

## RELIGIOUS FREEDOM CONCERNS IN ARMENIA

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

.For the OSCE Human Dimension Implementation Meeting, Warsaw, 26 September to 7 October 2011



**Vahan Bayatyan, outside the Nubarashen Penal Institution where he was imprisoned as a conscientious objector to military service**

## **ARMENIA FAILS TO IMPLEMENT JUDGMENT OF THE GRAND CHAMBER OF THE EUROPEAN COURT OF HUMAN RIGHTS**

On July 7, 2011, the Grand Chamber of the European Court of Human Rights (ECHR) concluded by an overwhelming majority of sixteen votes to one that Armenia violated the right of freedom of conscience of Mr. Vahan Bayatyan. He is one of Jehovah's Witnesses who was convicted and imprisoned for his conscientious objection to military service.

In 2002, Vahan Bayatyan was sentenced to two and a half years' imprisonment by the Armenian authorities for his refusal to bear arms, a personal decision motivated by his Bible-trained conscience. Armenia's punitive actions toward Mr. Bayatyan took place despite its previous commitment to the Council of Europe on its accession in January 2001, to institute a genuine civilian alternative service for conscientious objectors and, in the meantime, to pardon all those who had been convicted.

Mr. Bayatyan appealed his case to the ECHR, stating that his conviction violated his rights under Article 9 of the European Convention on Human Rights. Although a chamber of the Court ruled against Mr. Bayatyan in 2009, the Grand Chamber reversed this decision by

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holding that “[O]pposition to military service, where it is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person’s conscience or his deeply and genuinely held religious or other beliefs, constitutes a conviction or belief of sufficient cogency, seriousness, cohesion and importance to attract the guarantees of Article 9.” The Grand Chamber explained that Article 9 protects “a religious group whose beliefs include the conviction that service, even unarmed, within the military is to be opposed.”

### ARMENIA CONTINUES TO ARREST AND PROSECUTE CONSCIENTIOUS OBJECTORS

Despite the historic judgment by the Grand Chamber in the case of *Bayatyan*, Armenia continues to arrest and prosecute conscientious objectors who are Jehovah’s Witnesses. Already, three Jehovah’s Witnesses have been convicted and sentenced after the *Bayatyan* judgment. On July 7, 2011, Artur Adyan and Vahagn Margaryan were arrested and placed in pre-trial detention; on July 27, 2011, they were convicted and sentenced to 2.5 years imprisonment. On July 19, 2011, Garegin Avetisyan was convicted and sentenced to 2.5 years imprisonment. On July 27, 2011, Harutyun Khachatryan was arrested and placed in pre-trial detention; his trial is pending. Criminal trials are pending for at least 10 others charged after the *Bayatyan* judgment. In their public comments on *Bayatyan*, the Armenian government has stated that the Grand Chamber’s decision does not apply to any of the current neutrality cases since all were convicted for refusing “alternative service,” an issue the government claims is not decided by *Bayatyan*. Yet, officials at the Council of Europe have repeatedly highlighted the inadequacies of the alternative labor service. The law on alternative service fails to meet the criteria laid down by the Council of Europe. Therefore, for conscientious objectors, alternative service in its present form is not an option.

Since Armenia’s accession to the Council of Europe in 2001, more than 370 young Jehovah’s Witnesses have been imprisoned in Armenia for their refusal to perform military service and “alternative service” controlled and directed by the military. As of August 2011, there are 68 Jehovah’s Witnesses in prison as conscientious objectors.

### OTHER RESTRICTIONS ON RELIGIOUS FREEDOM

#### Cancelation of Religious Conventions

##### Vanadzor

On June 10, 2011, approximately 600 Witnesses planned to attend a three-day convention scheduled for June 10-12, 2011. When the Witnesses arrived for the program, the entrance to the auditorium was locked. The owner claimed that he had received a telephone call from someone threatening to bomb the facility if it was used by Jehovah’s Witnesses, as well as a letter from the Lori Students’ Association demanding that he cancel his contract with Jehovah’s Witnesses and threatening adverse consequences if the contract was not cancelled. The owner also told representatives of Jehovah’s Witnesses that he was willing to allow the convention to take place only if he received approval from the Armenian authorities. Despite appeals to the police and regional authorities by representatives of the legally registered community of Jehovah’s Witnesses in the Republic of Armenia, the convention was cancelled.



### **Parakar**

On July 1, 2011, the owner of a facility in the city of Parakar was pressured by government officials and priests of the Armenian Apostolic Church into cancelling a three-day religious convention of Jehovah's Witnesses scheduled for July 1-3, 2011. Approximately 800 Jehovah's Witnesses who planned to attend have been deprived of their right to assemble for worship.

Jehovah's Witnesses peacefully held a convention at that same facility on June 24-26, 2011. However, on June 26, 2011, four priests of the Armenian Apostolic Church attempted to disrupt the convention. Over the next few days, the facility owner was pressured by government officials, including parliamentarians and police officers, to cancel the convention scheduled for July 1-3, 2011. After being informed that the order came from "very high up," the owner stated that he would comply and unilaterally cancelled the legally binding contract.

### **Excessive VAT Paid on Imported Literature**

In April 2007, the customs authorities drastically increased the "customs value" of imported religious periodicals published by Jehovah's Witnesses, *The Watchtower* and *Awake!*, to 15 times the actual cost of producing that literature. To receive literature shipments, Jehovah's Witnesses have been forced to pay excessive VAT on that donated religious literature. Litigation was initiated over this matter in April 2008, and since then Jehovah's Witnesses have filed over 35 lawsuits in order to import their literature at reasonable declared values. As a result of the litigation, the "customs value" of the donated literature imposed by the customs authorities was eventually reduced but still remains more than two and a half times the actual costs of producing the literature.

Because of the exorbitant "customs value" arbitrarily imposed on the religious literature, the Witnesses were forced to reduce the amount of literature imported into Armenia by more than one-half, which has had a significant impact on their freedom of religion.

### **RELIGIOUS FREEDOM OBJECTIVES**

Jehovah's Witnesses in Armenia and as a worldwide organization respectfully request the government of Armenia to:

- (1) Apply the judgment of the Grand Chamber of the ECHR in *Bayatyan* and abide by its earlier commitments to the Council of Europe and immediately release all conscientious objectors who are Jehovah's Witnesses from prison, stop arresting and convicting new conscientious objectors, and allow for acceptable alternative civilian service.
- (2) Recognize their right to hold peaceful annual religious conventions without interference and protect their right to assemble, in accordance with the Constitution of the Republic of Armenia and the European Convention of Human Rights.
- (3) Reduce the valuations on donated religious literature, thus allowing Jehovah's Witnesses to freely import religious literature used for worship.