

# THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

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Contribution to the Report of the U.N. High  
Commissioner for Human Rights on the  
implementation of the new review mechanism of the  
Human Rights Council, established by GA Resolution  
60/251 and by the Human Rights Council in Resolution  
5/1 of 18 June 2007 for the 8<sup>th</sup> session 2010 of the UPR  
(Dates of the WG: May 2010).

## ARMENIA

Marcel Gillet

Chairman of the Religious Freedom Subcommittee

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## JEHOVAH'S WITNESSES—ARMENIA

### **Background**

In Armenia the imprisonment of Jehovah's Witnesses who are conscientious objectors is not resolved. During the past 16 years, 394 young men who are Jehovah's Witnesses have been imprisoned as conscientious objectors to military service. Jehovah's Witnesses also conscientiously object to the alternative service offered in Armenia because it is performed under military administration and supervision. Despite its commitments as a member of the Council of Europe to adopt a genuine alternative civilian service that is non-punitive, Armenia continues to arrest male Jehovah's Witnesses of military age for their conscientious objection to participation in military service. In addition, Jehovah's Witnesses continue to face an illegal VAT on religious publications used for worship, a failure by the police and prosecutors to prosecute physical attacks against Jehovah's Witnesses, difficulty in obtaining venues for religious meetings, and failure by authorities to stop a vicious slander campaign directed at Jehovah's Witnesses.

### **Abuses of Religious Freedom**

#### Conscientious Objection to Military Service

As of November 1, 2009, there are 73 Jehovah's Witnesses in Armenia who are in prison for their conscientious objection to military service on religious grounds.

#### Alternative Service Law Is Not Civilian

The law on alternative service, which took effect on 1 July 2004, states that the provision of "alternative labour service" for conscientious objectors was to be "outside the armed forces of the Republic of Armenia." —Article 2.2. But a careful reading of the law, which avoids the word "civilian", reveals inconsistencies in the law and shows that alternative labour service is under the supervision and control of the military.

- Article 6 states that issues related to alternative service call-up are dealt with by the military
- Article 13 mentions that workers are assigned by the Military Commission.
- Article 14 says that the "alternative call-up is organized and supervised" by the military.

Amendments to the law took effect on 9 January 2005. These amendments clarified some ambiguities and included the following articles that make clear that conscientious objectors who perform alternative labour service are supervised and controlled by the military:

- Article 17 specifies that any change in the alternative labour service assignment must be approved by the military and that alternative labour workers are confined to their place of service 24 hours per day. This article also stipulates that they are subject to transfer into the reserves.
- Article 18 states that military rules apply to alternative labour service. It says that work assignments "shall be implemented in the manner prescribed by the *Law on the Approval of the Code of Rules of the Armed Forces' Internal Service*" of the Republic of Armenia.
- Article 21 states that alternative labour service workers who take unauthorized leave are subject to the same punishment as for military personnel.

The Republic of Armenia undertook to provide a genuinely "alternative civilian service", which would be "in compliance with European Standards", as a requirement for its accession to the Council of Europe in PACE Opinion 221 (2000). However, in the law as drafted and applied, those serving in alternative labour service are under the control and supervision of the military, as the following facts demonstrate.

### Alternative Service Is Punitive in Nature

- Duration of Alternative Service: those who serve in the military are required to serve for only two years, while those performing alternative service must do so for three and a half years.

The document Honouring of obligations and commitments by Armenia Resolution 1361 (2004) Provisional edition (PACE) says:

“22. The Assembly welcomes the adoption of the law introducing an alternative military and civilian service broadly consistent with Parliamentary Assembly Recommendation 1518 (2001) on exercise of the right of conscientious objection to military service in Council of Europe member states. However, it considers the length of the alternative civilian service, set at 42 months, unacceptable and excessive and asks that the law should be amended on this point, reducing the length of service to 36 months before it comes into force on 1 July 2004.”

- Restrictive Nature of Alternative Service: those who opted for alternative service were confined in their place of work for 24 hours a day, seven days a week. Not being allowed to leave the premises after working hours, they were literally under house arrest. Some were not allowed to attend their religious meetings or even to have a Bible or religious literature.

Thus the law, as well as its implementation, fails to meet the criteria laid down by the Council of Europe. Therefore, for conscientious objectors, the alternative service law in its present form is not an option for conscientious objectors.

### Draft Law on Freedom of Conscience and Religious Organizations

The National Assembly of the Republic of Armenia initiated discussions on making amendments in the “Law on Freedom of Conscience and Religious Organizations.” One of the purposes of these amendments is to clarify the meaning of the term “proselytizing” or “hunting of souls.”

Another purpose of this new law is to differentiate between organizations that are “Christian” and those that are not. Also according to this wording of the law all religious organizations must go through the registration process again. The discussion regarding new law was broadcast on national television channels and the text of the documents is readily available on the Internet. The Armenian media was very clearly promoting the idea, commenting that the new law would protect Armenia from the activity of foreign religions. The media has singled out primarily Jehovah’s Witnesses and then Mormons.

On March 20, 2009, the National Assembly of Armenia voted for this draft law by 89 for and 2 against. The draft law has now been sent to the Venice Commission of the Council of Europe for approval. After this, the law will be considered for its second reading.

On June 23, 2009, the Venice Commission issued Opinion no. 530/2009 which presented a highly critical review of the proposed amendments in Armenia’s draft “Law on Freedom of Conscience and Religious Organizations,” which had already been approved by Parliament in their first reading. Among other things, the Venice Commission was critical of the amended Religion Law since it would ban the sharing of faith, require 500 adult citizen members before a religious community could gain legal status, ban non-Trinitarian Christian communities from gaining legal status, give broad reasons for banning religious communities, and recognize the “exclusive mission” of the Armenian Apostolic Church. In addition, the new Criminal Code Article 162 would punish the sharing of beliefs. Thus, as it currently stands, the draft law violates the freedom of religion of the Constitution of the Republic of Armenia and the fundamental freedoms guaranteed under the European Convention of Human Rights.

### Discrimination in Family Law

In Armenia, the local Community Guardianship Committees make recommendations in family proceedings. Jehovah’s Witnesses encounter discrimination from these agencies and courts. Usually allegations are not documented, but on May 12, 2008, the Davtashen Community Committee in Yerevan submitted a report in the case of Margarita Hovhannisyan, a 26-year-old mother of a three year old son. It

concluded: “The committee . . . offered Margarita Hovhannisyana to renounce her religious faith, . . . [The committee] came to the conclusion that the rights of M. Hovhannisyana—the mother—should be limited and that the care and upbringing of Arman Torosyan (born on October 7, 2004) should be entrusted to his father, Artur Torosyan, [for several reasons]. Because the child is a boy, and later, under the influence of that religion [Jehovah’s Witnesses] he will not be fit for his state, motherland, since the persons professing this faith do not take part in strengthening the country, do not bear arms, do not defend their motherland, do not . . . serve in the army.” The recorded hour-and-three-quarters interrogation of this young mother was played in open court. The Community Committee was heard to yell and berate her and her religion. In the presence of international lawyers and faced with a motion from Jehovah’s Witnesses before her, Judge N. Hovsepyan ruled on May 16 that the Community had violated the mother’s rights and struck the report, ordering a different Community to investigate. The mother will file a complaint with the Human Rights Defender and elsewhere.

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

### **Physical Assault against Jehovah’s Witnesses**

Following there is an example where Jehovah’s Witnesses were becoming victims of violent assaults while sharing a comforting message from the Bible with their neighbours:

- On September 29, 2008, Hayk Khachatryan and Naira Mnatsakanyan had just finished talking to people about the Bible on one of the streets in Yerevan when a priest from the St. Jacob Church, Mr. Sahak, came close to them and hit Khachatryan in the face. With the neighbors watching, he verbally assaulted the Witnesses, swearing and using vulgar expressions. He even tried to force Khachatryan to go with him to the church and keep him there, but due to Mnatsakanyan’s pleadings and noise he gave up. This priest has verbally assaulted a number of Jehovah’s Witnesses in the past. The Kanaker-Zeytun police have refused to act upon Khachatryan’s complaint claiming that no crime was ever committed.

### **Religious Freedom Objectives**

Jehovah’s Witnesses in Armenia and as a worldwide organization call upon the government of Armenia to:

- (1) Recognize their conscientious objection to military service and allow for acceptable civilian service. In line with the “Best Practices and Recommendations by OSCE-ODIHR, “Conscientious objectors should not be subject to repeated punishment for failure to perform military service” and “Alternative service should be performed under a purely civilian administration, with no involvement by the military authority” – Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel, pages 85, 86.
- (2) Release religious organizations from Value Added Tax on religious literature.
- (3) Put an end to religious discrimination towards Jehovah’s Witnesses in considering failure by the police and prosecutors to prosecute physical attacks against Jehovah’s Witnesses, difficulty in obtaining venues for religious meetings, and failure by authorities to stop a vicious slander campaign directed at Jehovah’s Witnesses.