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They can continue to pray, but not meet together for worship

By Felix Corley,

Forum 18 (04.05.2009) / HRWF Int. (07.05.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - A Protestant community, Revival Fire Evangelical Church, has become the first and so far only religious community to be denied legal status by the unrecognised entity of Nagorno-Karabakh, Forum 18 News Service has learnt. It is uncertain what practical impact this will have. Ashot Sargsyan, head of the state Department for Ethnic Minority and Religious Affairs, told Forum 18 that "they can continue to pray, but won't have the right to meet together for worship as before." Asked what would happen if they do meet for worship, he responded: "The police will fine them and if they persist they will face Administrative Court." This was contradicted by Yuri Hairapetyan, the Human Rights Ombudsperson, who claimed that "they will be able to function but simply won't have legal status." Sargsyan claimed that "the church worked against the Constitution and against our laws," but when asked what court decisions had determined this replied that "no court has reviewed this issue."

In the wake of the first denial of registration under the new Religion Law of the internationally unrecognised entity of Nagorno-Karabakh in the south Caucasus, two officials have given Forum 18 News Service contradictory views on whether religious communities that function without official registration will be punished. "They can continue to pray, but won't have the right to meet together for worship as before," Ashot Sargsyan, head of the government's Department for Ethnic Minority and Religious Affairs, told Forum 18 from the entity's capital Stepanakert on 30 April. Asked what would happen if they do so, he responded: "The police will fine them and if they persist they will face Administrative Court."

However, Yuri Hairapetyan, the Human Rights Ombudsperson, insisted to Forum 18 there will be "no repressive measures" against religious believers. "No one will be banned for not having registration," he told Forum 18 from Stepanakert on 30 April. "I'll take concrete measures to ensure this if necessary. If they don't have registration, they will be able to function but simply won't have legal status."

The Religion Law – heavily based on the Religion Law of neighbouring Armenia - was signed by Nagorno-Karabakh's president Bako Sahakyan on 24 December 2008, was officially published on 30 December and came into force ten days later on 9 January 2009.

The main restrictions in Karabakh's new Law are: an apparent ban on unregistered religious activity; state censorship of religious literature; the requirement for 100 adult citizens to register a religious community; an undefined "monopoly" given to the Armenian Apostolic Church over preaching and spreading its faith while restricting other faiths to similarly undefined "rallying their own faithful"; and the vague formulation of restrictions, making the intended implementation of many articles uncertain.

Levon Sardaryan, the pastor of the Revival Fire Evangelical Church in Stepanakert, the first and so far only religious community to be denied registration, complains that this is "discrimination". "It's a violation of our human rights and freedom of religion," he told Forum 18 on 30 April.

Condemning the denial of registration is Albert Voskanyan, head of the Centre for Civilian Initiatives in Stepanakert, who has long worked on religious freedom issues. He said he fears that almost no religious organisations will be allowed to register. "Then, using the lack of registration and claiming that they are therefore functioning in violation of the Religion Law, sanctions will be taken against them," he told Forum 18 on 30 April. "These will be in the form of warnings, fines, and after several such punishments, criminal cases could be opened for wilful violation of the Law."

Registration denial

The Revival Fire church began the process of registration on 2 February. However, Pastor Sardaryan said Sargsyan's department gave a negative assessment on 20 February and the State Registry, which decides on registration on the basis of the Department's assessment, rejected the application. "The Department said we use unapproved psychological pressure on people, but this is not true," Pastor Sardaryan complained. He wrote again to refute the allegations, citing testimony from 40 church members, but Sargsyan insisted his view remained unchanged.

On 16 March the church wrote a protest to President Sahakyan, but Sargsyan answered it in late March. "He said our arguments were unfounded and that if we have any complaints we should challenge the registration denial in court," Sardaryan said. He added that "of course" the church is preparing to challenge the registration denial in court and seek help from Hairapetyan, the Ombudsperson. "We intend to use all possible methods to defend the rights of our church and church members," he told Forum 18. "But we're unlikely to succeed given the state's attitude. The courts always support the will of the government."

Pastor Sardaryan told Forum 18 that his church has not been banned, but believes it will face "oppression" once the six-month registration period given in the new Religion Law expires. "There'll be oppression, but we don't yet know what they'll do to us."

But Sargsyan of the Department for Ethnic Minority and Religious Affairs vigorously defended his department's negative assessment of the church which led to the registration denial. "The church worked against the Constitution and against our laws," he claimed to Forum 18. Asked what court decisions had determined that the Revival Fire Church had broken any law, he responded: "No court has reviewed this issue."

Asked how he could determine that the church had violated the law if neither it nor its leaders has ever been found guilty in court, Sargsyan replied: "We do have presumption of innocence, but it is the right of our Department to prepare its assessment. We consider their activity to be against the law. It's up to them to prove that they're not guilty." He refused to specify which law he believes they have broken. He also complained that they did not respect Armenian "traditional customs".

He admitted that he bases his views of such religious groups – which he dubs "sects" – on a 1999 book "Contemporary Sects in Armenia" published in Echmiadzin by a priest of the Armenian Apostolic Church, Fr Gevond Mailyan. Sargsyan denied that this meant that the attitudes of one faith to other faiths were used to determine official policy. "Where else can I find out if a group is a sect or a genuine religious organisation? What document should I use?"

Sargsyan insisted that Revival Fire church is not registered in France or Belgium, justifying his negative assessment.

However, Sargsyan claimed that his Department's negative assessment did not amount to a veto. "The decision on registration is taken by the State Registry – anyone can challenge such decisions in court."

Catholics registered, what about others?

Sargsyan told Forum 18 that the Armenian Apostolic Church – granted a privileged status in the Religion Law – does not need to register, given that it is recognised as the national Church. He said the only religious community to gain registration so far is the Armenian Catholic Church, which registered a congregation on 19 March.

He said the Russian Orthodox Church, the Armenian Evangelical Church (led by Pastor Arsen Manasyan), one Armenian Apostolic Church organisation and the Jehovah's Witnesses are preparing to lodge applications. He refused to speculate on what his Department's assessment of these communities will be. Sargsyan has made public comments with implied criticism of the Jehovah's Witnesses in the past and has pledged that as long as he holds the post the Jehovah's Witnesses will not get registration.

Answering questions on 17 April in the local "Azat Artsakh" newspaper, he welcomed the fact that as an unregistered entity, and unlike Armenia, Karabakh is able to ignore pressure from the Council of Europe and other international bodies to register "religious sects". It was only in October 2004, three and a half years after Armenia joined the Council of Europe that the Jehovah's Witnesses finally received registration there.

The Jehovah's Witnesses in Armenia, with whom Karabakh's Jehovah's Witnesses retain close ties, are helping to prepare the registration application which they hope to lodge in late May, Lyova Markaryan told Forum 18 from the Armenian capital Yerevan on 30 April. He said Sargsyan made no comment to local Jehovah's Witnesses when providing the documents which need to be filled in and submitted.

Adopting a cautious approach is Asatur Nahapetyan, the General Secretary of Armenia's Baptist Union, which has six communities in various towns and villages in Karabakh. "We haven't applied for registration yet – there's still time," he told Forum 18 from Yerevan on 30 April. He is planning to visit Sargsyan at the Department in Stepanakert in late May to find out if separate registration in Karabakh is necessary. "Our communities in Armenia and Karabakh are one body and we have state registration here in Armenia, but if he says our communities in Karabakh need separate registration we will apply."

Intrusive demands for information

According to the Department for Ethnic Minority and Religious Affairs Instruction, seen by Forum 18, religious communities applying for registration need to present extensive documentation and information for the Department to be able to produce its assessment.

This includes: copies of a community's Scriptures (communities without a holy book are barred from applying for registration); a "complete and brief" history of the religion both internationally and within Karabakh; "Information about the specifics of the religion (in particular, differences with similar communities), types and methods of preaching and the enlistment of members; and "Information on guarantees for protection of community members' rights (in particular, freely leaving the membership) as well as on the standings and stipulations, if there are any (in case there are none, mention about it) related to family and marriage, licensed state education, health care and civic duties".

Another requirement reads: "Describe the procedure of fulfilling the sacrament. Provide written texts and description of the regular religious services, fulfilment of festive, religious traditions and rites and prayers (in case there is none, mention about it)."

Religious communities also need to supply organisational information (names of leaders, what religious literature is published, together with copies of it, religious education programmes) and the names, dates of birth, passport numbers, home addresses, and telephone numbers of the 100 legal founders.

Religious communities are also required to certify that they do not allow any children under the age of 18 to become community members nor impose on them any of the "rights and responsibilities" of membership.

Markaryan of the Jehovah's Witnesses is highly critical of the demands. "Some of the questions are appropriate, but many are not," he complained to Forum 18. "Why should we have to explain how our faith differs from those of others?"

But Sargsyan of the Department defends the Instruction, which he says was approved by the government on 8 January.

In addition to the Instruction, a separate Questionnaire seen by Forum 18 requires religious communities that have gained registration to submit extensive annual information, including on: what activities the community has undertaken and where; which other organisations or authorities it has cooperated with; how membership numbers compare with those of the previous year; and problems faced during the year. Copies of religious publications are to be supplied with the annual return.

No alternative service

The new Religion Law does nothing to resolve the lack of an alternative to military service which is compulsory for all young men. The most recent imprisoned conscientious objector was Jehovah's Witness Areg Hovhanesyan. He was freed from prison in Shusha on 16 February after serving in full a four-year prison term for refusing military service on grounds of religious conscience.

Muslim communities

Forum 18 is not aware of any currently existing Muslim communities, and mosques in areas controlled by the Karabakh authorities are now abandoned. This dates from the bitter war over the territory between the late 1980s and early 1990s, when the Azeri and Kurdish populations were driven out.

Repressive new religion law signed

by Felix Corley

Forum 18 (05.01.2009) / HRWF Int. (06.01.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Nagorno-Karabakh - The repressive new Religion Law in the internationally unrecognised Republic of Nagorno-Karabakh was signed by the entity's President Bako Sahakyan, on 24 December 2008, Forum 18 News Service has learnt. The new Law – which will shortly come into force - imposes a range of restrictions on freedom of thought, conscience and belief. "All this reflects the intention of the authorities to introduce harsh control on the activities of religious minorities," civil society activist Albert Voskanyan told Forum 18 from the South Caucasus entity's capital

Stepanakert on 3 January 2009, "and to strengthen the exclusive role of the Armenian Apostolic Church already proclaimed in Nagorno-Karabakh's Constitution."

The main restrictions in Karabakh's new Law are: an apparent ban on unregistered religious activity; state censorship of religious literature; the requirement for 100 adult citizens to register a religious community; an undefined "monopoly" given to the Armenian Apostolic Church over preaching and spreading its faith while restricting other faiths to similarly undefined "rallying their own faithful"; and the vague formulation of restrictions, making the intended implementation of many articles uncertain.

The new Law – which replaces Karabakh's 1996 Religion Law – was approved by Parliament on 26 November and was then sent to President Sahakyan for signature. It comes into force ten days after its official publication, which is expected after the 2008/9 Christmas holidays. Much, but not all, of the new Law is copied word-for-word from Armenia's Religion Law as adopted in 1991 and amended in 1997 and 2001.

No officials were available to discuss the new Religion Law with Forum 18 because of public holidays for Christmas (which the Armenian Apostolic Church celebrates on 6 January 2009).

Voskanyan, who heads the Stepanakert-based Centre for Civilian Initiatives, welcomes the fact that "after many years" the new Law allows religious communities to gain legal status for the first time. "This in effect gives them the right to life," he told Forum 18 from the capital Stepanakert on 3 January 2009.

However, Voskanyan believes provisions of the Law create artificial difficulties to the registration of many religious communities, particularly Protestants and Jehovah's Witnesses. "Some won't be able to get registration at all because their documents won't be in line with the Law," he maintained. He pointed out that many will not be able to find the necessary 100 adult citizen members required to seek legal status.

"Those without registration will then be told they are functioning illegally." Voskanyan told Forum 18 he believes the police and secret police will start to punish those who conduct unregistered religious activity.

"It is my view that some Protestant organisations won't want to present full lists of their believers (first names, surnames, home address and other information), fearing persecution of their flocks from the state authorities," Voskanyan added. "People would have a real fear for their jobs." He said officials are likely to check through the lists of names on applications, approaching individuals in a way they might find intimidating.

Voskanyan pointed out that one religious community, the Jehovah's Witnesses, has been unable to find anywhere to meet for religious worship. "Wherever they turn, once the owners find out about their religious affiliation they become afraid and refuse," he explained. "And the authorities won't provide them with a plot to build a prayer house. This too could prevent them gaining registration as they won't have an address to use."

The Jehovah's Witnesses report that when they met Ashot Sargsyan, the head of the government's Department for Ethnic Minority and Religious Affairs, in November 2008, he told them that as long as he is working for the government they will not get registration. "He said openly he's a member of the Armenian Church," they told Forum 18.

Asatur Nahapetyan, head of Armenia's Baptist Union, which includes six member congregations in Karabakh, is more optimistic. "We need to wait and see how the Law will be implemented, but we see no reason why these congregations won't get registration," he told Forum 18 from the Armenian capital Yerevan on 5 January.

Article 5 of the new Law requires 100 adult citizens for a community to apply for legal status. As in Armenia, religions must be based on "a historic holy book", must be "part of the worldwide system of the contemporary religious community" and "directed to spiritual values". The government's Department for Ethnic Minority and Religious Affairs has to give its expert conclusion on a community before registration can be approved. The Department can also go to court to have an organisation liquidated, if it violates the Law.

Although the Law does not specifically ban unregistered religious activity, Article 25 requires all religious organisations to register or re-register within six months of the new Law coming into force.

In a potentially significant change from the parallel article in Armenia's Law, the Karabakh Law removes the specific recognition that registered religious organisations can hold services "in homes and residences of citizens" from the list of suitable places as given in Armenia's Law.

Article 17 – like the corresponding article in the Armenian Law – specifically gives the Armenian Apostolic Church a "monopoly" of preaching its faith, building new churches, contributing to the "spiritual edification of the people" including by teaching in state-run educational institutions, conducting charitable activity and maintaining permanent religious representatives in institutions such as hospitals, old people's homes, military units and prisons.

One controversial provision in Article 8 – copied from Armenia's Law – bans "soul-hunting", a derogatory term in Armenian for seeking converts.

While the extensive rights of the Armenian Church are set out in Article 17, the rights of religious organisations set out in Article 7 are all inward-looking, with the first right specified as "rallying their own faithful around them". The article also allows them to train their leaders, conduct services in their own premises and in state institutions at the request of residents who belong to the religious community.

In clear contradiction to Article 17's granting of a "monopoly" to the Armenian Church, Article 7 allows all of them to conduct charitable activity.

Karabakh's new Law gives a place of primacy to the Armenian Church in Article 6, and only this Church is mentioned in relation to the restitution of religious property. This is despite the fact that several mosques still stand – even if badly damaged during fighting in the early 1990s over Karabakh and in subsequent reprisal attacks – in areas controlled by the Karabakh authorities. The mosques have been abandoned since the Azeri and Kurdish populations were driven out during the war.

Another controversial provision comes in Article 22, which is not present in Armenia's Religion Law. This Article hands the state "control" over the production, distribution and import of religious literature and objects. The Article does not clarify the exact nature of such "control".

A member of the Brotherhood, an evangelical grouping within the Armenian Apostolic Church which has about a dozen groups in Karabakh, told Forum 18 in December that he expects the government to try to ban any Jehovah's Witness, Baha'i, Hare Krishna or Muslim literature. Jehovah's Witnesses pointed out to Forum 18 that they have already had problems over religious literature controls, with literature confiscated from their members in July 2008 as they returned from Armenia.

The new Religion Law does not resolve the issue of an alternative to Karabakh's compulsory military service for all young men. One Jehovah's Witness, Areg Hovhanesyan, is nearing the end of a four-year sentence imposed by a court in Stepanakert in February 2005 for refusing military service on grounds of religious conscience.

Members of religious communities have expressed strong concerns to Forum 18 about the Law. One member of the Armenian Apostolic Church rhetorically asked Forum 18: "Where's the freedom?" Another described the Law as "like rubber," noting that "you can't see exactly how it's going to be put into practice".
