

THE CASE AGAINST THE EVANGELICAL CHURCH OF GEORGIA

Report on the case details and related important circumstances

Updated on 1 December 2023

This document is developed by the Tolerance and Diversity Institute (TDI), defending the rights of the Evangelical Church of Georgia and its Pastor Zaal Tkeshelashvili.

The details provided in this report are based on the case files, the relevant evidence, and the information supplied by Zaal Tkeshelashvili, the Pastor of The Evangelical Church of Georgia.

TDI is a non-profit human rights organization based in Tbilisi, Georgia. The organization works on advocating, protecting, and promoting freedom of religion and belief, and equality. <http://tdi.ge/en>

Summary	3
The Pastor's address	5
1. About the Evangelical Church of Georgia and Pastor Zaal Tkeshelashvili	5
2. ECG's legal personality	7
3. The plaintiff	8
4. ECG's current/disputed church property	9
5. Acquaintance and relations between the plaintiff and the defendant	11
6. The plaintiff's suspicious business interests in Georgia	12
7. The second building	14
8. The change of circumstances and the plaintiff's behavior	15
9. Allegedly forged documents of the plaintiff attached to the case	16
10. Donations and the Money Claimed by the Plaintiff	18
11. The Court	18
12. For the context: the state's religious policy and the court independence in Georgia	20
Annexes	22

Summary

The following document describes the alarming facts of the case against the Evangelical Church of Georgia (ECG) and its pastor Zaal Tkeshelashvili. The ECG is on the verge of losing its only prayer house, built with the huge efforts of the Church members within the span of five years.

The intense violation of freedom of religion and other fundamental rights of the ECG members is disguised in the controversial civil lawsuit. On 9 November 2022, the Georgian Court of Appeals ordered the Pastor (the defendant) to pay the plaintiff the Church donations received over several years. In fact, these donations were intended to complete the construction of ECG's first and only prayer house.

Many circumstances indicate that this is an attempt, disguised in the questionable civil case, to ruin the Pastor's reputation, to silence his voice about justice and equality, to take away the Evangelical Church's only property - its prayer house, to abolish ECG's autonomy and its existence as an independent church.

The plaintiffs are a U.S. citizen, Byung Chan Park, and the U.S. registered non-profit organization "12 Baskets", owned by the same person. In 2019, Park filed a lawsuit against Zaal Tkeshelashvili in the Tbilisi City Court, requiring the defendant to pay him the donations that the plaintiff collected from Christian believers over the years on behalf of the Church.

Byung Chan Park first met Pastor Zaal Tkeshelashvili and the ECG members in 2014 and for the second time in 2015. He introduced himself as an Evangelical missionary, willing to "spread the gospel" and help local Evangelical Christians in Georgia. He gained the ECG members' trust and, in their name, on his sole initiative, started collecting donations among Christian believers in the USA and South Korea to help the Church complete the construction of the prayer house that was already partially built. He also expressed interest in building a social enterprise with these donations, employing church members, and donating the enterprise income "to build the Kingdom of God."

The plaintiff seemed comfortable with his relations with the ECG for several years, visited the church, lived on the ECG's territory for several months, invited and hosted his foreign friends there, and participated in religious services.

At the beginning of 2018, when the construction of the ECG buildings, disputed by the plaintiff, was already completed, he changed his stance towards the pastor and the Church. During this period, he was contacted by certain persons who supposedly influenced his actions. Park began to argue that the Evangelical Church of Georgia was not a real Church because of its unregistered status and that Pastor Zaal Tkeshelashvili was not a true religious leader.

After a thorough study and analysis of the case files, there is reasonable ground to believe that the plaintiff had acted maliciously, manipulating religious communities for his shady transactions and business activities. The case files include copies of allegedly falsified documents with a

U.S. notary stamp. The Georgian investigative bodies and the court chose to ignore this fact. Moreover, the court based its decision against the defendant on these documents. As for the second plaintiff, "12 Baskets", owned by the same person, it is important to note that according to the official website of the Corporations and Charities Filing System (USA), this organization is dissolved because of avoiding submitting annual reports over the years.

The City Court did not grant any of the plaintiff's four claims. However, the plaintiff appealed this decision in the **Tbilisi Court of Appeals, which, in its 9 November 2022 decision, partially changed the decision of the Tbilisi City Court and ordered the defendant Zaal Tkeshelashvili to pay over USD 90,000 to the plaintiff Park.** Pastor Zaal Tkeshelashvili appealed the judgment to the Supreme Court of Georgia. **With its 20 November 2023 decision, the Supreme Court found the appeal inadmissible. The result of the Supreme Court's decision will be the execution of the Appeal Court's unjust and ill-founded judgment, leaving the Evangelical Church and its members without the prayer house.**

ECG and its pastors, Zaal and Nino Tkeshelashvili, have always been outspoken against injustices, advocating for the protection of freedom of religion and belief, equality, and democratic principles in Georgia. It appears the courage, independence, and critical opinions of the ECG and its pastors are not in the interests of the State, which is permanently growing its pressure on minority religious communities and trying to ruin their autonomy.

The controversial civil lawsuit, the change of the decision by the court of appeals, and the refusal of the Supreme Court to review the case give a reasonable basis to assume that there is a deliberate campaign against the ECG and pastor Zaal Tkeshelashvili to silence him and take away the church's property and independence.

The Pastor's address

“All members of the Evangelical Church of Georgia perceived the court's recent decision as humiliating and illegal. The Church considers that the Court delivered an unjustified decision. We have reasonable grounds to believe that the change of the City Court's decision by the Court of Appeals is the result of the government's pressure.

The Church has a fair protest, and we are not planning to conform to this unlawful decision.

If the government takes from us our Prayer House, this will be persecution with Soviet methods against our freedom of religion and belief, our freedom of expression and assembly, our dignity and reputation.

This unfair decision of the court of appeals united and consolidated our Church even more. We continue to fight for the fundamental rights given to us by God and guaranteed by the Constitution”.

Pastor Zaal Tkeshelashvili

Evangelical Church of Georgia

1. About the Evangelical Church of Georgia and Pastor Zaal Tkeshelashvili¹

The Evangelical Church of Georgia (ECG) is part of the Family of Evangelical churches. Zaal Tkeshelashvili is the pastor of the Church who experienced persecution by the communist regime in his early ages because of being an active member of the Evangelical-Baptist Church at that time. Pastor Zaal had been publishing an underground Evangelical newspaper, Sakartvelos Makharebeli (The Evangelist of Georgia), during the Soviet times.

After graduating from the Moscow Assembly of God Theological Institute, Pastor Zaal Tkeshelashvili planted the new Evangelical Church of Georgia in Tbilisi with his wife, Nino Tkeshelashvili, in 1996.

¹ **Evangelical Church of Georgia**

Webpage: <https://evangelical.ge/indexEng.html>

YouTube: <https://www.youtube.com/@pastorzechariahzaaldeborah3925>

Facebook: <https://www.facebook.com/pastorzaal>



The Tkeshelashvili family: Pastor Zaal, wife Pastor Nino and daughter Shorena, 2022

This was a difficult period for Georgia, especially for religious minorities. After the newly gained independence from the Soviet Union, there were no democratic institutions, and religious nationalism was proliferating.

After 1996, the ECG had been holding its Sunday services at the Pastor's private apartment or renting different spaces for Church gatherings. It had been challenging without a permanent and its own Church property. The rental of the places had also been challenging, as the property owners did not want to rent to "religious minorities." The ECG purchased the land for building the church in 2012 and completed it in 2017.

The Evangelical Church of Georgia was among the first in independent Georgia to fight for their freedom of religion and belief through the judiciary. Being persecuted, violently dispersed, and physically injured by the police and mobs for their outdoor religious service, ECG and Pastor Zaal underwent litigations against the corrupt police system in all court instances during 1999-2002². These events were highlighted in the U.S. Department of State, Amnesty International, Human Rights Watch, and all the relevant international reports³. Additionally, ECG

² The video describing violent persecution of the Evangelical Church, 2002 <https://youtu.be/DyuESHLgbns> and the video of the police violence and the court proceedings <https://youtu.be/W7SipF6xYI4>

³ "Several members of another evangelical group... were beaten and abused verbally by police officials while conducting outdoor services in the Gldani region of Tbilisi in May 1999...The group alleged that the leader of a radical Orthodox group exerted pressure on the court. The appeal was pending in the Supreme Court as of June 30, 2000" - 2000 Annual Report on International Religious Freedom: Georgia, U.S. Department of State, September 5, 2000

"On 29 May police from the Gldani district of Tbilisi, the Georgian capital, forcibly broke up an open-air meeting of an evangelical Christian group. Church members allege that police beat several peaceful worshippers, including the pastor, Zaal Tkeshelashvili and his wife Nino. To Amnesty International's knowledge no criminal charges were opened in connection with the alleged assaults.." - Amnesty International - Report - EUR 56/01/00, February 2000, Georgia

took part in an important constitutional lawsuit based on which, in 2022, the Constitutional Court of Georgia found certain provisions of the law on assembly and manifestation unconstitutional.⁴

Such resistance to the violent regime was actively covered by the media and created a good precedent of the fight for fundamental rights, including freedom of religion and belief and freedom of assembly and expression.



The Sunday service at the Evangelical Church of Georgia, 2022
Sunday service at the ECG: kids' performance, 2022

Since then, ECG and Pastor Zaal have been outspoken about the injustices and the need to respect fundamental human rights⁵. Since 2005, ECG has been a founding and active member of the Council of Religions functioning under the auspices of the Public Defender (Ombudsperson) of Georgia and, together with other religious communities, has been fighting through this inter-religious platform for the rights of all religious communities in Georgia.

It appears the courage, independence, and critical opinions of the ECG and Pastor Zaal are not in the interests of the State, which is permanently increasing its pressure on minority religious communities.

2. ECG's legal personality

Until 2005, religious organizations, except for the Georgian Orthodox Church, were not allowed to register in any form. In 2005 religious communities were given the right to register as non-profit organizations. In parallel, the Georgian Orthodox Church had been enjoying the

Also, see Human Rights Watch, *World Report 2001: Georgia and Human Rights Watch, Memorandum to the U.S. Government on Religious Violence in the Republic of Georgia, 2001*

⁴ Georgian Young Lawyers Associations and Zaal Tkeshelashvili, Nino Tkeshelashvili and others v. Parliament of Georgia, 2022: <https://constcourt.ge/ka/judicial-acts?legal=241>

⁵ Pastor Zaal speaks about the importance of FoRB and the threats of impermissible limitations of this right [https://youtu.be/C1P7g2_valw](https://youtu.be/C1P7g2_valw;);

Pastor Zaal's public interviews on FoRB and state policy <https://youtu.be/j8VjQoLVA7M>

status of the legal entity of public law since 2002. In 2011, the Parliament amended the civil code and granted all religious organizations the right to choose a variety of legal personalities - the legal entity of private law, the legal entity of public law, or remain unregistered if they wish so.

Nowadays, because of the State's growing interference in the autonomy of minority religious communities and the related threats, with the decision of the ECG members, the religious community functions without state registration. Georgian legislation and international human rights law grant this right. Despite registered or unregistered legal personality, all religious communities and their members shall enjoy the freedom of religion or belief and other fundamental rights without any discrimination⁶.

3. The plaintiff

The plaintiff is a U.S. citizen, Byung Chan Park (aka Brian). The plaintiff allegedly is occupied with business and charitable/missionary activities.

The second plaintiff is the U.S. registered non-profit organization "12 Baskets", which belongs to the plaintiff, Park. With the name of the "12 Baskets", the plaintiff claims back USD 60,000, the donation transferred from this organization, which was used for the completion of the construction of the ECG church building. The rest (USD 139,032) of the money is claimed in the name of the plaintiff - Byung Chan Park himself.

The plaintiff presented to the court "the Certificate of Existence of 12 Baskets". According to this document, Byung Chan Park is the founder of the non-profit organization "12 Baskets" in the United States (*9701 SOUTH TACOMA WAY STE 125, LAKEWOOD, WA, 98499, USA; UBI Number: 603069719*).

It is an essential fact that according to the official website of the Corporations and Charities Filing System of the state of Washington (<https://ccfs.sos.wa.gov/#/Home>), organization 12 Baskets is incorporated in WA. However, the following circumstances question the organization's uprightness, validity, and goals. Namely:

- The organization was dissolved and reinstated three times between the years 2013-2020;
- the organization was reinstated on 07/02/2013 and submitted its last annual report on 01/07/2015 before dissolving again on 04/01/2016;
- It is essential to underline that the plaintiff, 12 Baskets, made a transaction to the defendant on 29 October 2015, just in the short period of time when the plaintiff Park reinstated the organization, which was dissolved again in April 2016;

⁶ A detailed description of the international legal framework about access to legal personality for religious or belief communities can be found in the *Guidelines on the Legal Personality of Religious or Belief Communities*, OSCE/ODIHR, 2014.

- 12 Baskets remained dissolved until 09/21/2018;
- Then, it was reinstated once again on 09/21/2018, just a few months before submitting the claim in the Georgian court; and dissolved again on 05/03/2020;
- 12 Baskets avoided submitting to the government annual reports for the years 2016, 2017, 2018, 2019, 2020, 2021, and 2022;
- As of February 2023, according to the CCFS official webpage, the organization remains “administratively dissolved.”

4. ECG’s current/disputed church property

ECG purchased the 900m²⁷ of land to build the prayer house in 2012 - much earlier than the plaintiff and the defendant met. The land is located in Tbilisi, Gldani district.

In 2013, Zaal Tkeshelashvili obtained the building permit from the Tbilisi City Hall, and the community started the construction of the church (building 1), also much earlier than the plaintiff and the defendant met each other. The building process was completed in 2017.



The construction of the ECG’s prayer house was completed, 2017

Currently, the ECG uses the building for weekly, Sunday, youth, educational, and other religious services.

In July 2017, Zaal Tkeshelashvili obtained an additional construction permit for the second, smaller complementary building to be used by the ECG for multifunctional purposes. The construction of the second building was completed in 2018.

Both buildings are located on the same land plot purchased in 2012 and are distanced from one another by six meters (19.5 feet).

⁷ In 2012, during the purchase of 900m² land, its title number was: 72.13.27.610; The current title number is 72.13.45.612 and the total land area is 1157 m².



ECG's first and second buildings are on the same land plot; the distance between them is six meters (19.5 feet), 2022

As the ECG functions in an unregistered form, the Church property is formally registered in the Pastor's name by its community members' decision.

These two buildings are the subject of the current litigation against the church and its pastor. Because of the pending litigation, the ECG property (both ECG buildings and the land), also the private apartment owned since 2000, where Pastor Zaal Tkeshelashvili lives with his wife and daughter, are sequestered.



The exterior of the completed ECG prayer house, both buildings, 2022

5. Acquaintance and relations between the plaintiff and the defendant

In 2014, a group of believers from the U.S. and South Korean Churches arrived in Georgia on a short missionary trip and visited various Evangelical churches in Tbilisi, Batumi, Rustavi, and other places. The plaintiff, Byung Chan Park, was among this group's members. The group attended ECG's religious service once, which, by that time, was held at Pastor Zaal Tkeshelashvili's home (apartment). The communication between the ECG members and the visitors' group was just introductory and religious matters. The parties exchanged their emails.

The next meeting between the plaintiff and the defendant was in 2015, when Park arrived in Georgia again on January 20-28 to visit another independent Evangelical church located in the southeastern town of Rustavi. During this visit, the plaintiff expressed willingness to see ECG representatives again, and this was the first time Park saw the ECG's land and the ongoing church construction process there. The sole initiator of this meeting was the plaintiff. The nature of the meeting between the parties was purely on religious matters this time, too. *(the evidence and relevant correspondence are in the case files).*



The ECG prayer house building, December 2014

By this time, the walls and roofing of the church building construction were already completed. The evidence is proven by the photos from the City Hall's construction documents and is attached to the court files. The main church building (1st building) had been built to this condition without any participation or donation from the plaintiff or his friends. Neither has the defendant asked for any help from the plaintiff. On the contrary - after visiting the church site and returning home to the USA, the plaintiff, in his 31 January 2015 email, expressed the desire to cooperate with the ECG to "spread the gospel."

After the plaintiff's decision not to proceed with buying the land and building the social enterprise and, instead, to support the ECG to finish building its prayer house, there has not been any communication from December 2015 until May 2017 about buying the land and/or building the enterprise.

Instead, since December 2015, the plaintiff, on his own initiative (with the defendant's consent), started campaigns by promoting ECG's construction process and disseminating flyers with ECG's pending construction and Pastor Zaal's family photos (*see annex 1*) at the USA and South Korean churches to raise additional funds/donations. It is unknown to the defendant how much donations the plaintiff collected from Christians abroad in the name of supporting the Evangelical Church of Georgia.

It is essential to note that most donations sent over this period to the ECG were transferred from various USA and South Korean Christian charities and missionaries' accounts, not the plaintiff himself. About 90% of donations were transferred to the ECG from South Korean pastors' accounts and US-based charity organization 12 Baskets, and 10% from the plaintiff's personal account.

6. The plaintiff's suspicious business interests in Georgia

The plaintiff tried to assure the ECG members that he had business skills and wanted to help the church spread the gospel. Namely, he was planning to buy a land plot to build an enterprise, would employ ECG's members, and donate the entire enterprise income "to build the Kingdom of God."

As it became evident later, the plaintiff Park had business interests in Georgia earlier than he first met the defendant in 2014. Namely, from 2013, the plaintiff had been having short visits to Georgia and communicating with another independent Evangelical church in the southeastern town of Rustavi. The plaintiff's lawsuit says he imported machinery in 2013 to start a Korean popcorn business and employ people there.

However, in the lawsuit and the court, the plaintiff and his lawyers attempted to falsify the facts, even presented the allegedly forged documents (*see section 9*) and tried to showcase as if the plaintiff started the popcorn manufacturing business with Pastor Zaal Tkeshelashvili and not a totally different church that is located in Rustavi. The plaintiff attempts to showcase the developments in the Rustavi church as developments at ECG.

Only after several unsuccessful business attempts and conflicts with Rustavi church the plaintiff started active communication with the defendant via emails in 2015. He assures pastor Zaal Tkeshelashvili that he will help spread the gospel and expresses his willingness to help the ECG complete the church construction. Later, he also tells the defendant that he is looking for land to build a popcorn manufacturing enterprise, will employ the ECG members there, and will donate the income from this business to the ECG.

For this reason, he tasked his Georgian business partner and trustee to find the relevant land plot. All email communications attached to the case files prove that the defendant, with friendly intentions and for religious purposes, was helping the plaintiff's representative find the land in Tbilisi. There is no single evidence, even the indirect one, that Pastor Zaal Tkeshelashvili had any business relations, interests, or responsibilities towards the plaintiff.

In his 22 October 2015 email communication, the plaintiff informed the defendant that he plans to revisit Georgia in November and was planning to find and buy the land with an average price of USD 80-100K. For this reason, the plaintiff Park asked Zaal Tkeshelashvili for permission to use the latter's bank account. Namely, before his departure from the USA, Park intended to transfer at least half of this money to Zaal Tkeshelashvili's account and later return this money to Park. The defendant was convinced that the plaintiff intended to build a social enterprise on his own and use it for religious purposes. Hence, he agreed to receive the money in his bank account and to fully return it to the defendant without taking any responsibility for the purchase of the land, construction and/or any other business purposes.

After this email communication, the plaintiff transferred USD 100,000 to the defendant's bank account. In fact, a USD 40,000 donation was transferred from the Korean pastor L. S's account and USD 60,000 from the U.S.-based charity organization 12 Baskets - not from the plaintiff's personal account.

By that time, the defendant did not have any doubt that the plaintiff might have been manipulating him and the ECG for suspicious transactions. It became apparent only after the plaintiff revealed his intentions and after analyzing the case files and numerous pieces of evidence.

On the same day, on 29 October 2015, the defendant sent an email to the plaintiff and urged him to immediately take this money back from him - either to be transferred back to the plaintiff's U.S. bank account or to open a Georgian account and take the money back. To this request, the plaintiff replied that he would find the best solution once he arrived in Georgia.

The plaintiff arrived in Georgia on 4 November 2015, four days after the USD 100,000 transaction, and declared that he would use the above-mentioned money - initially designated for him to buy the land for his enterprise - to help the ECG with finishing the church building construction.

In his email communication, the plaintiff says, *"Let us focus the God's house done at this moment! I let go my allowance of funds for this! ...There is no more my plan anymore until construction finishes. I am only focusing His house done by smoothly and nicely!"* The plaintiff further explains that he had a vision from God to stop the business plans and to help Pastor Zaal to finish building God's house: *"[God] saying to me My house is undone, what are you doing (looking for the land) here right now, fill my House firsts and wait for my instructions after that!"*

It is essential to underline that the defendant never had, in any form, asked the plaintiff to help build the prayer house.

7. The second building

After the plaintiff's decision not to proceed with buying the land and building the social enterprise and, instead, to support the ECG to finish building its prayer house, there has not been any communication from December 2015 until May 2017 about buying the land and/or building the enterprise.

When the construction process of the main ECG church building was coming to an end, in January 2017, the plaintiff resumed introducing his business ideas to the ECG members and the defendant - to start the social enterprise and help the church "to spread the gospel," to employ the church members, and to donate the income to the ECG.

The construction of the ECG's first/main building was completed in January and commissioned on 27 February 2017.

The first communication between the parties on building the so-called manufacturing enterprise on ECG's territory was in April-May 2017, during the plaintiff's two-week visit to Georgia. The parties agreed to build a multifunctional building on the ECG territory for various ECG activities and projects. The plaintiff had been describing this project with the religious name "the Well of Jacob."

In July 2017, pastor Zaal Tkeshelashvili obtained an additional construction permit for the second, smaller complementary building to be used by the ECG for multifunctional purposes. The construction of the second building ended in January 2018. It is the property of the Evangelical Church of Georgia, formally registered in the defendant's name - the ECG's pastor.



The construction process of ECG's second building, 2017

The complementary smaller building is built on the same plot of land as the church building, which the defendant has owned since 2012. The distance between the main church building and the complementary building is six meters (19.5 feet).

The defendant had been permanently sharing the architectural project and construction details with the plaintiff, as evidenced in the case files. **The evidence proves that the defendant did not know how to start an enterprise, believing they were building a multifunctional supplementary building for the ECG, for religious activities, study programs, and youth educational courses, where, in case of such desire, the plaintiff could later start a small enterprise.**

The plaintiff arrived in Georgia in November 2017 and stayed for four months, living at the Evangelical Church's premises and witnessing the construction process of the second building, which is located on the same territory.

According to the defendant and the evidence, the second building was constructed as the Church property, as the ECG's educational center, where the plaintiff, as a missionary, would use the ground floor to open the popcorn manufacturing enterprise, would employ the Church members and the income would ultimately serve the Church purposes.

The plaintiff Park confirms that, indeed, it was agreed to construct the second building on the Church territory owned by the defendant. However, he claims that after its construction, the defendant was responsible for starting the popcorn manufacturing enterprise there, not the plaintiff himself. The plaintiff also claims that the defendant was obliged to transfer this building, which is located on Church territory, into the ownership of his business company, GMP.

On 22 September 2015, the plaintiff registered another company, LLC GMP, this time being the 100% shareholder himself. The apostilled document presented by the party in the case files shows that the plaintiff warranted his old Georgian counterpart to register this company. The legal address of LLC GMP is the private apartment in Rustavi and belongs to the abovementioned Park's counterpart. According to the plaintiff, the goal of starting this new company was to build an enterprise, to employ Christian believers, and to spend the income "on the building of the Kingdom of God." On 7 September 2017, following the plaintiff's numerous requests, Pastor Zaal Tkeshelashvili became the shareholder and the co-director of this company (together with the plaintiff). The plaintiff explained to him that this procedure was necessary for the pastor to help him administrate the organization and solve organizational issues due to the plaintiff's frequent absence from Georgia and the language barrier.

8. The change of circumstances and the plaintiff's behavior

The plaintiff arrived in Georgia on 3 November 2017. Until 23 February 2018, he had been living at the Evangelical Church of Georgia, participating in the Church services and witnessing the construction process of the second building, which is located on the same territory.

During his stay at the ECG, the plaintiff's Korean friends and their families also visited Georgia for Christmas and stayed at the ECG building for several weeks. All of them had been participating in the Church services and being happy with their relations with the defendant and the Church members.

The plaintiff Park's behavior started changing in January 2018. He started receiving phone calls from people he seemingly did not know previously, started going out in the city, and met some people. After this, he started claiming that some people helped him to realize that ECG is not a Church because of the absence of state registration. On 23 February 2018, the plaintiff, on his own initiative, moved out of the ECG building. Despite the defendant's numerous requests to talk and explain his complaints, the plaintiff chose not to talk to the Pastor and ECG members.

From then on, the plaintiff communicated with pastor Zaal Tkeshelashvili only via SMS and email. Park requested the pastor to return the church donations received by the Church during the last several years; he also requested pastor Zaal to meet some people named by Park as his representatives.

Indeed, several people contacted pastor Zaal Tkeshelashvili, whose identities we do not name publicly at this stage, and requested to give money to Byung Chan Park. According to Pastor Zaal Tkeshelashvili, the visit of the persons who are complete strangers to the ECG and their unnatural, persistent behavior, trying to interfere with the internal affairs of the Church negatively, creates a reasonable suspicion that they were not acting independently or impartially.

As Pastor Tkeshelashvili says, the Church members got the impression that this was the intrusion into their church space by outsiders and unauthorized persons, aiming to discredit the Pastor and influence the congregation.

9. Allegedly forged documents of the plaintiff attached to the case

A considerable amount of donations (65 percent) was transferred to Pastor Zaal Tkeshelashvili's account from the South Korean pastors' personal accounts between May 2015 and June 2017. The plaintiff claims that he concluded special "Assignment Agreements" with the South Korean pastors to transfer these funds. The plaintiff presented copies of these allegedly forged agreements to the court, which are included in the case files (**see annex 2**).

According to the plaintiff, he and the defendant verbally agreed in 2014 to be business partners and that the plaintiff would send money to the defendant to build the popcorn enterprise for the plaintiff. The plaintiff could not provide any evidence to support this claim.

With these allegedly forged documents, the plaintiff's party intended to falsely prove that the business relations between the plaintiff and the defendant started in 2014 and used these so-called "Assignment Agreements" as evidence of "business transactions."

The plaintiff presented to the court two similar “Assignment Agreements,” where Byung Chan Park (the plaintiff) authorizes South Korean L.N and L.S to transfer funds to Zaal Tkeshelashvili (the defendant) and pays USD 300-300 to these persons for fulfilling this assignment.

When at the court, the defendant’s party pointed to the plaintiff about the mismatch in timing and other inconsistencies indicated in these “assignment agreements,” **the plaintiff’s party amended their claim, stating that the plaintiff Park concluded verbal agreements with the South Korean pastors in 2014 and notarized these verbal agreements later, in 2018.**

The plaintiff’s party could not present the originals of the “Assignment Agreement” in court despite the defendant’s request.

Additional suspicious details in the Assignment Agreements” point that allegedly they are forged:

- The entire style and the content of the agreements are inconsistent
- At the beginning of the document, the location of its signature is “South Korea.”
- However, the agreement is stamped by the United States’ notary stamp. The document has only the notary stamp, has no notarial act, date and is not signed by the notary;
- The only date that is mentioned in this agreement is 1 October 2014, as indicated at the beginning of the document. However, the plaintiff claims that it was notarized in 2018;
- By IDs and other official documents, the plaintiff’s name is Chan (Byung Chan Park), but these “notarized agreements” name him as Chang;
- The plaintiff indicated two passport numbers in this notarized document. Both of the numbers are of the passports the plaintiff did not have at the time of signing these agreements (2014) but were issued after one year, 2015, with two-week intervals.

On the alleged falsification of documents, in November 2019, the defendant Zaal Tkeshelashvili applied to the Prosecutor’s Office of Georgia with the request to start the investigation. Three years have passed since this appeal without any consequences. The investigator told the defendant’s party that the investigation of these facts is complex because of the plaintiff Park’s absence in Georgia.

The inactivity of the investigative system indicates that the state has no will and intention to conduct an adequate investigation. Moreover, the court system relied on the plaintiff’s allegedly falsified documents to deliver its judgment against the ECG and its pastor. USD 70,000, out of the 90,000 that the Court of Appeals ordered the defendant Zaal Tkeshelashvili to pay the plaintiff Byung Chan Park, are the donations received from these two South Korean pastors.

Additionally, the defendant petitioned the court to order the plaintiff to submit the original agreements and to call South Korean L.N. and L.S. as witnesses, but the court did not grant the defendant’s petitions.

10. Donations and the Money Claimed by the Plaintiff

The Plaintiffs, Park and his organization, 12 Baskets, requested from Pastor Zaal Tkeshelashvili the sum transferred in 2015-2017, in the amount of USD 199,232. To be noted, 60% of this amount was transferred by two citizens of South Korea (pastors), 30% by the organization 12 Baskets, and only 10% were transferred by the plaintiff Park himself, from this personal account.

It can be proved that the donations claimed by Mr. Park were intended for the construction of the church building and that 90% of this amount was certainly spent on the completion of the church (first building), while 10% was spent on the construction of the second multifunctional building.

It should be highlighted that Tbilisi City Court did not satisfy any of the plaintiff's claims and found that all transactions were valid and used reasonably by ECG, with no obligation to pay to the plaintiff.

The circumstances changed after the decision of the Court of Appeals when the Court assigned the defendant to pay money in the amount of USD 90,000 to the plaintiff. The decision was made without proper grounds, considering the plaintiff's allegedly forged documents.

11. The Court

➤ The City (first instance) Court

The plaintiff, Byung Chan Park, applied to the Tbilisi City Court on 6 March 2019.

The plaintiff requested that the defendant Zaal Tkeshelashvili be ordered to pay the funds received over the years (in the amount of USD 199,232) in favor of Byung Chan Park and his non-governmental organization "12 Baskets" and to hand over the delivered machinery, namely 19 units of industrial machinery and 1 product blender to Byung Chan Park. Besides, in his lawsuit, the defendant pointed to the fact that the religious organization wasn't registered in the public registry and that, therefore, in his opinion, Zaal Tkeshelashvili wasn't even a Pastor.

Judge Tsisana Sirbiladze announced the decision of the Tbilisi City Court on 13 March 2020. According to the judgment:

- the court found that "the factual circumstances specified in the claim did not correspond to the legal basis of the claim;
- unjust enrichment of the defendant at the expense of the claimant is not proven;
- **Therefore, the plaintiff's claim is not granted;**
- The court also explained that the defendant Zaal Tkeshelashvili truly is a pastor of an unregistered religious organization, and the real estate registered in his name is a prayer house for the members of the religious community.

The court noted that *"the unequivocally charitable purpose of the funds transferred by the plaintiff to Zaal Tkeshelashvili's account is undoubtedly established, which the plaintiff himself confirms in factual circumstances (in e-mails)."*

Besides, the court stated, *"It is impossible to talk about the existence of conditional obligations because neither Zaal Tkeshelashvili nor his religious organization was "enriched."*

In addition, *"it has been established that the enterprise (intended to be built for the employment of members of the religious organization) on the land belonging to the defendant Zaal Tkeshelashvili has been built and is ready to be put into operation."*

Therefore, the Tbilisi City Court found that Pastor Zaal Tkeshelashvili didn't have to pay anything to the plaintiff.

➤ **The Court of Appeals**

Following this, the plaintiff appealed the decision in the Tbilisi Court of Appeals on May 1, 2020.

On 9 November 2022, the panel of judges of the Court of Appeals, consisting of Merab Lomidze, Gia Beraya, and Gela Kiria, announced the new decisions.

The Court of Appeals partially changed the decision of the Tbilisi City Court and ordered the defendant Zaal Tkeshelashvili to pay over USD 90,000 to the plaintiff, plus the court fees, approximately USD 2000, paid by the plaintiff at the city and appeals courts.

Considering the court process and the result itself, it is obvious that the Court of Appeals failed to follow the standards of a fair trial. It is evident to the defendant that during the hearings at the court of appeals, the court took a favorable position to the claimant and did not substantially examine the evidence provided by the parties. Besides, disregarding the fundamental principles established in civil law, the court incorrectly (and against the interests of the ECG) interpreted the content of the will expressed by the parties. The court ignored critical inconsistencies in the plaintiff's arguments as well.

Special attention should be paid to the various factual inaccuracies revealed in the reasoning part of the decision made by the Court of Appeal. Those inaccuracies do not derive from the evidence in the case and are based on an essentially erroneous analysis developed by the court. It is alarming that the Court of Appeals uses this type of essentially erroneous "fact" as one of the main arguments on which its final decision is based.

Therefore, the decision of the Court of Appeals contains a number of fundamental flaws, which can be considered sufficient grounds for its cancellation.

The plaintiff has not appeared anywhere in the court proceedings, and his Georgian lawyers solely led the whole representation and litigation process.

On 8 December 2022, Zaal Tkeshelashvili (represented by the non-profit organization Tolerance and Diversity Institute (TDI) and its lawyers – Shota Tutberidze and Saba Elizbarashvili) appealed the judgment to the Supreme Court of Georgia.

➤ **The Supreme Court**

With its 20 November 2023 decision, the Supreme Court found the appeal inadmissible, thus upholding the Court of Appeal's ill-founded decision.

12. For the context: the state's religious policy and the court independence in Georgia

The defendant and his legal representatives reasonably assume that the pending case against the Evangelical Church of Georgia and Pastor Zaal Tkeshelashvili is not an ordinary civil case. All the facts indicate that this is an attempt, disguised in the questionable civil case, to ruin the Pastor's reputation, to silence his voice about justice and equality, to take away the Evangelical Church's only property - its prayer house, to abolish ECG's autonomy and its existence as an independent church.

Religious communities, particularly non-Georgian Orthodox Church communities, face many systemic problems in Georgia. Often, these obstacles are artificially created by the authorities. The government's attitude towards the fundamental right to freedom of religion and belief is becoming increasingly alarming. The government is growingly violating religious freedom, disregarding the principle of equality, deepening discrimination between religious groups, and increasing its control over religious organizations⁸.

In 2014, the Government created the State Agency for Religious Issues (SARI). The SARI has proven on numerous occasions, including stating in its State's Religious Policy Development Strategy document (2015), that the government sees the religious sphere from the abstract security and control perspective rather than human rights.

Since its inception, SARI repeatedly has interfered in blocking the building of non-Georgian Orthodox places of worship, importing and distributing religious literature, regaining historical religious property confiscated by the Soviet regime, and illegitimately interfering in the autonomy of minority religious organizations⁹.

The government/SARI is permanently acting against the transparent and equal inter-religious platform - the Council of Religions under the Public Defender (Ombudsperson) of Georgia, to which the defendant Evangelical Church of Georgia is an active founding member. The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National

⁸ *Freedom of Religion or Belief in Georgia, 2010-2019*, Tolerance and Diversity Institute http://tdi.ge/sites/default/files/tdi-report-freedom_of_religion_in_georgia_2010-2019.pdf

⁹ Georgia: Religious Freedom Survey, Forum 18, 2020 https://www.forum18.org/archive.php?article_id=2613

Minorities noted in 2019: *“religious minorities ... express a low level of trust towards the State Agency on Religious Affairs. They express higher confidence in the work done by the Council of Religions [under the auspices of the Public Defender]. The possibility, within the Council of Religions, to engage horizontally with 33 religious communities in an independent framework was praised and should be valued accordingly.”*¹⁰

In 2021, thousands of materials on massive illegal eavesdropping and surveillance, allegedly carried out by the state, have exposed the efforts of the state to control and discredit religious communities, organizations, and people who work hard to protect the Constitution and fundamental human rights¹¹. Judging by the information that was made public, the government eavesdrops on religious leaders and community members and collects and stores their personal communications. The materials contain information about the private lives of individuals and their family members.

In such circumstances, the opinion that the government is acting against the independent religious community - the Evangelical Church of Georgia and its publicly outspoken Pastor, is much more convincing.

For a person to restore violated rights and find justice, there has to be an independent judiciary, which is one of the biggest challenges in Georgia. The dissatisfaction with the judiciary's independence has been increasing among civil society, the Ombudsperson, and the international community during the last few years.

In the most recent annual implementation report of the EU Association Agreement with Georgia, the European Parliament *“regrets that the reform of the judiciary has stalled and even regressed in several key areas”*¹².

The U.S. Department of State's annual 2020, 2021, and 2022 reports, underline - *„The lack of independence of Georgia's judiciary and political interference in the judicial system, especially in high-profile cases, is troubling”*¹³.

“Although the constitution and law provide for an independent judiciary, there remained indications of interference in judicial independence and impartiality. Judges were vulnerable to political pressure from within and outside the judiciary on cases involving politically sensitive subjects or individuals,” - says the U.S. Department of State's report¹⁴.

¹⁰ Advisory Committee on the Framework Convention for the Protection of national Minorities. Third Opinion of Georgia

¹¹ TDI's statement about the illegal surveillance <http://tdi.ge/en/statement/statement-about-illegal-recordings>

¹²https://www.europarl.europa.eu/doceo/document/TA-9-2022-0442_EN.pdf?fbclid=IwAR13FV-rC8wiBN8pZEWdLH59Bck1cen0loKHKNiHEZefmruthgXT6OAhXmk,

¹³ <https://www.state.gov/reports/2022-investment-climate-statements/georgia/>

¹⁴ <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/georgia/>

Annexes

Annex 1. Flyer with ECG's pending construction and Pastor Zaal's family photos, disseminated by the plaintiff at the USA and South Korean churches to raise additional funds/donations for the ECG

Prayer Net Network for His Glory

God works before all
 The world, before you and I and I am
 God works in all
 The world, before you and I and I am
 God works with all
 The world, before you and I and I am
 God works through all
 The world, before you and I and I am
 The world, before you and I and I am

When we compare between the current events throughout the world and the alarming messages that Jesus told us in Matthew 24 concerning what would happen in the end time, we cannot help but notice that the coming of the Lord is very near. It is no independent to say that we, as servants of God, should keep watch and pray so that we do not fall to be instruments, through which God acts for His kingdom. We are privileged and honored to be called God's fellow workers; it is natural to say that we should glorify God by obeying His commandments. "Go therefore and make disciples of all the nations, baptizing them in the name of the Father and the Son and the Holy Spirit, and teaching them to obey everything I have commanded you." And surely I am with you always, to the very end of the age. (Matthew 28: 19-20). We believe that God wants us to become truly united in Christ as a community of believers with one heart and soul. It might be the very thing that God has been waiting for in order to pour out His measure of blessing upon us that we can not conceive. We want to be with you in prayer, to please share with us what God has put into your hearts. I am concluding this letter, hoping that we become God's eyes and which who work together to complete the task. The Lord Jesus has given us the task of testifying to the good news of God's grace. May Peace and Grace of God be with you.
 Love In the name of Jesus Christ.

Georgia

Please pray for the Churches, which are being built by the will of God in Georgia. Pray with us that the true message of the gospel be proclaimed and preached as it should be. "pray for people that who has been praying for the land of Georgia for 33 years."



Greece

The main theme of my prayer is that we may all be one! My goal is to see the body of Christ united and ready to face the events which are ahead, to finish the race and then to be taken Home!

I pray for Atlanta, for this year I would like to see them for the Lord to present the new old dream, and also the other 14th members who are ready to be blessed with much fruit.

Love for Bulgaria at heart. We have three missions on staff there who along with other missions they share many functions.

I pray for Turkey which the Lord desires for us to minister recently for the city of Istanbul and Istanbul.

I pray for Georgia to open many to new churches, pray for God and His people and the precious people of God there.

I pray for the country Greece, that the Lord will visit us in power and might. We pray for the revival to break out, for new fresh anointing to come upon our churches and all of our land.

Africa

Letter from the director of the Hebron shelter who are in charge of the ministry that takes care of approximately 100 homeless people that are socially marginalized in South Africa.

We would like to formally extend our gratitude and would really like to let you know how much we appreciate the donation you made to assist in helping shelter for the homeless. It is hard to find such a kind and caring heart in society today. With your help we were able to get to pay for the much-needed parts to be one of our vehicles, which plays an integral part in assisting our shelter with food, transporting people etc. The money also assisted in paying for a security bill, which due to higher parts, has been a challenge to come by lately.

As a functioning Christian organization we are all of our love and faith in God to provide for us the daily needs and therefore we are so extremely thankful that He has allowed in your heart to make such a generous donation and we pray that you will receive 10 times the return.

We are in the process of expanding to a facility to accommodate more people, due to a growing demand. We look forward to working with you in the future and if we ever can help in any way please do not hesitate to contact us.

Vietnamese Diaspora Ministry

Worship activities with Deborah Jane Matthews women at Lighthouse Church located in Gambia in South Africa. They both are born of Vietnamese families that have sacrificed served the Lord for generations. They migrated from the church in Chicago where they have seen fruitful advents of God and they came to Gambia. Because they have hope that approximately 250,000 Vietnamese workers in Korea need the gospel and become the children of God. Their ministries include planting churches in various cities like Busan, Chungcheong, Maroon and Ulsan and nurturing people who they wish to become true disciples of Jesus. They pray that these Vietnamese people return to their country with the gospel so that they cannot become evangelists.



U.S.A

Thank you a portion of U.S. Army and Air Force MEMPHIS members of God, He is willing to an witnesses that He is Lord and wants to bring He preaches the gospel to the nations. It has been a very precious blessing in our lives.

Prayer

South Africa: Unity and Social Work, which serves
 Georgia: Pastor Zaal, Pastor Nino, Sharmela, General Church
 U.S.A: DMS, Sun, Pastor Ben, Pastor David, Kim
 Korea: Elder Lee Min, Diaphana Chai, Lee Hyeonjun
 Malawi: Pastor Jonathan, Deborah, Lighthouse Church



Annex 2. Copies of the plaintiff's allegedly forged Assignment Agreements, attached to the court files

Assignment Agreement

South Korea
On the one hand Byung Chang Park (ID: [REDACTED], hereinafter the Principal
and
on the other hand [REDACTED] (Passport No: [REDACTED] Personal No: [REDACTED] hereinafter
the Attorney, hereby concluded the present agreement on following:

1. Subject of the Agreement

- 1.1. By this Agreement, the Attorney is authorized to make bank transfers to Zaal Tkeshelashvili (P/N [REDACTED] and for this purpose the Principal gives the Attorney 95000 (Ninety five thousand) USD (hereinafter the Assignment).
- 1.2. Rights and liabilities in regard with any bank transfers made by the Attorney are directly incurred to the Principal.

2. Payment

For the assignment to be performed, the Principal shall pay the Attorney 300 (three hundred) USD.

3. Obligations of the Parties

- 3.1 The Attorney is obliged to:
 - 3.1.1 perform the assignment personally, in accordance with instructions of the Principal;
 - 3.1.2 perform the assignment honestly and in timely manner in order to not harm the Principals' interests;
 - 3.1.3 promptly provide the Principal with all information connected to the performance of the assignment;
 - 3.1.4 The Attorney is obliged, after expiration of the term determined by the Agreement, to return unused funds remained from the amount indicated in the sub-paragraph 1.1. of the Agreement to the Principal.
- 3.2 The Principal is obliged to:
 - 3.2.1 fully reimburse expenses related to bank transfers made for the performance of the assignment in full, if any.

4. Responsibilities of the Parties

The Parties of the Agreement are responsible to each other for any damage which may be occurred as a result of non-fulfillment or improper fulfillment of obligations under the agreement by them.

5. Terms of the Agreement

5.1. The Agreement enters into force upon its signature and is valid until full fulfillment of obligations by the parties.

5.2. The Agreement may be terminated by the Principal at any time.

6. Miscellaneous

6.1. The Agreement is made in two copies, one for each party.

6.2. Foregoing agreement fully and clearly expresses the will of the parties in testimony whereof they sign this agreement

Principal

Byung Chang Park

(ID: [REDACTED])

Attorney

(Passport No: [REDACTED] Personal No: [REDACTED])



[Handwritten signature]

[Handwritten signature]

Assignment Agreement

South Korea

October 1, 2014

On the one hand Byung Chang Park (ID [REDACTED], hereinafter the Principal and

and on the other hand [REDACTED] (Passport No: [REDACTED], Personal No: [REDACTED]) hereinafter the Attorney, hereby concluded the present agreement on following:

1. Subject of the Agreement

1.1. By this Agreement, the Attorney is authorized to make bank transfers to Zaal Tkeshelashvili (P/N [REDACTED]) and for this purpose the Principal gives the Attorney 74232 (Seventy-four thousand two hundred and two) USD (hereinafter the Assignment).

1.2. Rights and liabilities in regard with any bank transfers made by the Attorney are directly incurred to the Principal.

2. Payment

For the assignment to be performed, the Principal shall pay the Attorney 300 (three hundred) USD.

3. Obligations of the Parties

3.1 The Attorney is obliged to:

3.1.1 perform the assignment personally, in accordance with instructions of the Principal;

3.1.2 perform the assignment honestly and in timely manner in order to not harm the Principals' interests;

3.1.3 promptly provide the Principal with all information connected to the performance of the assignment;

3.1.4 The Attorney is obliged, after expiration of the term determined by the Agreement, to return unused funds remained from the amount indicated in the sub-paragraph 1.1. of the Agreement to the Principal.

3.2 The Principal is obliged to:

3.2.1 fully reimburse expenses related to bank transfers made for the performance of the assignment in full, if any.

4. Responsibilities of the Parties

The Parties of the Agreement are responsible to each other for any damage which may be occurred as a result of non-fulfillment or improper fulfillment of obligations under the agreement by them.

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6. Miscellaneous

6.1. The Agreement is made in two copies, one for each party.
6.2. Foregoing agreement fully and clearly expresses the will of the parties in testimony whereof they sign this agreement

Principal

Byung Chang Park
(ID: [REDACTED])

Attorney

(Passport [REDACTED] Personal No:
[REDACTED])



[Handwritten signature]

[Handwritten signature]