

WRITTEN STATEMENT ON ARMENIA
BY THE GENERAL COUNSEL OF JEHOVAH'S WITNESSES
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Abuses of Religious Freedom

Imprisonment of Conscientious Objectors

Armenia continues to arrest and imprison male Jehovah's Witnesses of military age for their conscientious objection to military service on religious grounds. During the past 16 years, 394 young men who are Jehovah's Witnesses have been imprisoned as conscientious objectors to military service. Jehovah's Witnesses also conscientiously object to the alternative service offered in Armenia because it is performed under military administration and supervision.

As of September 1, 2009, there are 70 Jehovah's Witnesses who are in prison for their conscientious refusal of military service on religious grounds.

On January 23, 2007, the Parliamentary Assembly of the Council of Europe (PACE) adopted Resolution 1532. In part, the Resolution states: "The Assembly urges the Armenian authorities to revise the law on alternative service in accordance with the recommendations made by the Council of Europe experts currently studying this issue and, in the meantime, to pardon the young conscientious objectors currently serving prison sentences."

According to the "Best Practices and Recommendations by OSCE-ODIHR, "Conscientious objectors should not be subject to repeated punishment for failure to perform military service" and "Alternative service should be performed under a purely civilian administration, with no involvement by the military authority" – Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel, pages 85, 86.

Denial of Documentation

For many years, conscientious objectors who served their sentence in prison were denied their military booklets and passports which meant that they were not able to obtain certain jobs, get married, or obtain visas. However, in 2008, the RA Ombudsman received a letter from the RA Defense Minister who gave order to the RA Military Commissar to register the released Jehovah's Witnesses in the reserve and to provide them with military booklets and passports.

Although it took some time to implement this directive, in January 2009 we were informed that all of Jehovah's Witnesses who applied for registration after serving their prison sentence received visas stamped in their passports and military booklets, which will avoid the numerous problems they have encountered regarding their rights as citizens of Armenia. There are a few other conscientious objectors who have completed their prison sentence who still must apply, however, they have been told by the Military Commissariat that they will receive their documents. We are hopeful that the Military Commissariats will continue to comply with the directive of the RA Military Commissariat.

Physical Assault Against Jehovah's Witnesses

While the Armenian authorities generally try to protect religious freedom, there have been occasions when acts of religious hatred and violence are tolerated and go unpunished. Following are some examples where Jehovah's Witnesses were becoming victims of violent assaults sharing a comforting message from the Bible with their neighbours:

- On July 13, 2008, Mr. Hayk Elizbaryan, at 13 Yan Raynis St., apt 43, invited Gor Gevorgyan and Meline Hovhannisyanyan, in his home for a Bible discussion. After a while, Elizbaryan became furious and began threatening and verbally assaulting the Witnesses. He told them that he had invited them in with a purpose of killing them. The Witnesses apologized and tried to leave but Elizbaryan threatened that he would either throw them out from the eleventh floor or stab them with a knife. While Elizbaryan's friend tried to calm him down, the Witnesses made an attempt to exit. At that moment, Elizbaryan assaulted Gevorgyan and started beating him up. He took out his knife and threatened to kill the Witnesses. He required \$10,000 ransom money to be donated to Echmiadzin Church. He refused to let the Witnesses go until he got the money and they signed a document renouncing their faith. Hovhannisyanyan was able to make a call to a congregation minister who in turn called the police. Elizbaryan noticed this and took Hovhannisyanyan's passport and cell phone.

After terrorizing the Witnesses for two hours, Elizbaryan got a call and together with the Witnesses left the building. He was arrested in the yard. A criminal case was instigated against him on Articles 131, 133 and 136 of the Criminal Code. Gevorg Zakaryan spoke in court on behalf of Gor Gevorgyan, who was not in the country because of some family responsibilities. The prosecutor conscientiously did his responsibilities and properly outlined the charges. As to Judge Hovsepnyan, her attitude and statements showed that she had prejudiced ideas about Jehovah's Witnesses. It was evident that she was trying to mitigate the punishment. Eventually on December 19, 2008, she made a decision on the basis of Articles 136 (point 1), 137 (point 1) and 118 charging Hayk Elizbaryan, the defendant, a fine of 150,000 AMD (About 500\$ US). Meline Hovhannisyanyan must decide whether to appeal this decision in the Civil Court for moral damages or not.

- On September 29, 2008, Hayk Khachatryan and Naira Mnatsakanyan had just finished talking to people about the Bible on one of the streets in Yerevan when a priest from the St. Jacob Church, Mr. Sahak, came close to them and hit Khachatryan in the face. With the neighbors watching, he verbally assaulted the Witnesses, swearing and using vulgar expressions. He even tried to force Khachatryan to go with him to the church and keep him there, but due to Mnatsakanyan's pleadings and noise he gave up. This priest has verbally assaulted a number of Jehovah's Witnesses in the past. The Kanaker-Zeytun police have refused to act upon Khachatryan's complaint claiming that no crime was ever committed.
- On October 16, 2008, Argishti Martirosyan and Karlen Oganezov were talking about the Bible with people in the village of Nubarashen in the Ararat Region. At around noon, the head of the village, Artush Sargsyan, approached the Witnesses. He threatened and demanded that they leave the village immediately. He said that he would "break the heads" of the Jehovah's Witnesses and those who listen to them. The Jehovah's Witnesses turned to the police, but the head of the village refused to acknowledge his words, denying that the incident occurred.

Difficulties Receiving Religious Literature

The government of Armenia continues to impose exorbitant VAT on shipments of religious literature of Jehovah's Witnesses, despite the fact that the religious literature is provided as a donation by the producer at a minimal charge. Jehovah's Witnesses have filed lawsuits against this arbitrary taxation and see this as a further violation of their rights under Article 9 of the European Convention that guarantees the right of freedom of religion. The trial of the first of thirteen claims (in addition to four Administrative Appeals) began on November 11, 2008, in the Administrative Court of the Republic of Armenia.

Up until March 2007, there were constant problems receiving regular shipments of religious literature, which should be tax-free but which Customs arbitrarily reassessed at unpredictable higher values and then imposed a value-added tax of 20 percent. As the amounts involved were very small, the charges were paid reluctantly. Then, on March 29, 2007, Customs officials reevaluated periodicals at an enormously higher rate, from US\$0.05 to US\$1.00 per journal, despite having been provided all necessary documentation under Article 87 of the Customs Code, proving the actual value of these periodicals and that they were tax-free donations. This increased the value-added tax for this shipment from US\$4,580 to US\$65,150.

This unjustified adjustment created considerable hardship for the Religious Organization of Jehovah's Witnesses in Armenia, as its activity is financed solely by voluntary donations. While trying to carry out the customs clearance of this shipment from Georgia, another shipment of more than seven tons of literature was received from Germany. Customs flagged all subsequent shipments in their computer system, preventing them from being cleared. Therefore, all shipments of Bible literature, even copies of the Holy Bible in Armenian, were prevented from being imported, in spite of strenuous efforts to reason with officials. This works a hardship on Jehovah's Witnesses in Armenia, who did not receive any of their religious literature for over one year. In April 2008, the Customs officials finally released a shipment of literature, but only after they were warned that this egregious violation would be reported to European officials and were reminded of the real possibility of litigation. Shipments are now being released, but payments are being made under protest, and the issue of the imposition of VAT and the dilatory refusal to release the shipment of literature is being litigated. On June 12, 2009, the Judge rendered decision on the first claim in favour of Customs. An Appeal of this decision has been filed with Cassation Court. The following twelve claims will begin trials starting October 2009.

Discrimination in Family Law

In Armenia, the local Community Guardianship Committees make recommendations in family proceedings. Jehovah's Witnesses encounter discrimination from these agencies and courts. Usually allegations are not documented, but on May 12, 2008, the Davtashen Community Committee in Yerevan submitted a report in the case of Margarita Hovhannisyan, a 26-year-old mother of a three year old son. It concluded: "The committee . . . offered Margarita Hovhannisyan to renounce her religious faith, . . . [The committee] came to the conclusion that the rights of M. Hovhannisyan—the mother—should be limited and that the care and upbringing of Arman Torosyan (born on October 7, 2004) should be entrusted to his father, Artur Torosyan, [for several reasons]. Because the child is a boy, and later, under the influence of that religion

[Jehovah's Witnesses] he will not be fit for his state, motherland, since the persons professing this faith do not take part in strengthening the country, do not bear arms, do not defend their motherland, do not . . .serve in the army." The recorded hour-and-three-quarters interrogation of this young mother was played in open court. The Community Committee was heard to yell and berated her and her religion. In the presence of international lawyers and faced with a motion from Jehovah's Witnesses before her, Judge N. Hovsepyan ruled on May 16 that the Community had violated the mother's rights and struck the report, ordering a different Community to investigate. The mother will file a complaint with the Human Rights Defender and elsewhere.

After losing her appeal to the Court of Appeal and receiving a denial from the Cassation Court to admit her case, Margarita Hovhannisyanyan applied and has now applied to Trial Court requesting visitation rights. At this time, Margarita Hovhannisyanyan has not seen her son Arman for over a year. She has filed a second claim to obtain visitation rights. The Guardianship Committee has demanded that she undergo psychological evaluation. Her lawyer objected, but the Judge overruled. Margarita Hovhannisyanyan is waiting for notification of dates to appear for testing and court hearings.

Draft Law on Freedom of Conscience and Religious Organizations

On March 20, 2009, the National Assembly of Armenia voted for this draft law by 89 for and 2 against. The draft law was sent to the Venice Commission of the Council of Europe for approval. The Venice Commission determined that as it currently stands, the draft law violates the freedom of religion of the Constitution of the Republic of Armenia and European Convention of Human Rights.

Attached to this Written Statement is a copy of the Opinion of the Venice Commission Strasbourg, 23 June 2009 Opinion no. 530/2009 recommending amendments since the draft law since in its current format it violates the fundamental freedoms contained in the European Convention.

Applications Before the European Court of Human Rights

Jehovah's Witnesses have now filed four applications against Armenia in the European Court of Human Rights (ECHR). The applications are *Bayatyan v. Armenia*, *Bukharatyan v. Armenia*, *Tsaturyan v. Armenia*, and the most recent, *Khachatryan and 18 Others v. Armenia*. Jehovah's Witnesses have turned to the ECHR in hopes of resolving the problems in Armenia regarding conscientious objection.

A delegation of Jehovah's Witnesses is ready to meet with Armenian representatives to discuss this serious issue.