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"A kind of theatrical farce - I see no progress"

By Felix Corley

Forum 18 News (14.07.2011) / HRWF Int. (30.08.2011) - <http://www.hrwf.net> - Human rights defenders and members of some religious minorities have reacted critically to drafts of a proposed new Religion Law, as well as changes to the Law on Relations between the Republic of Armenia and the Armenian Apostolic Church, and to the Criminal and Administrative Codes. The draft laws were made public on 12 July. "These proposed amendments are repressive and a lot worse than the previous version," Stepan Danielyan of the Collaboration for Democracy Centre told Forum 18 News Service from the Armenian capital Yerevan on 13 July. "In practice they would be used to repress religious organisations." Evangelical Pastor René Leonian is equally critical of the drafts and the government's approach. "This is a kind of theatrical farce," he told Forum 18 from Yerevan the same day. "I see no progress."

The major proposals Armenian religious communities and human rights defenders have so far expressed concern about include: proposed punishments for sharing one's faith; compulsory registration for any religious community with more than 25 members, with punishments for those who do not register; as well as the vague formulation of many provisions. All of these are thought likely to leave followers of religious organisations the government – or the powerful Armenian Apostolic Church - dislikes vulnerable to arbitrary and tight restrictions on their freedom of religion or belief.

Why is Justice Ministry hostile to public discussion?

The Justice Ministry prepared the draft Amendments, and intended to send them to the Council of Europe's Venice Commission without public discussion – even though Justice Minister Hrair Tovmasyan had publicly promised that they would be publicly discussed before being sent to the Venice Commission.

Karen Hakopyan, Head of the Department of Normative Acts at the Justice Ministry, told Forum 18 on 6 July categorically that the draft texts would not be made public and would be sent to the Council of Europe's Venice Commission without any public discussion. Similarly, Nora Sargsyan, legal adviser to Minister Tovmasyan, insisted to Forum 18 from Yerevan on 9 July (before the drafts were published) that the texts were not being made public and were being translated into English to be sent only to the Venice Commission.

This is the same highly controversial procedure that was followed for the previous proposed amendments, which only became known in Armenia when they were placed – in English only – on the Venice Commission website.

Hakopyan of the Justice Ministry, as well as another senior official involved in the process in the central government apparatus (who asked not to be identified because they are not authorised to talk to the media), told Forum 18 on 6 July that the Justice Ministry sent the draft texts to the central government apparatus on 29 June.

The senior government official told Forum 18 that the government's religious affairs official Vardan Astsatryan of the Department for Ethnic Minorities and Religious Affairs was preparing an opinion on the drafts and that the government has not yet approved them. Astsatryan's telephone went unanswered each time Forum 18 called between 6 and 14 July.

However, by 11 July the Justice Ministry had changed its position and posted the texts on its website on 12 July. "The draft text will be published so that we can receive comments from the public," Deputy Justice Minister Emil Babayan told Forum 18 the day before they were made public. However, the Justice Ministry website posted the texts without any comment or invitation for comments from the public. Babayan insisted that comments would be sought from the Venice Commission at the same time as comments from interested parties within Armenia. "The Venice Commission is one of those parties. This is a simultaneous, twin-track process. All comments will be taken into account."

Justice Minister keeping his promises?

Following strong criticism of earlier drafts, including severe criticisms made of them and the existing Religion Law by a December 2010 joint Council of Europe Venice Commission / Organisation for Security and Co-operation in Europe (OSCE) legal review, Justice Minister Tovmasyan on 17 February 2011 promised that the proposals would be re-drafted to take account of the criticisms. Before a large audience of civil society activists, religious communities, local journalists and Venice Commission member Finola Flanagan, Tovmasyan specifically highlighted for the re-draft the need to:

- avoid defining proselytism or soul-hunting, as this may attack the right to share beliefs, but defining precisely what actions are prohibited;
- on the right to legal personality that unregistered religious activity should be permitted, that high minimum numbers of members to register a community should be avoided;
- that the actions of some members should not be a reason to liquidate entire communities, and that liquidation should be a final resort after other warnings and penalties have been exhausted;
- and that the state must respect the rights of parents to decide on the education of children in line with their own religion or beliefs.

However, the latest July proposals appear to have largely ignored Tovmasyan's public commitments. It also appears, as the Venice Commission itself noted in its December

2010 Opinion, that "the drafters in many instances do not appear to have taken into account the recommendations in the 2009 Joint Opinion" – or the 2010 Opinion.

The 2009 Joint Opinion was highly critical of an earlier restrictive set of Religion Law amendments, which Parliament passed on first reading in March 2009. Although these proposed amendments appear to have stalled, Parliament could still revive them.

On 14 July Forum 18 asked the Justice Ministry press office in writing to ask Minister Tovmasyan why the specific commitments on the content appear largely not to have been met and why the promise to hold a public consultation within Armenia before the texts were sent to the Venice Commission appears to have been abandoned. Forum 18 had received no reply by the end of the working day.

"Brought into line with Armenia's Constitution and with OSCE standards"

Human rights defenders and religious communities insist that the latest amendments restrict the right to religious freedom. But despite this, Nora Sargsyan, Minister Tovmasyan's legal adviser, claimed to Forum 18 that the amendments have been "brought into line with Armenia's Constitution and with OSCE standards". Despite her confidence in this, she would not on 9 July give Forum 18 a copy of the drafts and said at that time that they would not be made public.

On 14 July, after the drafts were made public contrary to Sargsyan's earlier assurances, she declined to discuss any of the provisions with Forum 18.

Several informed sources have strongly suggested to Forum 18 that the Armenian Apostolic Church has been closely involved in the repeated restrictive drafts, even to the extent of drafting texts for them. Sargsyan insisted though that the Apostolic Church (which has its headquarters at Echmiadzin near Yerevan) had nothing to do with preparing the drafts. "Echmiadzin is not responsible for legislative policy in Armenia," she told Forum 18. "Echmiadzin may be part of public discussion like anyone else."

What is in the new proposals?

The latest published amendments are a proposed new Religion Law, as well as changes to the Law on Relations between the State and the Armenian Apostolic Church, and to the Criminal and Administrative Codes. The new proposed Religion Law would entirely replace the current Religion Law first adopted in 1991 and amended several times since, notably in 1997 and 2001.

The main proposals that so far most concern Armenian human rights defenders and religious communities are outlined below. As discussion continues in Armenia (see below), further concerns may be raised.

- Freedom of religion or belief dangerous?

Many provisions of the proposed new Religion Law give the impression that allowing freedom of religion or belief is potentially dangerous, and that religious communities must be subject to special scrutiny. Religious communities are banned from functioning "in secret", using "preaching influence on persons holding other religious affiliation or views which is not compatible with respect for freedom of conscience, religion or belief", or controlling the "private life, health, property and behaviour" of adherents. They are required to act in accordance with Armenia's Constitution and Laws and respect others' religious or theological affiliation.

- Children's rights

Preaching to children under 14 without their parents' consent is banned and punishable. Forum 18 is not aware that any faiths in Armenia engage in this practice with the exception of the Armenian Apostolic Church, whose priests sometimes address children in schools without their parents' express consent.

- "Soul-hunting"

Crucially, "soul-hunting" is banned and punishable under amendments to both the Criminal and Administrative Codes. Defined on first mention in Article 4 of the proposed Religion Law as "improper proselytism", the Article identifies this as preaching to people of other faiths "with the aim of changing their faith" using or threatening "physical or psychological violence"; preaching while providing material or social help; abusing an individual's dependency while preaching; arousing hatred of other religions or religious organisations; "persecuting" an individual more than once; or preaching to children without their parents' consent.

Successive proposed Religion Law amendments have tried to introduce a concept of "soul-hunting" (hogevorsutyun), a derogatory term in Armenian for sharing one's faith, and make it a punishable offence.

Article 4 of the proposed new Religion Law bans "soul-hunting" and specifies that it is subject to administrative and criminal punishments. A new Article 160.1 would be added to the Criminal Code punishes "soul-hunting" with fines of up to 300 times the minimum monthly wage or up to two months' imprisonment when done by individuals. If done by a group or by officials using their official position, it carries a fine of up to 500 times the minimum monthly wage or a maximum two years' imprisonment.

The term "soul-hunting" is used to encourage religious intolerance leading to violations of freedom of religion or belief (see reports by the Collaboration For Democracy Centre http://religions.am/eng/index.php?option=com_content&view=article&id=97:coverage-of-religious-issues-in-the-armenian-media-2010&catid=1:articles and the Helsinki Committee of Armenia http://www.armhels.com/DownloadFile/344eng-Freedom_of_Religion_in_Armenia.pdf).

- Denial of legal status to small communities, compulsory registration

Article 5 of the proposed new Religion Law divides communities into groups of fewer than 25 adult members, which cannot gain legal status, and religious organisations, with more than 25 adult members. Under Article 6, organisations must register.

A new Article 205.3 of the Administrative Code would punish leaders of religious organisations which refuse to register with a fine of 100 to 600 times the minimum monthly wage.

- Do unregistered communities have rights?

Article 8 of the proposed Religion Law sets out what rights religious organisations have, such as to conduct rituals or teach religion. It states that registered religious organisations only receive such rights on registration. But the proposed Law does not specifically declare – as the human rights standards Armenia has signed state – that everyone has these rights without a need for registration. Officials in the former Soviet republics often interpret a lack of specific permission to imply that such rights do not exist without such permission.

- Intrusive and unclear information demands

Under Article 6, communities applying for registration must provide much information with its statute, including the "nature of the religious organisation" as well as a "description of the religion or belief". The Law does not specify whether a brief statement will be enough or whether this requires a detailed exposition of a community's entire beliefs.

It is unclear whether – as in the 2009 proposals – this will lead to officials or the Apostolic Church making and enforcing judgments on which beliefs or doctrines registered communities will be permitted to hold.

Religious organisations must provide much internal information annually to the Justice Ministry and publish it on their own officially recognised website. It remains unclear what a community without a website does. The required information – whose level of detail is unclear from the text – includes: expenditure and income, including "membership fees" (Forum 18 is not aware of any religious community in Armenia which charges "membership fees"); details of all "programmes" (undefined) the religious organisation has undertaken; numbers of "members" and the addresses of leaders and the official address.

Failure to publish such information would be punishable, under the revised Administrative Code Article 206, with fines of 300 to 500 times the minimum monthly wage.

- Funding

Article 9 contains the provision: "Religious organisations cannot be financed by foreign governments, individuals and legal entities." Violations of this are punishable under the revised Article 206 of the Administrative Code with fines of 700 to 1,000 times the minimum monthly wage. Forum 18 notes that as the Armenian Apostolic Church, the Armenian Catholic Church and many Protestant churches are among religious communities which depend heavily on foreign funding, such a provision would if impartially applied have a serious impact – notably on the dominant Apostolic Church.

- Data protection and arbitrary registration rejections?

It remains unclear how the registration authority – the Justice Ministry – will handle the information supplied (including the confidentiality of information such as private addresses), and whether any safeguards will be in place to protect arbitrary rejection of a religious community's application.

- Registration denials and liquidation

Article 7 provides reasons for the Justice Ministry to deny registration, while Article 13 allows for the Justice Ministry to go to court to have a religious organisation suspended for six months or, under Article 14, liquidated. Religious organisations can be liquidated if they provided "false information of significance" when registering, if they promote ethnic or religious hatred, or if they fail to remove violations they have been warned about or repeat them within a year. Providing "clearly false information" is punishable with a fine of 300 to 500 times the minimum monthly wage under the revised Article 206 of the Administrative Code.

Why?

Sargsyan of the Justice Ministry insisted to Forum 18 that the Religion Law and other legal changes were necessary to bring them into line with changes in recent years to Armenia's Constitution. The 2005 Constitutional amendments recognised "the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the

spiritual life, development of the national culture and preservation of the national identity of the people of Armenia".

In February, Justice Minister Tovmasyan noted that respecting the rights of the Apostolic Church was not a reason to restrict the rights to religious freedom of members of other religious communities.

The Justification for the legal changes, published together with the draft texts on 12 July, also points to the Constitutional changes, as well as to Armenia's international commitments as a member of the Council of Europe. They did not explain why much of the advice of the Venice Commission review has apparently been ignored.

The Justification notes "shortcomings" in the current Religion Law, specifically pointing to the rights given at present only to "citizens", which it correctly notes is not in accord with provisions of the European Convention on Human Rights. This was one of the numerous problems highlighted by the Venice Commission / OSCE reviews. It also notes that the current law does not specify the right to change one's religion. It also claims the need to "regulate" the religious education of children and to protect children from being preached to without their parents' consent.

The Justification insists that "soul-hunting (proselytism)" needs to be dealt with in law, but does not explain why this is needed, how this matches Armenia's international human rights obligations, and how this deals with the use of the term to encourage intolerance.

It also fails to explain what concrete specific problems, which have happened in Armenia, the restrictive parts of the amendments are designed to solve.

Amendments are "absurd" and "a censorship tool"

Danielyan of the Collaboration for Democracy Centre noted that the Justice Ministry has taken account of several Venice Commission recommendations, particularly in extending rights to everyone, not just to citizens. But he remains adamant that the current texts are worse than their predecessors.

He described as "absurd" the Articles covering "soul-hunting" and punishments for it, and the procedure for "suspending" religious organisations. "The draft Law does not say if, during a suspension of up to six months, people will be able to meet and pray," Danielyan complained to Forum 18. He also objected to the compulsory registration for communities with more than 25 adults. "Why should groups have to register if they don't want to?"

Danielyan also questioned the privileges granted to the Armenian Apostolic Church and said it was unclear whether that Church was subject to the same provisions as other religious organisations. "If Armenian Apostolic priests go into schools, will they have to get the same permission from all parents that other communities would have to get?"

As for the extensive annual reporting by religious organisations to the Justice Ministry, Danielyan maintained: "They want everyone to be under their control."

Danielyan also pointed to the provisions banning promotion of "religious hatred". "At first glance this looks good," he told Forum 18. "But in reality it will be used as a censorship tool – if I speak badly of the Catholicos, even about previous Catholicoses in history. This will only be used to protect the Armenian Apostolic Church."

Media coverage in Armenia is often highly intolerant of religious minorities, at times accusing them of crimes they have not committed.

Pastor Leonian, head of an Evangelical Church which has 45 congregations across Armenia, told Forum 18 his communities have the same concerns they had with the previous drafts. He believes the reduction of the proposed threshold for gaining registration from 500 in the previous draft to 25 is in order to ensure state control, pointing out the requirement for annual submission of detailed information.

Pastor Leonian expressed great concern about the provisions over "soul-hunting". "At first mention they speak of 'improper soul-hunting', but then they just talk about 'soul-hunting'."

He welcomes the removal of Article 17 of the current Religion Law, which grants a monopoly on preaching to the Armenian Apostolic Church, but laments that this has now been incorporated instead into the new Article 12.1 of the 2007 Law on Relations between the Republic of Armenia and the Armenian Apostolic Church.

The Council of Churches Baptists – who refuse to register in principle in any of the former Soviet republics where they operate, believing that this leads to unwarranted state interference in their internal affairs – have several small congregations in Armenia, with the two largest in Yerevan and in Armavir, a town west of the capital. Several church members told Forum 18 on 13 July that even if compulsory registration and punishments for those who refuse are introduced, they would continue to meet for worship without seeking registration.

Fr Arseni Grigoryants, priest of Yerevan's Russian Orthodox Church, broadly supports the drafts, believing that "more than before they are in accord with the demands of contemporary international democratic norms". However, the proposed Religion Law should go further in its "harsh attitude to incidents of proselytism", he told Forum 18 from Yerevan on 14 July. He lamented the current lack of "juridical mechanisms" for punishing spreading one's faith, which he claimed causes "deliberate harm to the spiritual health of the nation and individuals". He welcomed the drafts' "attempts to provide these mechanisms".

Fr Grigoryants lamented that his Church's suggestions of a three-tier level of recognition was not adopted, with the Armenian Apostolic Church in the dominant position, followed by "traditional confessions" (which he did not identify), and a third category of "other religious organisations". He told Forum 18 that this would better protect Armenia from "targeted destructive foreign influence".

Forum 18 tried to reach Fr Vahram Melikyan, spokesperson for the Armenian Apostolic Church, between 12 and 14 July, but he was not in the office and did not answer his mobile phone. Forum 18 also tried to seek comments from a range of other religious communities.

Discussion begins

Within hours of the Justice Ministry's publication of the proposed drafts, human rights defenders and religious communities began assessing them.

A group of Protestant churches met in Yerevan on 14 July. Danielyan of the Collaboration for Democracy Centre told Forum 18 that several organisations – including his own, the Open Society Foundation, and the OSCE – are planning public discussions. They hope that political parties which oppose the proposals – he named the Heritage Party (which has seven deputies in its parliamentary faction) and possibly Prosperous Armenia (which has 26 deputies) – will also discuss the proposals.

Proposals for a new Religion Law and other legal changes come as the government's proposed amendments to the 2003 Alternative Service Law are in Parliament. It remains unclear whether these proposed changes will allow for the creation of a genuinely civilian alternative service, which - in commitments to the Council of Europe - Armenia should have created by January 2004.

"It would have ended badly, for them and for us"

By Felix Corley

Forum 18 News (12.07.2011) / HRWF Int. (30.08.2011) - <http://www.hrwf.net> - Armenia's religious minorities face obstructions to their exercising freedom of religion or belief from senior officials, politicians, media outlets and priests of the dominant Armenian Apostolic Church, several communities have told Forum 18 News Service. Owners of two separate venues, forced to cancel contracts with Jehovah's Witnesses in June, have stated to Forum 18 that they did so unwillingly after facing "pressure". They refused to specify in detail who threatened or pressured them. And the criminal trial of a Pentecostal Pastor, Vladimir Bagdasaryan, whose colleagues insist he should never have been prosecuted, nears its conclusion in the central town of Sevan.

Deputy Justice Minister Emil Babayan dismissed suggestions that some officials, politicians, and Armenian Apostolic priests acted to restrict the religious freedom of religious minorities, accompanied by hostile media coverage. "You need to hear both sides of each story," he told Forum 18 from Armenia's capital Yerevan on 11 July.

He said he had not followed the prosecution of Pastor Bagdasaryan in Sevan, but insisted his Ministry does not get involved in court cases. He said that if the Jehovah's Witnesses' contracts have been illegally terminated, they can go to court.

The telephone of government religious affairs official Vardan Astsatryan of the Department for Ethnic Minorities and Religious Affairs went unanswered each time Forum 18 called between 6 and 12 July.

The vilification of religious minorities in the media, social pressure, obstruction to their activities and behind the scenes official pressure continue as the Justice Ministry today (12 July) published on its website its latest proposed new Religion Law and amendments to other laws.

Pastor's trial

The trial of Pastor Bagdasaryan began under Judge Samvel Asatryan in the central town of Sevan on 31 March, with about seven or eight hearings since then. "I don't think this is normal – the case should have been closed down on the first day," he told Forum 18 on 11 July.

Pastor Bagdasaryan is accused under Article 164 Part 1 of the Criminal Code: "Obstructing the lawful professional activities of a journalist, or forcing the journalist to disseminate information or not to disseminate information, is punishable with a fine of between 200 and 400 times the minimum salary."

Following false claims in the media that an alleged murderer in Sevan is a Jehovah's Witness, priests of the Armenian Apostolic Church took a Shant TV crew to Sevan's Pentecostal Church in November 2010. The TV crew did not seek permission to enter private property where the Church meets, and refused to leave when asked, so Pastor Bagdasaryan tried to stop them filming. After the TV station broadcast a report claiming

that the Pastor attacked journalists, a criminal investigation was opened. Police have refused to state what was "lawful" about the journalists' activities.

No charges have been brought against the journalists for their unauthorised activities on private property, and the Yerevan Press Club told Forum 18 that prosecutors are not usually so quick to defend journalists and start criminal proceedings.

Pastor Bagdasaryan said the trial is now close to completion. The Prosecutor Fedrik Bagdasaryan (no relation) summed up the prosecution case on 8 July, and on 13 July Pastor Badasaryan's lawyer is due to give the closing defence address to the Court. A verdict is expected at a further hearing after that.

"They'll find me guilty – everything is moving in that direction"

Pastor Bagdasaryan said the Prosecutor demanded at the trial that he be convicted and fined 200,000 Drams (3,030 Norwegian Kroner, 388 Euros or 543 US Dollars), the minimum fine under Criminal Code Article 164 Part 1. "He told the Court I should then come under the amnesty declared by the President, so I won't actually have to pay a fine. But this means I'll still be regarded as guilty and have a criminal record," Pastor Bagdasaryan complained to Forum 18. "I feel they'll find me guilty – everything is moving in that direction."

At each hearing, a group of about 15 "burly young men" accompanied the two journalists to court. "They claim they need protection from us – they're deliberately trying to portray us as dangerous," Pastor Bagdasaryan added.

Each day there is a hearing, Shant TV, where the two journalists work, "repeats the same lies about us – that we're making people stupid, that we're dangerous, that we're a sect", Pastor Bagdasaryan complained.

Employees of Shant TV told Forum 18 from Yerevan on 12 July that no-one was available to comment on the prosecution of Pastor Bagdasaryan, why a group of about 15 "burly" men accompany the journalists to the trial, or why the station repeatedly broadcasts hostile programmes about religious minorities.

Pastor Bagdasaryan stressed that throughout the long-running court case, his Church has continued to meet undisturbed.

Vanadzor conference cancelled

Jehovah's Witnesses rented an auditorium in the northern town of Vanadzor for a three-day convention, due to be held from 10 to 12 June with about 600 attendees. However, when they arrived on the morning of 10 June they found the venue locked, Jehovah's Witnesses told Forum 18.

The owner claimed that he had received a telephone call from someone threatening to bomb the building if it was used by Jehovah's Witnesses. The owner also told Jehovah's Witnesses that he was willing to allow the convention to take place only if he received approval from the authorities. Following unsuccessful Jehovah's Witness appeals to the police and regional authorities to ensure that the meeting was allowed to proceed safely, the convention was cancelled.

Consider the consequences..

In a meeting with Jehovah's Witnesses, Aram Kocharyan, Governor of the Lori Region (which includes the city of Vanadzor), confirmed that he had called the owner of the auditorium on 9 June and told the owner to consider the consequences of renting the

facility to Jehovah's Witnesses. The governor then stated that his comments to the owner were not meant as a threat, but rather a statement that violence against Jehovah's Witnesses from members of a youth group could break out at the building. The governor agreed to notify the owner on the evening of 10 June that his office had no objection to the convention being held on the following two days. However, the owner chose not to provide the auditorium to the Witnesses for the convention.

Forum 18 understands that just before the convention was due to start, a youth organisation sent a letter containing threats if it was not cancelled, but has been unable to obtain a copy of the letter.

Tigran Badoyan, an aide to Governor Kocharyan, confirmed to Forum 18 from Vanadzor on 16 June that Jehovah's Witnesses had come to discuss their concerns with the Governor. But he denied that Governor Kocharyan had made any phone calls about the convention, insisting that owners and renters are free to come to their own agreements. He denied having heard of any threats to the Jehovah's Witness meeting.

Armen Abrahamyan, owner of the auditorium the Jehovah's Witnesses had signed a contract with, said a youth movement had issued "a sort of threat". He declined to identify the movement. He added that pressure had then come from the police and "other structures", but declined to name them either, saying this was "not a conversation to have over the telephone". He said the Governor was not one of those exerting pressure. Electricity had been cut off to the venue, but he said he did not know who had done this.

"We were in a no-win situation," Abrahamyan told Forum 18 from Vanadzor on 11 July. "It would have ended badly, for them [Jehovah's Witnesses] and for us. If the meeting had gone ahead, state structures would have become involved." He said the forced cancellation of the meeting was a violation of religious freedom, but stressed that he focuses on business. "We don't want conflict or harm."

June Yerevan conference disturbed..

Jehovah's Witnesses signed an agreement to rent the Niko Wedding Hall in Parakar near Zvartnots airport to the west of Yerevan for two conventions, from 24 to 26 June, and from 1 to 3 July. The hall belongs to the Hatsi Burmunk company, owned by Mayis Khachatryan. About 1,000 Jehovah's Witnesses attended the first convention.

At lunchtime on the final day of the June convention, four Armenian Apostolic priests, a member of a youth movement and three women arrived unannounced at the hall. Two of the priests – Parakar parish priest Fr Gegam Kesablyan and Fr Yegishe Avetisyan, chaplain of the Apostolic Church's Youth Organisation – shouted at and insulted those present, Jehovah's Witnesses told Forum 18. They said they would not tolerate the continuation of such a meeting. After about half an hour they left.

Two police officers then arrived at the venue, a Major Harut (last name unknown) and Bagdasar (last name unknown). They did not interfere in the resumption of the convention, which continued until its conclusion that afternoon. "Nothing happened – the meeting proceeded normally," Major Harut told Forum 18 on 11 July. "No-one obstructed the meeting."

..then July Yerevan conference cancelled

Jehovah's Witnesses told Forum 18 that an unidentified parliamentary deputy then arrived, who reportedly told the managers and then the owner to cancel the rental

contract. The two managers – Armen and Ayvaz (last names unknown) – then told Jehovah's Witness leaders they needed to discuss the further rental.

Local media cited employees of the wedding hall and renters of neighbouring rooms as having summoned the priests. Panarmenian.net claimed on 27 June that "thanks to the correct argumentation of the priests", the owners cancelled the contract.

However, on 26 June the owner, Mayis Khachatryan, received telephone calls from the Prosecutor's Office, three parliamentary deputies and the tax office, sources who asked not to be identified told Forum 18. He was summoned the following day to the Chief of Police in Vagarshapat, Gevork Khachatryan (no relation). Citing instructions from unidentified senior officials, the Police Chief reportedly demanded that the owner not rent to Jehovah's Witnesses if he did not want his business to be closed down.

The managers of the hall, Armen and Ayvaz, confirmed to Forum 18 on 11 July that "political pressure, mainly from priests" had led to their reluctant decision to cancel the contract. They confirmed that police had become involved, but insisted they had arrived "to prevent hooliganism from anyone". They declined to discuss anything further.

Police Chief Khachatryan denied absolutely warning the wedding hall owner to cancel the contract with the Jehovah's Witnesses. "I didn't do it," he told Forum 18 from Vagarshapat on 12 July. He then put the phone down. Subsequent calls went unanswered.

The two police officers who attended the June conference, a Major Harut (last name unknown) and Bagdasar (last name unknown), would not discuss why the July convention was forcibly cancelled.

Forum 18 reached Fr Avetisyan at the Apostolic Church's headquarters at Echmiadzin on 12 July and asked why he disturbed a meeting organised by a different religious community. However, he put the phone down.

Forum 18's ten attempts to reach the Apostolic Church's spokesperson Fr Vahran Melikyan at his office in Echmiadzin and on his mobile on 11 and 12 July were unsuccessful.

Will President protect religious freedom?

The abrupt cancellation of the two meetings in Vanadzor and Yerevan repeats problems Armenia's Jehovah's Witnesses faced in 2010, when three such proposed conventions to be held in privately-owned buildings – in Vanadzor, the northern city of Gyumri and Yerevan - had to be cancelled.

On 8 October 2010, and again on 27 June 2011, Jehovah's Witnesses wrote to President Serzh Sargsyan, "respectfully requesting his assistance so that the Witnesses can exercise their Constitutional right to freely assemble and hold peaceful religious conventions in accordance with the European Convention on Human Rights". Jehovah's Witnesses told Forum 18 they had received no response to either letter by 12 July.

On 12 July, President Sargsyan's spokesperson, Armen Arzumanyan, promised to provide Forum 18 the following day with information on what response the President had given to the Jehovah's Witnesses' letters.

Is intolerance government policy?

Some Armenian human rights defenders suggest that encouraging intolerance against non-Apostolic Church churches and faiths has become government policy. Stepan

Danielyan of the Yerevan-based Collaboration For Democracy Centre observes that "the trend towards restricting the religious freedoms [sic] has become systemic" in 2009 and 2010.

Danielyan, writing in an April 2011 report "Coverage of Religious Issues in the Armenian Media 2010", bases his conclusion that religious intolerance is government policy on "legal initiatives of the [Armenian] Government, public statements of the Prime Minister and the Minister of Education, the situation in educational institutions, the reporting policy of television companies under [the] government's control, as well as the lack of reaction on the part of law enforcement agencies to obvious cases of religious discrimination".

Danielyan observes that the Apostolic Church is seen "not only as a national-traditional, but also as a social-political institution, unlike other religious organisations". He sees this as "the main point in the promotion of religious intolerance in Armenia".

Based on over 800 articles from major Armenian newspapers and news websites, archived on the Collaboration for Democracy Centre website, the report documents many examples of media intolerance. These include the suggestion that so-called "sects" are responsible for suicides - even though police have not recorded one instance of suicide for religious reasons. Similarly, in relation to the November 2010 Sevan murder case, one newspaper implied that the Jehovah's Witnesses both undermined national security and turned the murderer into "a parent-killing machine".

Similarly, the Helsinki Committee of Armenia has also documented numerous instances of official and media intolerance, leading to denials of freedom of religion or belief. For a 2010 report "Freedom of Religion in Armenia - A Study", the Helsinki Committee conducted media reviews, surveys of public opinion, and interviews with religious believers, journalists, politicians, officials and human rights defenders.

Among the report's many conclusions and recommendations, it documents that "negative attitudes of the vast majority of the public towards non-Apostolic religious organizations were forged on the basis of unfounded gossip, as well as the non-professional publications and coverage by the mass media".

European Court finds conscientious objector was wrongfully convicted and jailed – but what will government do?

By Felix Corley

Forum 18 News (07.07.2011)) / HRWF Int. (11.07.2011) - <http://www.hrwf.net> - Exactly eight years after he brought his case to European Court of Human Rights (ECtHR) in Strasbourg in 2003, the Court's Grand Chamber this morning (7 July) ruled that Vahan Bayatyan had his right to freedom of thought, conscience and religion violated and awarded him compensation. Bayatyan, an Armenian Jehovah's Witness, was imprisoned from September 2002 to July 2003 for refusal on grounds of conscience to perform compulsory military service. Of the 17 judges, only the judge from Armenia, Alvina Gyulumyan, dissented from the decision. There are currently 69 imprisoned conscientious objectors in Armenia – all Jehovah's Witnesses – and the ECtHR judgment directly affects their cases.

Armenian officials gave only cautious responses to the verdict. "If this is the decision of the European Court, the government must pay the compensation," Karine Kalantaryan,

spokesperson for the Justice Ministry, told Forum 18 News Service from the Armenian capital Yerevan on 7 July. "The government has always paid compensation handed down in such cases." However, asked about the implications of the judgment for the current prisoners, she referred to Deputy Justice Minister Emil Babayan. His Assistant told Forum 18 the same day that he was out at a conference.

A senior official of the central government apparatus – who asked not to be identified – told Forum 18 that "in the execution of the judgment, the government might review the situation of the imprisoned conscientious objectors", but gave no promises.

Jehovah's Witnesses welcomed the judgment. "This landmark judgment by the Grand Chamber should lead to the eventual release of the 69 Jehovah's Witnesses imprisoned in Armenia, and help our fellow believers who are facing the same issue in Azerbaijan and Turkey," one told Forum 18 from Yerevan on 7 July.

The Armenian government claims amendments to the Alternative Service Law now in Parliament will take the current alternative service out of the control of the military. However, human rights defenders and Jehovah's Witnesses have told Forum 18 of their doubt at this claim, as the wording of the amendments does not clearly establish this.

Rights violated.

In today's ECtHR Grand Chamber judgment, the Court found that Bayatyan's right, under Article 9 of the European Convention on Human Rights and Fundamental Freedoms, to freedom of thought, conscience and religion had been violated. It stated that Bayatyan's "failure to report for military service was a manifestation of his religious beliefs. His conviction for draft evasion therefore amounted to an interference with his freedom to manifest his religion as guaranteed by Article 9".

This overturns the controversial 2009 judgment that Bayatyan's right to freedom of thought, conscience and religion had not been violated. Bayatyan appealed after that judgment.

The ECtHR today noted, among other points, Armenia's formal commitments to respect the right to conscientious objection when it joined the Council of Europe (see below). Considering the case, the ECtHR found that the conviction and imprisonment was "not necessary in a democratic society" and so violated Article 9. Indeed, the Court argued that: "respect on the part of the State towards the beliefs of a minority religious group like the applicant's by providing them with the opportunity to serve society as dictated by their conscience might, far from creating unjust inequalities or discrimination as claimed by the Government, rather ensure cohesive and stable pluralism and promote religious harmony and tolerance in society."

The Court's judgment – which is final and cannot be challenged – orders the Armenian government to pay compensation to Bayatyan within three months of 10,000 Euros (5,305,580 Armenian Drams, 77,500 Norwegian Kroner or 14,253 US Dollars), plus a further 10,000 Euros in costs.

As well as paying compensation and costs, states are required to abide by judgments by also ensuring that the reasons for violations found by the ECtHR are removed. This can include changing legislation.

Other Council of Europe member states which currently imprison conscientious objectors are Azerbaijan. Today's ECtHR judgment – in a comment that may have implications for the laws and official actions of both states – noted that "the overwhelming majority" of Council of Europe member states have "already recognised in their law and practice the right to conscientious objection".

Armenia's Council of Europe commitment

On its accession to the Council of Europe in January 2001, Armenia formally pledged to: "adopt, within three years of accession [i.e. by 25 January 2004], a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors sentenced to prison terms or service in disciplinary battalions, allowing them instead to choose, when the law on alternative service has come into force to perform non-armed military service or alternative civilian service".

The current Alternative Service Law was adopted in 2003 (coming into force on 1 July 2004), but despite amendments in 2004 and 2006, it still fails to meet Armenia's Council of Europe commitment to allow a choice of "alternative civilian service" to be possible. Jehovah's Witnesses and a Molokan who initially accepted the Law's "alternative service" quickly abandoned it when it became clear that the "alternative" was controlled and overseen by the military. They were soon imprisoned, and Armenia has failed follow its Council of Europe commitment to pardon – and therefore release – its prisoners of conscience who object to compulsory military service.

69 imprisoned conscientious objectors

As of the beginning of July, 69 young men – all Jehovah's Witnesses – were imprisoned for refusing both military service and the military-controlled alternative service, Jehovah's Witnesses told Forum 18. All were sentenced under Article 327, Part 1 of the Criminal Code, which punishes evasion of the call-up to military or alternative service. The maximum sentence under this article was increased to three years' imprisonment in December 2005.

Of the current 69 prisoners, four are serving maximum sentences of 36 months, 35 are serving 30-month sentences, one is serving a 27-month sentence, 28 are serving 24-month sentences, one is serving an 18-month sentence and one a 12-month sentence. Seven of the prisoners were sentenced in 2011, with the most recent two trials in April. The 69 prisoners are serving their sentences in prisons in Artik, Erebuni, Kosh and Nubarashen.

The number of conscientious objector prisoners has hovered around 70 for several years, almost all of them Jehovah's Witnesses. One Molokan (an early Russian Protestant-style Christian community), Pavel Karavanov, was also imprisoned as a conscientious objector, being freed in 2006.

Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, met three of the imprisoned Jehovah's Witnesses in Artik prison in the north-western region of Shirak during his January 2011 visit to Armenia. In his report published on 9 May he called for the conscientious objectors to be freed from prison, and for a genuine civilian alternative service to be introduced.

The prisoners are being treated well, Jehovah's Witnesses told Forum 18. They have access to their religious literature and hold meetings, but are only allowed a pastoral visit from a minister once a month on the second Tuesday of each month. "We would like that to be weekly at the minimum."

Applications for transfer to community service rejected

In Spring 2011, some of the Jehovah's Witness prisoners were offered the opportunity to apply to transfer to community service for the remaining two-thirds of their sentence. However, none of those who did so were accepted, Jehovah's Witnesses told Forum 18. In a typical case, Taron Pirapyan, sentenced to 30 months' imprisonment in March 2010

and serving his sentence in Kosh Labour Camp, applied for such a transfer to community service. On 30 April 2011, in a document seen by Forum 18, L. Bagdasaryan, Head of the Kosh camp's Administrative Commission, recommended this transfer, pointing out his good conduct and low risk.

However, at a meeting of the Independent Parole Commission in Yerevan on 18 May, Pirapyan and two other Jehovah's Witnesses were among prisoners at Kosh to have their applications rejected, according to the record of the meeting signed by Commission Chair G. Hambartsumyan and seen by Forum 18.

Will new legal amendments allow civilian alternative service?

The government's proposed amendments to the 2003 Alternative Service Law were prepared by Sedrak Sedrakyan and Lieutenant Colonel Sasun Simonyan of the Defence Ministry's Legal Directorate and subsequently approved also by the Justice Ministry, officials of both ministries confirmed to Forum 18. They were then approved by the government on 14 April and, on 22 April, sent to the National Assembly, Artak Asatryan, Acting Head of the Government's State and Legal Affairs Department, confirmed to Forum 18 from Yerevan on 6 July.

In its justification for the amendments, the government noted that "the relevant stakeholders" – the conscientious objectors – cannot avail themselves of the current alternative service because it is under military control. It also points to lack of clarity over what documents those who have completed alternative service should receive, and claims that it is too difficult for those performing alternative service to change their mind and transfer to military service.

The government said the aim of the amendments was to protect the rights of those wishing to perform alternative service, as well as the rights of those currently doing military service or yet to do it. It said adopting the amendments would reduce the number of complaints and meet Armenia's international obligations.

The proposed amendments were discussed in Parliament's Defence, National Security and Internal Affairs Committee on 6 May, the Parliamentary website noted. The Head of Parliament's Legal Department, A. Danielyan, declared on 18 May that the proposed amendments were in accordance with the Armenian Constitution and the principles of international law. The Defence, National Security and Internal Affairs Committee told Forum 18 from Yerevan on 7 July that the amendments are still being considered by the Committee.

Lt Col Simonyan, deputy head of the Defence Ministry's Legal Directorate who was involved in preparing the amendments, told Forum 18 that the amendments will be considered in parliament after 15 September.

What will amendments change - and leave unchanged?

According to the text published on the parliamentary website, the amendments change only four Articles of the original December 2003 Law.

An addition to Article 14 states: "Alternative service shall be monitored by the Commission composed of representatives of the state government bodies from Defence, Health and Labour and Social Affairs of the Republic of Armenia (hereinafter referred to as the authorised bodies). The Commission carries out its activities in the areas of alternative service by conducting not less than four visits per year to alternative service sites to examine the conditions of labour at alternative service sites, to examine the state of implementation of the internal rules by the head of the alternative service site and by servicemen engaged in alternative service. The Commission submits the results of his

findings to the authorised bodies. The composition and rules of procedure are established by the joint order of the principals of the authorised bodies."

The amendments also stipulate that those doing alternative service will still be provided with a military service card, and that they will make it easier for those doing alternative service to transfer to military service.

Lt Col Simonyan stressed that those performing civilian alternative service will still be required to serve 42 months, compared to 24 months for military service and 36 months for non-combat military service.

As Hammarberg of the Council of Europe pointed out in his May report, "the European Committee of Social Rights of the Council of Europe has found that a period of alternative service which is double the duration of military service is excessively lengthy and contrary to Article 1.2 of the European Social Charter. Under this article, alternative service may not exceed one and a half times the length of armed military service."

When Forum 18 read this to Lt Col Simonyan he laughed. Eventually he responded: "This is not within my competence." He also said that what will happen to the currently imprisoned conscientious objectors is also not within his competence.

Alternative service?

Lt Col Simonyan insisted that the alternative service would be under civilian control after the amendments are approved. He gave the example of a hospital as an institution which would control those doing alternative service, and issue them with necessary clothing. However, this is not stated anywhere within the amendments.

Simonyan told Forum 18 that anyone undergoing alternative service who violated the terms of their service would have their case handled by the Military Prosecutor's Office "because the alternative service is replacing military service".

He told Forum 18 in December 2010 that this is because it "is a centralised, national body, while the ordinary Prosecutor's Office is established on a territorial basis" – but would not explain why this is relevant.

Currently, the allegedly "civilian" alternative service is supervised by the Military Police under regulations laid down by the Defence Ministry. Conscientious objectors are ordered to wear uniform provided by the military and fed by the military. All breaches of orders or regulations are dealt with by the Military Prosecutor's Office - just as in the new amendments. Conscientious objectors do not see this as a genuinely civilian alternative service.

Initial reactions

Human rights defenders and Jehovah's Witnesses are unsure how to interpret the proposed amendments. "I am not expert enough to judge, but to my understanding they do not address the main problems with the law - the duration, military supervision and the process by which one can enrol," Larisa Minasyan, head of Armenia's Open Society Foundations, told Forum 18 from Yerevan on 6 July.

Jehovah's Witnesses were equally cautious. "An examination of the draft amendments to the Alternative Service Law does not make it clear whether they fully satisfy our concerns," one told Forum 18. "The key issue is the role of the Defence Ministry. According to the amendments, four Government ministries are involved in overseeing the Law but it is not clear exactly what the role of the Defence Ministry is in the oversight." Stepan Danielyan of Collaboration for Democracy was more hopeful, regarding the

amendments as a "serious step to resolving the problem". However, he noted that the continuing alternative service term of 42 months is "too long".

Conscientious Objectors

JW Official Website (07.2011) / HRWF Int. (17.08.2011) - <http://www.hrwf.net>
 Currently, there are **70** Jehovah's Witnesses who have been charged under the Criminal Code for their conscientious refusal of military service on religious grounds. Of these, **70** have been tried, convicted, and imprisoned; **no one** is being held in pretrial detention; **no one** received a suspended sentence. The names, dates of imprisonment, grounds (under criminal code¹), duration of sentence and present locations of detention are as follows:

Seventy Jehovah's Witnesses have been tried, convicted, and imprisoned:

Name	Date of Imprisonment	Grounds, Sentence	Location
Mkhitar Sargsyan	July 17, 2008	§ 327 I, 36 months	Erebuni Penal Institution
Shahen Asatryan	July 17, 2008	§ 327 I, 36 months	Artik Penal Institution
David Mnatsakanyan	February 2, 2009	§ 327 I, 30 months	Erebuni Penal Institution
Vigen Sargsyan	February 2, 2009	§ 327 I, 30 months	Erebuni Penal Institution
Vladimir Sargsyan	April 21, 2009	§ 327 I, 30 months	Erebuni Penal Institution
Gagik Toplakhaltsyan	May 18, 2009	§ 327 I, 30 months	Erebuni Penal Institution
Harutyun Gagyan	May 28, 2009	§ 327 I, 30 months	Erebuni Penal Institution
Hayk Avagyan	July 9, 2009	§ 327 I, 24 months	Erebuni Penal Institution
Gor Aslanyan	July 27, 2009	§ 327 I, 30 months	Erebuni Penal Institution

Aram Apresyan	August 26, 2009	§ 327 I, 24 months	Erebuni Penal Institution
Kamo Sahakyan	August 26, 2009	§ 327 I, 24 months	Erebuni Penal Institution
Ishkhan Grigoryan	August 10, 2009	§ 327 I, 24 months	Kosh Penal Institution
Arkadi Mardoyan	August 28, 2009	§ 327 I, 30 months	Artik Penal Institution
Vanik Soghomonyan	August 31, 2009	§ 327 I, 30 months	Artik Penal Institution
Grigor Safaryan	September 4, 2009	§ 327 I, 30 months	Erebuni Penal Institution
Lyudvik Arshakyan	September 7, 2009	§ 327 I, 30 months	Kosh Penal Institution
Raphael Manukyan	September 17, 2009	§ 327 I, 30 months	Artik Penal Institution
Karapet Aghadjanyan	September 22, 2009	§ 327 I, 30 months	Kosh Penal Institution
Hakob Babudjyan	September 25, 2009	§ 327 I, 24 months	Erebuni Penal Institution
Artak Kroyan	September 30, 2009	§ 327 I, 30 months	Kosh Penal Institution
Vahram Grigoryan	October 2, 2009	§ 327 I, 24 months	Erebuni Penal Institution
Gevork Sargsyan	October 8, 2009	§ 327 I, 24 months	Kosh Penal Institution
Roman Minasyan	October 12, 2009	§ 327 I, 24 months	Kosh Penal Institution

Andranik Martirosyan	October 12, 2009	§ 327 I, 24 months	Kosh Penal Institution
Aghasi Sargsyan	October 14, 2009	§ 327 I, 24 months	Kosh Penal Institution
Hayk Ghazaryan	November 3, 2009	§ 327 I, 24 months	Kosh Penal Institution
Spartak Khanumyan	December 28, 2009	§ 327 I, 30 months	Artik Penal Institution
Levon Vardanyan	January 18, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Vardan Vardanyan	January 19, 2010	§ 327 I, 24 months	Kosh Penal Institution
Hovhannes Kasemyan	February 2, 2010	§ 327 I, 24 months	Artik Penal Institution
Taron Pirapyan	March 2, 2010	§ 327 I, 30 months	Kosh Penal Institution
Karapet Sargsyan	March 18, 2010	§ 327 I, 24 months	Artik Penal Institution
Samvel Prutyan	March 23, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Artur Torosyan	March 9, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Ashot Khachikyan	March 29, 2010	§ 327 I, 24 months	Kosh Penal Institution
David Martirosyan	March 29, 2010	§ 327 I, 24 months	Kosh Penal Institution
Arayik Nahapetyan	April 9, 2010	§ 327 I, 24 months	Erebuni Penal Institution

Zorayr Arakelyan	April 14, 2010	§ 327 I, 30 months	Artik Penal Institution
Narek Seyranyan	April 22, 2010	§ 327 I, 24 months	Kosh Penal Institution
Levon Tumanyan	May 6, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Rafael Khalatov	May 19, 2010	§ 327 I, 24 months	Erebuni Penal Institution
Narek Chinaryan	May 21, 2010	§ 327 I, 24 months	Kosh Penal Institution
Narek Pogosyan	May 24, 2010	§ 327 I, 30 months	Kosh Penal Institution
Suren Tonoyan	June 9, 2010	§ 327 I, 24 months	Erebuni Penal Institution
David Khlghatyan	July 19, 2010	§ 327 I, 24 months	Erebuni Penal Institution
Andranik Bagiryan	August 2, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Edouard Ohandjanyan	August 2, 2010	§ 327 I, 24 months	Erebuni Penal Institution
Levon Avakyan	August 3, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Alik Davtyan	August 4, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Sevak Aghekyan	August 5, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Manuk Khechoyan	August 9, 2010	§ 327 I, 30 months	Erebuni Penal Institution

Derenik Minasyan	August 11, 2010	§ 327 I, 24 months	Kosh Penal Institution
Vahe Avetisyan	August 13, 2010	§ 327 I, 24 months	Kosh Penal Institution
Artur Hayrapetyan	August 18, 2010	§ 327 I, 12 months	Erebuni Penal Institution
Hakob Engibaryan	August 24, 2010	§ 327 I, 27 months	Erebuni Penal Institution
Harutyun Mnatsakanyan	August 25, 2010	§ 327 I, 36 months	Erebuni Penal Institution
Gor Mesropyan	August 27, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Artashes Arshakyan	September 6, 2010	§ 327 I, 30 months	Kosh Penal Institution
Vardan Antonyan	September 11, 2010	§ 327 I, 30 months	Erebuni Penal Institution
Vahagn Alikhanyan	September 24, 2010	§ 327 I, 30 months	Artik Penal Institution
Anri Khachatryan	September 29, 2010	§ 327 I, 24 months	Erebuni Penal Institution
Nikolay Poghosyan	October 21, 2010	§ 327 I, 30 months	Erebuni Penal Institution
David Muradyan	December 30, 2010	§ 327 I, 18 months	Kosh Penal Institution
Ashot Voskanyan	February 2, 2011	§ 327 I, 36 months	Erebuni Penal Institution
Samvel Sargsyan	February 2, 2011	§ 327 I, 30 months	Kosh Penal Institution

Arutyun Kirakosyan	March 9, 2011	§ 327 I, 30 months	Nubarashen Penal Institution
Arman Nersisyan	March 14, 2011	§ 327 I, 24 months	Kosh Penal Institution
Andranik Geghamyan	March 15, 2011	§ 327 I, 24 months	Kosh Penal Institution
Hayk Sargsyan	April 8, 2011	§ 327 I, 30 months	Nubarashen Penal Institution
Hovik Gasparyan	April 11, 2011	§ 327 I, 30 months	Kosh Penal Institution
None of Jehovah's Witnesses are being held in pretrial detention.			
None of Jehovah's Witnesses received a suspended sentence.			

1 Article 327 I states: Evasion from recurring draft military or alternative service call-up, training exercise or mobilization, without any order defined by Legislation of the RA as grounds for exemption, is punished with arrest for a maximum term of two months, or imprisonment for a maximum term of three years (modified 16.12.2005).

Another facility owner pressured to cancel Witnesses' convention in Armenia

JW Official Website (01.07.2011) / HRWF Int. (17.08.2011) - <http://www.hrwf.net> - 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 this same facility on June 24-26, 2011. However, on the last day, several priests of the Armenian Apostolic Church attempted to disrupt the convention. Over the next few days, the facility owner was relentlessly pressured by government officials, including parliamentarians and police officers, to cancel this week's convention. 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.

This is the second religious convention of Jehovah's Witnesses to be cancelled within a three-week period. On June 10, just a few hours before the start of their "Let God's

Kingdom Come!" District Convention at a rented auditorium in Vanadzor, Jehovah's Witnesses were forced to leave the rented facility because the owner refused to honor the contract, effectively cancelling the Witnesses' convention. During the summer of 2010, three conventions of Jehovah's Witnesses held at private rented facilities were cancelled by the owners following similar pressure.

On October 8, 2010, and again on June 27, 2011, Jehovah's Witnesses in Armenia wrote to President Serzh Sargsyan, respectfully requesting his assistance so that the Witnesses can exercise their Constitutional right to freely assemble and hold peaceful religious conventions in accordance with the European Convention on Human Rights.

In a similar case dealing with the disruption of a religious convention of Jehovah's Witnesses, the European Court of Human Rights condemned Armenia's neighboring country, Georgia, for failing "in their duty to take the necessary measures to enable [Jehovah's Witnesses] to exercise freely their rights to freedom of religion."—Case of 97 members of the Gldani congregation of Jehovah's Witnesses and 4 others v. Georgia, 71156/01, 3 May 2007.

Mother's parental rights restricted over religion, Armenian court orders retrial

JW Official Website (27.04.2011)) / HRWF Int. (06.05.2011) - <http://www.hrwf.net> - After a court decision jeopardized a mother's parental rights with her young son, Margarit Hovhannisyan one of Jehovah's Witnesses, appealed the ruling with Armenia's Cassation Court. Her efforts paid off on April 1, 2011, when the Cassation Court, unanimously granted her request.

On November 10, 2010, the Court of Appeal upheld a trial court ruling which restricted Ms. Hovhannisyan's parental rights and limited her access to her young son solely because she was one of Jehovah's Witnesses. The Cassation Court declared that the rulings of the lower courts were unlawful and ordered a new trial. In its ruling, the Cassation Court observed that the lower courts had not cited any evidence that Ms. Hovhannisyan's religious beliefs were in any way harmful to her child. To the contrary, the Court noted that the evidence had established that Ms. Hovhannisyan's relationship with her son could have a "positive" impact on him and satisfy his "needs for motherly love, emotional affection, and tenderness."

"This is a significant decision for parent-child rights and freedom of religion," explains human rights defender Lyova Margaryan. "It is consistent with previous decisions of the European Court of Human Rights in cases such as Hoffman v. Austria and Palau-Martinez v. France which have ruled that it is unlawful to restrict a parent's rights simply because the parent is one of Jehovah's Witnesses."

Pastor prosecuted after journalists refuse to leave church

By Felix Corley

Forum 18 (24.02.2011) / HRWF Int. (28.02.2011) - <http://www.hrwf.net> - A Pentecostal Pastor in the central Armenian town of Sevan, Vladimir Bagdasaryan, is facing criminal trial after trying to stop television journalists filming in the private property where his church meets. The journalists did not seek permission to enter the property, refused to

leave when asked to do so, and were filming a report hostile to the church. Many media outlets in Armenia encourage intolerance of religious minorities, and the latest incident happened after a murder falsely attributed to a Jehovah's Witness. On 15 February formal criminal charges were brought against Bagdasaryan under Article 164 Part 1 of the Criminal Code ("Obstructing the lawful professional activities of a journalist"), Forum 18 News Service has learnt.

This Article states that: "Obstructing the lawful professional activities of a journalist, or forcing the journalist to disseminate information or not to disseminate information, is punishable with a fine of between 50 and 150 times the minimum salary, or a sentence of corrective labour for up to one year."

The Investigator in the case, Aram Martirosyan, told Irene Aloyan, a legal advisor at the Yerevan Press Club, a journalists' group, today (24 February) that the investigation against Pastor Bagdasaryan has been concluded and the case was handed to court the previous day. Pastor Bagdasaryan told Forum 18 on 24 February that he has not been informed of this. No date has been set for a trial.

False allegations follow murder

Trouble for Pastor Bagdasaryan began after a widely-publicised murder on 8 November 2010 of a husband and wife in Sevan. The couple's son was arrested swiftly, and Armenian Public Television broadcast allegations that the man was a Jehovah's Witness, as neighbours had stated that Jehovah's Witnesses had recently been seen near the block of flats.

The claim that the alleged murderer is a Jehovah's Witness continued to be broadcast, despite repeated insistences by Jehovah's Witnesses that he and the family had no connection with them, and had never attended a Jehovah's Witness meeting.

A long report on Public Television evening news on 10 November used the on-screen caption "Jehovah's Mindless Slaves and Captives" and claimed that "when people renounce the Holy Trinity" and become Jehovah's Witnesses they sign a contract refusing to accept blood transfusions, which the television equated to the murder of one's parents.

Media intolerance

Alexander Amaryan, the head of the Centre for Aid and Rehabilitation to the Victims of Destructive Cults told an 11 November news conference entitled "Sects as a Cause of Murders and Suicides", that the crime was a "religious murder". In remarks which were widely quoted in the Armenian media, Amaryan claimed that leaders of "religious sects" may use "acoustic weapons" to control members of their organisations, adding that "in contrast to hidden hypnosis or other psychological methods acoustic or ultrasonic weapons affect everyone. The weapon, currently freely available, can turn even the most well-balanced of men into an aggressive and unpredictable person."

Jehovah's Witnesses told Forum 18 from Yerevan that "several obviously biased televised reports about Jehovah's Witnesses" have been aired in the past, "mainly on the Shogaghat TV station." This TV station is run by the Armenian Apostolic Church. "But this recent coverage by far outweighs anything previously aired, both in magnitude and in negative/aggressive content."

Journalists forced their way onto private property

Pastor Bagdasaryan said that on 10 November, two local priests of the Armenian Apostolic Church brought two journalists from the private Shant TV station to the building

in Sevan where his church meets. He said the building is owned privately by an individual church member. No services were going on at the time.

"Shant TV journalists Arpi Sukasian and Eduard Petrosyan entered our private property videotaping it without asking permission from the owner of the property, or showing their accreditation," Bagdasaryan told Forum 18. "A young lady standing by the entrance informed them that it was a private property and asked them to leave the building." However, they refused and asked her "disrespectfully" about her faith. Despite telling her that they had turned off the camera, they continued filming.

The two journalists then pushed their way up to the second floor and carried on filming there. The church member phoned Pastor Bagdasaryan, who soon arrived and once more asked them to leave, insisting that the building was private property and they had no right to film their without permission.

"Seeing that repeating myself didn't result in change of their actions, I had to cover the camera with one hand. With my other hand I held the journalist's arm, leading him towards the exit. Suddenly, the journalist began to cry out 'why are you hitting me, why are you hitting me?' when in fact, I was just inviting him out gently holding his arm." He said the two journalists still refused to leave and began raising their voices. Only while Pastor Bagdasaryan was in his office calling the police did they leave.

Swift official reaction to biased report

That evening, the journalists' filmed report was shown on Shant TV's Horizon programme, accusing the "aghandavorner [false believers]" of attacking journalists and obstructing them in their work.

Based on the news broadcast, the prosecutor of Gegharkunik Region, Vahram Margaryan, opened a criminal investigation against Pastor Bagdasaryan under Article 164 of the Criminal Code.

Pastor Bagdasaryan complained to Forum 18 that on 17 November 2010 and many times thereafter he was summoned to the Police Station for questioning without a written summons.

On 25 December 2010, Investigator Aram Martirosyan informed him that a criminal investigation case had been opened against him and that he needed to be questioned as a witness on the case. He said that "despite my and two other witnesses' written affidavits describing the illegal, provocative, and rude behaviour of the journalists", Investigator Martirosyan presented him with formal written charges under Article 164 Part 1 on 15 February 2011.

What was "lawful" about journalists' activities?

"Prosecutors ignored all the obvious facts," Badgasysan complained to Forum 18. "This leads me to conclude that this is an order from higher levels because people involved in this case implied to us that it was ordered from higher levels."

Pastor Bagdasaryan pointed out that the journalists were led to his church by priests of the Armenian Apostolic Church. "In the footage of the news the same priests and a government official were discussing the 'erosive deeds of aghandavorner [false believers]'. It is therefore not difficult to conclude who was behind this incident and who provided the means to accomplish it."

Bagdasaryan told Forum 18 on 17 February that police had refused to answer his question, when he asked what was "lawful" about the journalists' activities.

Officials of Gegharkunik Regional Prosecutor's Office in Gavar refused to put Forum 18 through to Prosecutor Margaryan on 18 February. All subsequent calls went unanswered. Reached on 18 and 24 February, Investigator Martirosyan refused to answer any of Forum 18's questions.

Forum 18 was unable to ask the Prosecutor's Office why they have not opened investigations against Shant TV or other media outlets under Article 226 of the Criminal Code ("Inciting national, racial or religious hatred"). This states that:

"1. Actions aimed at the incitement of national, racial or religious hatred, racial superiority or the humiliation of national dignity, are punishable with a fine of between 200 and 500 times the minimum salary, or with corrective labour for up to two years, or with imprisonment for between two and four years.

2. The actions described in Part 1 of this Article committed:

- a.) publicly or by the mass media, with violence or the threat of violence;
 - b.) by officials abusing their official position;
 - or c.) by an organised group;
- are punishable with imprisonment for between three and six years."

Was Prosecutor biased?

Aloyan, who is legal advisor at the Yerevan Press Club, told Forum 18 that the Criminal Procedure Code allows prosecutors to lodge cases under Article 164 based on reports in the media. However, stressing that this was her personal opinion, she said prosecutors are not usually so quick to defend journalists and start criminal proceedings. She believes the fact that Bagdasaryan is a Protestant pastor and that the case revolves around a minority religious community may have been a factor.

Aloyan stressed that journalists need permission from owners of private property before being allowed to film there. "They don't have the right to do so unless they have this permission," she told Forum 18. She pointed out that the principle of inviolability of one's personal rights and are enshrined in Armenia's Constitution and Criminal Code.

"That is not the same situation"

A staff member of Shant TV – who would not give her name – insisted that "no violation" had taken place in its journalists' activity. "Our journalists were doing their duty," she told Forum 18 from Yerevan on 23 February. Asked why the journalists had filmed on private property, despite being repeatedly asked not to and why her television station broadcast hostile remarks about a religious minority community, she responded: "You do not have correct information." However, she declined to say what information was incorrect.

Asked whether any journalist has the right to come into the private property of Shant TV and to start to film, she told Forum 18: "That is not the same situation." She did not explain in what way she thought it was different.

The Shant TV employee would not name the station's owner or chief editor, and would not provide any contact numbers for journalist Sukasian or cameraman Petrosyan. Despite repeated calls later on 23 and on 24 February, Forum 18 failed to reach either of them.

Armenian Apostolic Bishop denies Church's involvement

Armenian Apostolic Bishop Markos Hovhanissian of Gegharkunik confirmed that two priests of his diocese had taken the Shant TV journalists to the Pentecostal Church in Sevan in November 2010. "However, they did not initiate the broadcast or take part in it," he insisted to Forum 18 on 24 February. "The journalists asked them to point out where members of other faiths meet. They did so and that was all. Our priests didn't incite the population against any faith."

However, Pastor Bagdasaryan pointed out to Forum 18 that the two priests not only brought the journalists directly from the block of flats where the murder had taken place to his church, but waited outside while they were in the building. The priests then took the journalists to the Apostolic Church in the town (which is still being built) to give an interview alleging that such "sects" teach people to kill their parents.

Pastor Bagdasaryan said he had asked the priests over the following days why they had brought the journalists to his church. "One told me that as the Jehovah's Witnesses have no property in the town and meet in homes, he brought them to us."

Asked whether he thinks the journalists or the priests initiated the hostile coverage, Pastor Bagdasaryan laughed. "It's impossible to be certain, but as they say, all roads lead to Rome."

Jehovah's Witness bring case against TV

After their unheeded complaints to Armenian Public Television to retract publicly their allegations that the arrested son of the murdered couple was a Jehovah's Witness, the Jehovah's Witnesses lodged a suit against Public Television on 9 December 2010 with the Kentron and Nork-Marash Administrative Districts Court, as they told Forum 18. They are seeking a court order requiring Public Television to apologise for their "defamatory statements", issue a full retraction, and publish an unedited response from them.

"In addition to airing the misinformation about the religious beliefs of the family, the state-sponsored Armenian Public Television also used derogatory and insulting expressions when referring to Jehovah's Witnesses," Jehovah's Witnesses complained. "One of the broadcasts suggested that viewers should resort to physical violence against the Witnesses, which has already fuelled violent attacks against them in some towns and cities in Armenia."

On 12 November 2010, in a statement posted on his office's website, the then Human Rights Defender Armen Harutyunyan called on the media to cease representing the accused as a Jehovah's Witness.

Jehovah's Witnesses told Forum 18 on 24 February that their suit has been accepted, but no court date has yet been set.

Armen Bagdasaryan, head of Public Television's Legal Department, denied that his station had done anything wrong. "When the Jehovah's Witnesses wrote to us, we broadcast that we had received their letter denying that the individual in the case was a Jehovah's Witness," he told Forum 18 from Yerevan on 24 February. "But they wanted more – they said our response wasn't enough and took us to court. That is where this will be resolved."

Bagdasaryan of Public TV told Forum 18 that the station had not offered the Jehovah's Witnesses the opportunity to take part in the programme and refute the serious accusations against them, but refused to explain why not. "They had every right to get in touch with us afterwards and they did so." He declined to discuss the specific allegations made in the 10 November 2010 programme attacking the Jehovah's Witnesses.

Armenian human rights defenders have told Forum 18 that media channels have in the past staged "debates" involving Jehovah's Witnesses, without giving them a fair chance to reply to accusations. This has led to an understandable reluctance on the part of Jehovah's Witnesses to accept invitations to take part in media programmes.

Controversial draft amendments being re-drafted

Controversial draft Amendments to the Religion Law, the Criminal Code, the Code of Administrative Offences and the Charity Law have still not been published in Armenian. However, Justice Minister Hrair Tovmasyan has promised that the 2010 draft proposals will be re-drafted taking account of the severe criticisms made of them and the existing Religion Law by a joint Council of Europe Venice Commission / Organisation for Security and Co-operation in Europe (OSCE) legal review.

Speaking at a roundtable in Yerevan on 17 February, organised by the Yerevan-based Open Society Foundations with the Collaboration for Democracy Centre and the Armenian Helsinki Committee, Justice Minister Tovmasyan promised a large audience of civil society activists, religious communities, local journalists and Venice Commission member Finola Flanagan that the proposals would be re-drafted to take account of the Venice Commission / OSCE criticisms. Tovmasyan also promised that the re-drafted proposals would be made freely available for open public discussion in Armenia and then sent to the Venice Commission for review.

Among the points Tovmasyan highlighted for re-draft were: avoiding defining proselytism or soul-hunting, as this may attack the right to share beliefs, but defining precisely what actions are prohibited; on the right to legal personality that unregistered religious activity should be permitted, that high minimum numbers of members to register a community should be avoided, the actions of some members should not be a reason to liquidate entire communities, and that liquidation should be a final resort for after other warnings and penalties have been exhausted; and that the state must respect the rights of parents to decide on the education of children in line with their own religion or beliefs. He also noted that respecting the rights of the Armenian Apostolic Church was not a reason to restrict the rights to religious freedom of members of other religious communities.

Deputy Justice Minister Grigor Muradyan discussed "what should be in the draft amendments" to various laws on religion at the Ministry on 16 February with visiting Venice Commission representatives, Nora Sargsyan, an adviser to Minister Tovmasyan, told Forum 18 from Yerevan on 22 February. She said that "for the most part" the Venice Commission and Justice Ministry representatives agreed. "There was no substantial disagreement with the Venice Commission proposals," Sargsyan told Forum 18.

She said that Muradyan, as the Minister responsible for preparing legislation, would be overseeing work on a new draft, which would be prepared by civil servants of the Ministry. Sargsyan said her Ministry agreed to work with the Venice Commission "on a day by day basis if necessary" in preparing the text. She said the final version would be submitted to the Venice Commission before it was sent to Parliament. She added that the final version of the draft would be available in Armenian to allow public discussion.

However she would not tell Forum 18 whether this would be before, after, or at the same time as the text was sent to the Venice Commission.

"Why does the government keep pushing laws that get negative reviews?"

By Felix Corley and John Kinahan

Forum 18 (20.01.2011) / HRWF Int. (25.01.2011) - Website: <http://www.hrwf.net> -Nora Sarkisyan, advisor to Armenia's Justice Minister Hrair Tovmasyan, has pledged that the Ministry will bring the text of proposed Amendments to the Religion Law, the Criminal Code, the Code of Administrative Offences and the Charity Law into line with the recommendations of a joint Council of Europe / Organisation for Security and Co-operation in Europe (OSCE) legal review. "We recognise that the review was negative and we are taking into account its views," Sarkisyan told Forum 18 News Service from the capital Yerevan on 20 January. "A Justice Ministry working group is now revising the proposed Amendments to bring them into line with the recommendations." She said the Justice Ministry aims to present revised texts to the Venice Commission for discussion at its next plenary meeting on 25 and 26 March.

However, government religious affairs official Vardan Astsatryan of the Department for Ethnic Minorities and Religious Affairs – who said he was involved in drafting the 2010 Amendments - disagrees. "The draft Amendments were in accordance with international human rights standards," he claimed to Forum 18 from Yerevan the same day. "We didn't have very sharp differences with the Venice Commission. Only a few points need reconsideration."

The published review - an Interim Joint Opinion - clearly states that parts of the latest proposed Amendments do not comply with international law and so with Armenia's international human rights commitments.

"They said some things in favour and some against"

Religious affairs official Astsatryan reluctantly told Forum 18 that representatives of the Evangelical Church (one of Armenia's evangelical Protestant churches) and the Church of Jesus Christ of Latter-day Saints (commonly known as the Mormons) had separately come to him about the 2010 Amendments. He refused to say if these communities were in favour or against the proposed Amendments. "They said some things in favour and some against."

Pastor René Leonian, head of the Evangelical Church, which has 45 congregations across Armenia, told Forum 18 in December 2010 that they feared "the limitations on freedom of conscience, freedom of expression of our faith and limitation on human rights generally" in the proposed Amendments. These concerns have been echoed, sometimes in private, by a wide range of human rights defenders and religious communities.

A number of religious communities have also approached the OSCE Office in Yerevan, as its Human Rights Officer Vladimir Tchountoulov told Forum 18 on 20 January. "We are keeping a close eye on developments – it's part of our mandate."

Amendments prepared in secret

The current draft Amendments were prepared in secret by the Justice Ministry and sent for review – in English only – to the Council of Europe's Venice Commission. They only became known when the Venice Commission published them on its website on 30 November 2010. The draft Amendments to the Religion Law are available at <http://www.venice.coe.int/docs/2010/CDL%282010%29130-e.asp>, and those to the Criminal Code, the Code of Administrative Offences and the Charity Law are at <http://www.venice.coe.int/docs/2010/CDL%282010%29133-e.asp>.

The Armenian government has refused to make the original Armenian text public.

The Venice Commission Opinion – produced jointly with the OSCE Advisory Council on Freedom of Religion or Belief – was approved at the Venice Commission plenary meeting

in Venice on 16 and 17 December 2010. They were made public on 22 December 2010 on the Venice Commission website <http://www.venice.coe.int/docs/2010/CDL-AD%282010%29054-e.pdf>, as well as on the OSCE Legislation Online website.

Armenian government representatives at the plenary meeting in Venice insisted to the Venice Commission that Amendments would be made to the draft and a new text would be presented again. In response, the Opinion was renamed an Interim Opinion;

2009 critical review ignored?

The December 2010 Opinion came one and a half years after the similarly critical Venice Commission / OSCE review of restrictive proposed Amendments to Armenia's Religion Law and Criminal Code was made public in June 2009. The 2009 proposed Amendments were fiercely criticised by many human rights defenders and religious communities in Armenia at the time.

The latest Opinion notes that "a good deal of the [2009] specific comment also remains relevant since the drafters in many instances do not appear to have taken into account the recommendations in the 2009 Joint Opinion".

Unclear wording affects wide range of human rights

The latest Opinion by international legal experts notes that the latest Amendments are "often difficult to understand and vague so that the public will not be in a position to be certain of their rights and obligations". It calls for the Amendments "to make more precise and clear the scope of application of the law", and to "clarify which provisions of the Current and Draft Laws apply to all religious organisations and which apply only to those which are registered".

The Opinion also notes that the Amendments affect "the linked rights of freedom of thought, conscience and religion as well as the right to freedom of expression and opinion and freedom of association and the right to non-discrimination which are protected in the Armenian Constitution as well as in the international treaties by which the Republic of Armenia is bound". These include the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights (ICCPR).

Ongoing serious problems

Serious problems are common to both of Armenia's recent sets of proposed Amendments. As was the case with the previous Amendments, the latest Opinion bluntly indicates that parts of the latest proposed Amendments do not comply with international law and so with Armenia's international human rights commitments. Issues identified by the latest Opinion include:

- that human rights are for everyone, whatever their citizenship. As the 2010 Opinion puts it, the proposals should be amended "so as to guarantee freedom of conscience, religion or belief to everyone regardless of citizenship";

- that the Amendments' defining of the scope of freedom of conscience, religion or belief is much narrower than international law requires of Armenia. For example the latest Opinion calls among other things for the Amendments "to recognize the freedom to change religion or belief", as well as "to expressly guarantee the freedom to manifest religion or belief in public or private, and to act according to one's religion or belief in daily life";

- that the right to legal status must not be restricted. The latest Opinion calls for the Amendments "to clarify that any religious organisation is entitled to legal personality and has access to it if it wishes to avail of such status";

- that the Amendments' defining of what a religious organisation is, what it can do, and how it can be registered is too unclear and restrictive. As the latest Opinion states, Armenia should:

- * "reconsider the definition of 'religious organisation' and ensure its compliance with international law";

- * "specify with greater precision which particular laws should a religious organization's statute comply with in order to satisfy registration requirements";

- * "ensure that the administrative requirements set by the Law are appropriate and consistent with international standards";

- * and "clarify that the prescribed list of rights of religious organisations is not an exclusive list whereby any activities not specified therein are automatically prohibited";

- that registration is not a pre-condition for being able to exercise the right to freedom of religion or belief. As the Opinion states, "it is not clear whether individual groups are free to practise their religion without registration and this should be expressly permitted";

- that the Amendments should narrow the scope for the authorities to stop the activities of religious organisations. As the Opinion states, there should be "a range of sanctions of varying severity, with liquidation being a measure of last resort applicable only in cases of repeated and/or grave breaches of the law committed by religious community as a whole or by a substantial number of its adherents";

- that the possibility to share beliefs should not be narrowed in ways that violate international law. The Opinion calls for the Amendments to "reconsider the blanket prohibition on religious advocacy and preaching in all 'learning' and 'social institutions'", as well as "to ensure that the Law (and the Criminal Code) allow for some forms of proselytism and only prohibit 'improper' proselytism, in line with international law". The Opinion notes that "the right to discuss one's belief is protected" by both the freedom of religion or belief and freedom of expression articles of the ECHR and ICCPR, and that "the terms defining proselytism are too broad and vague".

- * The Opinion also states that "the wording 'distortion of religious convictions' appears to be aimed more at protecting 'the exclusive mission' of the Armenian Church than at protecting the forum internum and other rights of those harassed by improper proselytism". As the Opinion notes, "a general notion of respect for religious feelings is not itself a right found within the freedom of thought, conscience and religion. On the contrary, it is inconsistent with the 'pluralism indissociable from a democratic society' entrenched in Article 9" of the ECHR;

- that discrimination should not be permitted against followers of any religion or belief. The Opinion calls for the Amendments "to ensure that the expressly recognized privileged position of the Holy Apostolic Armenian Church is consistent with the principles regarding equality of treatment between religions";

- and that Armenia should "consider allowing for charitable financial support for religious advocacy" The Amendments define "religious advocacy" as "the dissemination (irrespective of the form – a book, brochure, electronic carrier, etc.) of certain religious ideas and knowledge (doctrines) by a follower believing in them".

February round table "to get the government talking"

Civil society activists complain that no official government statement has yet been made in Armenia, responding to the critical Opinion. The government has also not announced how it intends to proceed.

The Opinion has been welcomed by civil society activists. "It was a serious review which will prove very helpful here in Armenia", Stepan Danielyan, head of the Yerevan-based Collaboration for Democracy Centre, told Forum 18 from Yerevan on 20 January.

Collaboration for Democracy and the Open Society Foundations - Armenia are planning a joint round table conference on the proposed Amendments in Yerevan in early February, with participants from the government and civil society, including religious communities. They hope the Yerevan offices of the OSCE and Council of Europe will also be involved.

"The whole idea is to get the government talking – this is a question of transparency," Maria Aghajanyan of the Open Society Foundations told Forum 18 on 20 January. "Why does the government keep pushing laws in this area that get negative reviews? It happened in 2009 and again in 2010." To help public discussion, Open Society Foundation has sponsored a translation into Armenian of the Venice Commission / OSCE Opinion, which has been published on the Religions in Armenia website at <http://religions.am>.

The Venice Commission with the OSCE has in recent years published a number of other critical legal reviews of various proposed Armenian laws http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&CID=42.

What will government do now?

Sarkisyan of the Justice Ministry told Forum 18 that the Ministry will rework the current Amendments in the light of the Venice Commission / OSCE recommendations. "They will work from the draft text in hand, but it may become a new text," she said. Only after the Venice Commission and OSCE have completed a further review and given its comments will it be presented to other relevant Armenian government agencies and the government itself for comment and approval. After that the Amendments will be presented to Armenia's parliament, the National Assembly, she said.

However, Astsatryan of the Department for Ethnic Minorities and Religious Affairs denied this. "I believe the Justice Ministry will send the text to us – and to other parts of the government – before it goes back to the Venice Commission," he told Forum 18.

Sarkisyan pledged that the text of any new proposed Amendments would be published in Armenian on the Justice Ministry website "in line with usual procedures". She said she has been working at the Ministry only for one month, so could not explain why the 2010 Amendments were not made public in Armenian.

The 2010 Amendments had been prepared by the then Justice Minister Gevorg Danielyan and Ministry officials, but Danielyan was sacked in December 2010. So both the Justice Minister Tovmasyan and his advisor Sarkisyan have been in their jobs for only one month.

Amendments to the 2003 Law on Alternative Service are also with the Justice Ministry for review. As of 1 December 2010, 73 Jehovah's Witness young men were prisoners of conscience for refusing to do compulsory military service, or military-controlled alternative service.

But does Prime Minister support restrictions?

Given the apparent difference of opinion within the government, Danielyan of Collaboration for Democracy remains wary. "I believe the 2010 Amendments had the strong backing of Prime Minister Tigran Sarkisyan," he told Forum 18 from Yerevan on 20 February. "A year ago he spoke in public that the idea that the Church and the State should be separate is an outdated concept. He has special contacts with the Armenian Apostolic Church, and there'll be lobbying from him and the Church to make the Amendments harsher."

Prime Minister Sarkisyan is the current head of the board of the Armenian Apostolic Church's Ararat Diocese, which includes the capital Yerevan, the Chancellery of the Armenian Apostolic Church's headquarters in Echmiadzin told Forum 18 on 20 January.

Atsatryan of the Ethnic Minorities and Religious Affairs Department told Forum 18 on 20 January that Prime Minister Sarkisyan has made no comment on the proposed Amendments, and plays no role. An aide to the Prime Minister told Forum 18 the same day that the government has "one position", not several, and that this issue is being handled by the Justice Ministry.

2009 proposed Amendments not dead?

Aghajanyan of the Open Society Foundations points out that the 2009 proposed Amendments restricting freedom of religion or belief remain on the National Assembly agenda. They were approved by the National Assembly before being criticised by the Venice Commission and OSCE. "Since these Amendments are also on the agenda, they will have to be discussed," she told Forum 18.

State-sponsored television station in Armenia sued for slander over broadcasts about Jehovah's Witnesses

JW Official Website (06.01.2011) / HRWF Int. (12.01.2011) - Website: <http://www.hrwf.net> - The Christian Religious Organization of Jehovah's Witnesses in the Republic of Armenia filed a claim on December 9, 2010, against Armenian Public Television and its representatives.

Beginning on November 8, 2010, many media outlets in Armenia repeated the statement that a young man who was charged with the brutal murder of his elderly parents in Sevan, Armenia, was one of Jehovah's Witnesses. That report is false. Neither the young man nor his parents were ever Jehovah's Witnesses, nor did they have any association with Jehovah's Witnesses. The religious community of Jehovah's Witnesses is in agreement with those who deplore this tragic act of violence.

In addition to airing the misinformation about the religious beliefs of the family, the state-sponsored Armenian Public Television also used derogatory and insulting expressions when referring to Jehovah's Witnesses. One of the broadcasts suggested that viewers should resort to physical violence against the Witnesses, which has already fueled violent attacks against them in some towns and cities in Armenia.

On November 12, 2010, the Human Rights Defender of the Republic of Armenia called on the mass media "to cease" representing the accused as one of Jehovah's Witnesses.

The state-sponsored Armenian Public Television refused to take corrective measures, forcing the Witnesses to take legal action. Jehovah's Witnesses in Armenia have filed a claim requesting that the defendants be ordered to apologize for their defamatory statements, issue a full retraction, and publish an unedited response from Jehovah's Witnesses.

Worldwide there are over 7.5 million Jehovah's Witnesses who peacefully meet together for worship. In Armenia, more than 24,000 persons attended the annual observance of the Memorial of the death of Jesus Christ, which was commemorated around the world by Jehovah's Witnesses this past year on March 30, 2010. Jehovah's Witnesses received state registration in Armenia on October 8, 2004.
