Plate and Adigeni villages openly declared before cameras that they are against functioning of the mosques. The journalists interviewed representative of the Jewish community in Akhaltsikhe Simon Levishvili, who spoke about migration of Georgian-Jewish people to Israeli that caused functionless of the synagogues in Akhaltsikhe.

The participants of the media-tour were informed that with the advocacy of Human Rights Center, on February 8, based on the decree of the Minister of Culture of Georgia, mosques in Adigeni and Plate villages received status of the cultural heritage.

## Recommendations

Human Rights Center calls on the **Government of Georgia**

- ❖ To elaborate relevant state policy to enhance contacts with the Georgian Jewish living in Israel and to ensure return of part of them to Georgia;
- ❖ To ensure preservation of the cultural heritage of religious minorities and give status of the cultural heritage to the monuments with relevant value;
- ❖ To assign places of worship to religious groups to ensure their preservation and protection effectively;
- ❖ To conduct special trainings for the representatives of local self-governments for the promotion of tolerance

Human Rights Center calls on the **Parliament of Georgia** to timely adopt:

- ❖ The law to ensure restitution of the places of worship seized during the soviet regime;
- ❖ The Code on the Cultural Heritage, which will increase the authority of the Inspection of the Defense of Cultural Heritage.

Human Rights Center believes that the **State Agency for Religious Issues** shall issue recommendations on the properties of religious groups in the limited period of time.

Human Rights Center addresses the **Ministry of Internal Affairs** and the **Chief Prosecutor's Office** of Georgia, with respect of the equality principle, to investigate and punish alleged perpetrators into the facts of religious intolerance or other facts infringement of cultural heritage of religious minorities.

Human Rights Center calls on the **Catholic Church** to conduct advocacy with relevant institutions on the restitution of the disputed churches.

Human Rights Center suggests the **Muslim community** to conduct advocacy with relevant institutions on granting the status of cultural heritage and rehabilitation of the monuments.

Human Rights Center requests the **Patriarchate of Georgia** to study the statements and actions of those clergymen, whose activities resulted in the escalation of religious controversy in the villages of Samtskhe-Javakheti region and where damage, transformation or deconstruction of historical mosques is periodically discussed.

Human Rights Center calls on the **representatives of local administrations** to approach the sensitive problems of religious minorities with tolerance and encourage people who feel enthusiastic to take care of the chapels.

## Annex

### Articles on the cultural heritage of religious minorities prepared by Human Rights Center

1. „Oni Synagogue is Still Closed”  
<http://humanrights.ge/index.php?a=main&pid=18578&lang=eng>
2. “Closed Synagogues”  
<http://humanrights.ge/index.php?a=main&pid=18648&lang=eng>
3. “Armenian Apostolic Church Expects Registration of Saint Echmiadzin and Saint Gevork Churches after Restoration”  
<http://humanrights.ge/index.php?a=main&pid=18598&lang=eng>
4. “Issue of Ownership over the Kutaisi Holly Annunciation Church Is Still Unresolved”  
<http://humanrights.ge/index.php?a=main&pid=18602&lang=eng>
5. Orthodox Liturgy Continues in Batumi Catholic Church  
<http://humanrights.ge/index.php?a=main&pid=18639&lang=eng>
6. Orthodox Woman Forbidden to Take Care of Sakuneti Mosque  
<http://humanrights.ge/index.php?a=main&pid=18609&lang=eng>
7. Historical Mosques of Adigeni and Phlate Are on the Edge of Collapse  
<http://humanrights.ge/index.php?a=main&pid=18613&lang=eng>
8. Meeting with the Director General of the National Agency for Cultural Heritage Preservation of Georgia  
<http://humanrights.ge/index.php?a=main&pid=18612&lang=eng>
9. Nikoloz Antidze – Law on Cultural Heritage to Get More Drastic  
<http://humanrights.ge/index.php?a=main&pid=18630&lang=eng>
10. Father Michael: “We Must Achieve Agreements for Common Peace”  
<http://humanrights.ge/index.php?a=main&pid=18635&lang=eng>
11. Tbilisi Based Disputed Armenian Churches Are On the Edge of Collapse  
<http://www.humanrights.ge/index.php?a=main&pid=18642&lang=eng>
12. “State Has Responsibility to Return Properties Seized during Soviet Period to Corresponding Religious Groups”  
<http://www.humanrights.ge/index.php?a=main&pid=18640&lang=eng>
13. Beka Mindaashvili: “Religious Minorities Shall Get Seized Chapels Back through Restitution”  
<http://www.humanrights.ge/index.php?a=main&pid=18641&lang=eng>
14. Media-Tour – Monuments of Cultural Heritage of Religious Minorities  
<http://www.humanrights.ge/index.php?a=main&pid=18651&lang=eng>