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NAGORNO-KARABAKH: "If they violate the law by meeting together for religious purposes, they will be fined"

By Felix Corley, Forum 18

Jehovah's Witnesses in the internationally unrecognised entity of Nagorno-Karabakh, in the south Caucasus, have lost a legal challenge to the entity's refusal to grant them legal status, Forum 18 News Service has learned. An appeal to the entity's Supreme Court may be made. Ashot Sargsyan, head of the Department for Ethnic Minority and Religious Affairs vigorously defended to Forum 18 denial of registration to Jehovah's Witnesses and a local Protestant Church. Sargsyan said that, without registration, individual believers have the right to conduct religious activity – such as to pray - alone at home. But he said neither of the two groups can meet together as a community, even in private. "If they violate the law by meeting together for religious purposes, they will be fined," Sargsyan pledged. Both groups have told Forum 18 that low-profile meetings are not currently being obstructed.

On 28 October a court challenge against legal status denial of Jehovah's Witnesses in the internationally unrecognised entity of Nagorno-Karabakh in the south Caucasus failed, Forum 18 News Service has learned. Vigorously defending the denial of registration to both the Jehovah's Witnesses and a local Protestant congregation is Ashot Sargsyan, head of the government's Department for Ethnic Minority and Religious Affairs. "Our Religion Law bans proselytism, so they don't have the right to spread their faith," he told Forum 18 from the capital Stepanakert on 2 November. "Our Law says we cannot register them."

Sargsyan said that, without registration, individual believers have the right to conduct religious activity – such as to pray - alone at home. But neither of the two groups can meet together as a community, even in private. "If they violate the law by meeting together for religious purposes, they will be fined," he pledged. "But I don't get involved in that – it is a question for the law-enforcement agencies."

Judge Anatoli Tatevosyan, of the General Court of First Instance in Stepanakert, heard the Jehovah's Witnesses' suit on 15 and 16 October. His judgement of 28 October, seen by Forum 18, argues that the Jehovah's Witness charter allows what he called "soul-hunting" (proselytism), which is banned in Karabakh's Religion Law for all communities apart from the Armenian Apostolic Church. Therefore, the Judge maintains, the group cannot be registered. Jehovah's Witnesses told Forum 18 they are considering challenging this decision to Karabakh's Supreme Court. They have one month to do so.

Also denied registration in Karabakh is the Revival Fire Evangelical Church in Stepanakert, led by Pastor Levon Sardaryan (see F18News 4 May 2009 http://www.forum18.org/Archive.php?article_id=1290).

Registration became possible – and apparently compulsory – in the wake of a new Religion Law – heavily based on the Religion Law of neighbouring Armenia - which came into force in January 2009. The main restrictions in Karabakh's new Law are: an apparent ban on unregistered religious activity; state censorship of religious literature; the requirement for 100 adult citizens to register a religious community; an undefined "monopoly" given to the Armenian Apostolic Church over preaching and spreading its faith while restricting other faiths to similarly undefined "rallying their own faithful"; and the vague formulation of restrictions, making the intended implementation of many articles uncertain (see F18News 4 May 2009 http://www.forum18.org/Archive.php?article_id=1290).

Sargsyan admitted to Forum 18 that the Religion Law contains restrictions on religious communities other than the Armenian Apostolic Church, but claimed these are in line with Karabakh's Constitution and international human rights norms. "Article 8 of the Religion Law bans proselytism – this isn't a limitation on freedom of speech. In Norway too such rights are limited. And if you go out on the streets spreading your faith in Greece, Azerbaijan or Iran, you will be punished," he told Forum 18. "It's the same here." He became notably vague when asked in what precise ways he thought that other countries limit human rights.

Forum 18 notes that Norway, in line with its international human rights commitments, does not limit human rights in the way that the unrecognised entity of Nagorno-Karabakh does.

Sargsyan told Forum 18 that five religious communities have been registered in 2009, the Armenian Apostolic Church, the Catholic Church, the Russian Orthodox Church, the Armenian Evangelical Church and the Brotherhood movement associated with the

Apostolic Church.

Other religious communities that exist in Karabakh include the Baptist Union, Council of Churches Baptist congregations, and Seventh-day Adventists. Armenia's Baptist Union and the Adventist Church told Forum 18 that their churches in Karabakh have not applied for registration, as they are part of entities legally registered in Armenia. Both told Forum 18 their congregations in Karabakh have not faced any problems from the authorities. Council of Churches Baptists have a policy of not seeking state registration in any of the post-Soviet countries where they operate.

What will happen when unregistered groups meet for worship?

Both Revival Fire Church and the Jehovah's Witnesses have told Forum 18 they will continue to operate. "We continue to meet in private homes – no-one has banned us," Pastor Sardaryan noted. "But we don't have any legal status and we can't conduct any large scale public activity."

Lyova Markaryan, an Armenian-based lawyer for the Jehovah's Witnesses, pointed out that the October court judgment does not specifically ban their activity. "We can't act as a legal entity, such as formally importing literature, renting premises for meetings or congresses, or building a Kingdom Hall," he told Forum 18 from the Armenian capital Yerevan on 2 November.

Markaryan said the community is not currently being obstructed from meeting. He said the most recent harassment came on 8 June, when Karabakh customs seized religious literature from their members returning from a congress in Armenia. "They stopped a number of minibuses which our members were travelling on," he told Forum 18. "They told our people that as we are not registered we have no right to import our literature." Markaryan said they do not know how customs officials knew which passengers on which minibuses to target.

"Expert conclusions" lead to registration denials

Sardaryan's Revival Fire Church was the first to be denied legal status, after Sargsyan of the Department for Ethnic Minority and Religious Affairs wrote an "expert conclusion" in February 2009. This accused the group of conducting "proselytism" and using "methods of psychological pressure" on church members.

"Of course we don't agree with this decision," Pastor Sardaryan told Forum 18 from Stepanakert on 2 November. He said they had engaged a psychology professor from Stepanakert University to write an "expert conclusion" for them. "She gave us a positive assessment, but Ashot Sargsyan refused to accept it and just used his own. He never visited us, but just told us he had his own methods of investigation."

Pastor Sardaryan added that he had hoped to challenge the registration denial in court and had engaged a lawyer to do so, but the time scale for challenging the rejection ran out before they had a chance to lodge the case. "I didn't know we had only two months to do so," he told Forum 18.

The Jehovah's Witnesses' registration application – which was signed by 114 adult citizens - reached the government on 22 June. A 12-page negative "expert conclusion", signed by Sargsyan of the Department for Ethnic Minority and Religious Affairs, was then produced. This was sent to the Jehovah's Witnesses by Suren Grigoryan, the 'Chief of Staff Minister' in the entity's government, in a 6 July letter seen by Forum 18. On 3 August the State Registry formally rejected the application. The Jehovah's Witnesses lodged their court case against the State Registry on 14 September.

The "expert assessment" of the Jehovah's Witnesses asserts that they use "a number of methods of psychological influence towards believers", with their preachers using "psychological methods" of inspiration and persuasion. "When these methods are used, a person totally comes under influence, i.e. he is transforming his thinking, conduct and stereotype." He alleges that people suffering from stress, depression or poverty are more likely to be susceptible to such methods.

"Adherents are subject to mental processing, which is accomplished by numerous gatherings, seminars, lectures, retraining, preaching and corresponding other ways, the purpose of which is to kill an individual's analytical thinking regarding the activity, methods and theory of the religious organisation," the assessment asserts.

The assessment objects to the Jehovah's Witnesses' rejection of blood transfusions, under which "hundreds of believers every year are deprived of medical care and die", rejection of military service and rejection of voting. Sargsyan repeated these assertions about the Jehovah's Witnesses to the court.

Chief of Staff Minister Grigoryan, who sent the negative assessment to the Jehovah's Witnesses in July, was unavailable to speak to Forum 18 on 3 November. His assistant told Forum 18 that he "merely would have signed the letter on behalf of the government" and would not be prepared to speak to Forum 18 about why such negative assessments were issued against them and Revival Fire Church. (END)

Further coverage of freedom of thought, conscience and belief in Nagorno-Karabakh is at <http://www.forum18.org/Archive.php?query=&religion=all&country=22>.

A printer-friendly map of the disputed enclave of Nagorno-Karabakh is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba> within the map titled 'Azerbaijan'.

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