

## RELIGIOUS FREEDOM CONCERNS IN ARMENIA

### STATEMENT BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 24 September to 5 October 2012

The 25,000 persons in Armenia who attend services held by Jehovah's Witnesses appreciate their freedom of worship. Nonetheless, failure to provide alternative service for conscientious objectors to military service has been a long-standing issue in Armenia for Jehovah's Witnesses. Young men willing to undertake genuine civilian alternative service continue to be needlessly imprisoned. Currently, there are more than 35 young Jehovah's Witnesses in Armenian prisons because they are conscientious objectors.

#### ***Refusal to respect the right of conscientious objection to military service***

On 7 July 2011, the Grand Chamber of the European Court of Human Rights (ECHR) rendered their judgment that Armenia had violated the right of freedom of conscience of Mr. Vahan Bayatyan. He is one of almost 400 Jehovah's Witnesses who have been convicted and imprisoned for conscientious objection to military service since Armenia's accession to the Council of Europe in January 2001. In this Armenia has failed to honor its commitment given as a condition of its accession, that it institute a genuine civilian alternative service for conscientious objectors and, in the meantime, pardon all those who had been convicted.

Since the Grand Chamber's decision in *Bayatyan*, the prosecutor's office and the courts of Armenia continue to prosecute and imprison young Christian men who are conscientious objectors. Criminal investigations and prosecutions have been initiated against **46** young men. Of these, **22** have been convicted and sentenced to imprisonment ranging from 24 to 30 months, and in 10 of these cases, the Cassation Court has already dismissed their appeals; the other appeals are yet pending. The remaining **24** cases are pending in the trial court or investigator's office.

Some Armenian officials have stated that the prosecutions and convictions will not stop until parliament considers proposed amendments to the "Law on Alternative Service." The ECHR judgment in *Bayatyan* and subsequent judgments on this issue make this unacceptable, as the European Court of Human Rights has often made clear.

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**"The freedom of choice allowed to a State as the means of fulfilling its obligations [under Article 46 of the Convention] cannot allow it to suspend the application of the Convention while waiting for [legislative] reform to be completed." (Vermeire v. Belgium, 29 November 1991 § 25, Series A no. 214-C)**

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After considering the second periodic report on Armenia, the UN Human Rights Committee adopted its concluding observations, at its 105th session, 9-27 July 2012.

25. The Committee is concerned that the Alternative Military Service Act as amended in 2004 and 2006 still does not guarantee conscientious objectors a genuine alternative service of a clearly civilian nature. The Committee is also concerned that conscientious objectors, overwhelmingly Jehovah's Witnesses, are still imprisoned when they refuse to perform the military service and the existing alternative military service (arts. 18, 26).

**The State party should put in place a real alternative to military service, which is genuinely non-military, accessible to all conscientious objectors and neither punitive nor discriminatory in nature, cost or duration. The State party should also release all conscientious objectors imprisoned for refusing to perform the military service or the existing alternative to military service.**

### ***Positive developments in Armenia***

- In 2012, 14 large-scale worship programs—conventions of Jehovah’s Witnesses—were held at convention facilities in Armenia without disruption or cancellations. Jehovah’s Witnesses appreciated and enjoyed holding their programs in peace.

This was a marked contrast with what happened during the summer of 2011, when convention programs in Vanadzor and Parakar were cancelled. Pressure from local government officials and priests forced facility owners to unilaterally break legally binding rental contracts.

- Discriminatory posters were removed in the Parakar region when the Ombudsman of Armenia directed local officials there to remove the posters that had been placed on public buildings and streets. The posters read: “*Beware of Jehovah’s Witnesses and other types of sects. They endanger our country, our family, and our sons.*” In response to the Ombudsman’s efforts, officials in the Parakar region have ensured that all of the discriminatory posters have been removed. We are pleased with this result.

### ***Urgent intervention requested***

Jehovah’s Witnesses respectfully request the government of Armenia to immediately implement the *Bayatyan* judgment and stop all prosecutions of conscientious objectors. The Council of Europe has repeatedly called for the release of all conscientious objectors, most recently in the 14 March 2012 report of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe.

***A delegation of Jehovah’s Witnesses is ready to meet with representatives of Armenia attending the present conference in order to clarify any misunderstanding and to promote a constructive dialogue.***