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ARMENIA: Building places of worship "not appropriate"

By Felix Corley, Forum 18 (https://www.forum18.org)

Two of three applications by the Jehovah's Witness community in Armenia's capital Yerevan to build places of worship were deemed "not appropriate" because of "precedents" of "complaints and intolerance" from the public. The third was rejected because of unresolved "construction concerns" on the street. Andranik Kasaryan, head of the city's Architecture Department, told Forum 18 News Service the applications had been rejected because of "earlier complaints about sects" after the Department had given building permission. "Residents complained to us that they don't want a religious organisation next door to them." One Armenian Catholic told Forum 18 of the "unwritten rule" that Catholicos Karekin, head of the dominant Armenian Apostolic Church, must give permission before non-Armenian Apostolic places of worship can be built. And human rights defender Stepan Danielyan told Forum 18: "Officials try not to allow non-Armenian Apostolic religious communities to have officially-recognised visible places of worship".

Armenia's Jehovah's Witness community has gone to court to challenge three building denials by the municipality Architecture Department in the capital Yerevan, Forum 18 News Service has learnt. Hearings are due to begin in January 2014. Two of the rejections - written on the same day in December 2012 – cite "precedents" of "complaints and intolerance" from the public over earlier building approvals for places of worship.

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Stepan Danielyan of the Yerevan-based Collaboration for Democracy Centre, who has long worked on freedom of religion or belief concerns, says such refusals to permit building of places of worship are part of a pattern. "Officials try not to allow non-Armenian Apostolic religious communities to have officially-recognised visible places of worship," he told Forum 18 from Yerevan on 27 November. "If they exist at all, they want them to remain invisible."

A member of a non-Christian organisation, who asked that the community not be identified, noted that while it can maintain a place of worship in Yerevan, the building has no notice or identifying signs outside which a passer-by might see.

Danielyan pointed to the impossibility Yerevan's Armenian Catholic community faced trying to get permission for a building plot in the city centre several years ago. He said permission was denied and the community eventually settled for a plot in the northern city district of Kanaker, where building is yet to begin.

Members of several religious communities, who asked not to be identified, said it was possible to get a building in an individual's name and then turn it into a place of worship. But getting permission to build a new place of worship was very difficult.

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 27 November and 6 December.

Commitments fulfilled?

Armenia appears to have finally fulfilled one of its commitments it made when it joined the Council of Europe to introduce a fully civilian alternative service and to free all its imprisoned conscientious objectors by January 2004 (see F18News 28 November 2013 http://www.forum18.org/archive.php?article_id=1901).

However, the obstructions to building places of worship and other difficulties non-Armenian Apostolic communities continue to face indicate a failure to fully implement another Council of Europe commitment Armenia made at the same time - "to ensure that all churches or religious communities, in particular those referred to as 'non-traditional', may practise their religion without discrimination".

"No complaints"?

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However, dismissing claims that non-Armenian Apostolic communities face difficulties building is Hovhannes Hovhannisyan, a religious studies professor at Yerevan State University and a lay member of the Armenian Apostolic Church. "I know of no such complaints," he told Forum 18 from Yerevan on 4 December. He insists that no unofficial "permission" is needed from the Armenian Apostolic Church before any non-Armenian Apostolic community is allowed to build.

Hovhannisyan pointed out that Yerevan's city centre has few vacant plots, so is difficult for anyone to build there, including the Armenian Apostolic Church. Nevertheless, he said, the Armenian Evangelical Church had bought the former United States embassy on one of Yerevan's central avenues, while the city's Word of Life church was completing a "massive" new church building.

Word of Life told Forum 18 that their new Yerevan church is due to be officially opened on 25 December. "Protestants don't generally have building problems," the church member told Forum 18 on 27 November.

Told of the three Jehovah's Witness building rejections, Hovhannisyan responded: "Maybe it's special for Jehovah's Witnesses."

Three building rejections

Yerevan's Jehovah's Witness community lodged applications with the city's Architecture and Urban Development Department to build three places of worship, in the city's Erebuni, Davtashen and Nor Nork districts. However, on 20 December 2012, in separate replies, the head of the Architecture Department, Andranik Kasaryan, rejected the Erebuni and Davtashen applications based on what he said might be the reaction of the local population.

The reply to the Erebuni application, seen by Forum 18, declares: "Taking into consideration the precedents, namely that constructing a publicly zoned religious building resulted in complaints and intolerance from the public, the Yerevan Municipality Architecture and Urban Development Department finds that the construction of such a building in an inhabited area is not appropriate."

The reply to the Davtashen application, also seen by Forum 18, is similarly worded, drawing attention to the fact that the proposed site is in a "populated area".

The Nor Nork response, dated 21 December 2012 and also seen by Forum 18, claims that the Architecture Department is "resolving construction concerns" on the street where the Jehovah's Witness community proposed to build. It said the application could be addressed "only after the completion of the aforementioned process".

"Complaints about sects"

Kasaryan, head of the Architecture Department, insisted that the Jehovah's Witness applications had been rejected because of "earlier complaints about sects" after the Department had given building permission. "Residents complained to us that they don't want a religious organisation next door to them," he told Forum 18 from Yerevan on 27 November. "If it had been the Armenian Apostolic Church, I don't believe there would have been complaints."

Kasaryan rejected any suggestion that the denial of permission to Jehovah's Witnesses represented discrimination. However, he refused to discuss how far "intolerance" from residents should be allowable in rejecting building applications. "These cases are now in court, so you will have to talk to our Legal Department."

More generally, Kasaryan denied that building non-Armenian Apostolic places of worship in Yerevan is impossible. He claimed that "no-one else" apart from Jehovah's Witnesses had had applications rejected and pointed to permission he said his Department had given to a church built by the Servants of God.

Despite repeated calls to the Municipality Legal Department between 27 November and 5 December, Forum 18 was unable to reach its head, Zaven Arakelyan. Each time officials said he was out of the office and no-one else could answer any questions about why three Jehovah's Witness building applications were rejected.

Court

In response to the rejections, the Jehovah's Witness community lodged a suit against the Municipality Architecture Department to Yerevan's Administrative Court. The case is due to begin on the morning of 14 January 2014 under Judge Samvel Hovakimyan.

"Without Catholicos it would be all but impossible"

While Yerevan's Armenian Catholic parish hopes to begin work on its first-ever church in the city soon, the Armenian Catholic cathedral in the north-western city of Gyumri is nearing completion, local Catholics told Forum 18. The city is in the traditional heartland of the Armenian Catholic community (which was effectively banned in the Soviet period).

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"The cathedral has been difficult to build," one Catholic told Forum 18 from the city on 27 November. "There's an unwritten rule that the permission of the Catholicos [head of the Armenian Apostolic Church] is needed." The Catholic said that without such approval, local authorities would create "endless" obstructions, requiring repeated changes to the building plans. The Catholics secured the approval of Catholicos Karekin and building permission followed. "Without the Catholicos it would be all but impossible."

"National security"?

In recent years, a number of religious meetings in rented venues have had to be cancelled after pressure from state officials or priests of the Armenian Apostolic Church. In April 2009, a Southern Baptist choir, the Singing Men of Oklahoma, conducted a tour of Armenia organised by Armenia's Evangelical Church. However, pressure from the Armenian Church forced the cancellation of more than half the planned concerts.

In 2010, three Jehovah's Witness conventions had to be cancelled, while in 2011 two were cancelled under pressure from Armenian Apostolic priests, the police and local officials (see F18News 12 July 2011 http://www.forum18.org/archive.php?article_id=1592).

Members of a non-governmental organisation linked to the Evangelical Church were summoned for questioning by National Security Service (NSS) officers in 2010, which one NSS officer reportedly considered "normal". In a report on Armenia published on 8 February 2011, the Council of Europe European Commission against Racism and Intolerance (ECRI) recommended that "the National Security Service refrain from monitoring religious activity which does not appear to constitute a specific threat".

Are police and prosecutors neutral?

Members of some religious communities complain that police take a selective approach to enforcing the law. On 11 September, a man who entered the church building in Yerevan's Arabkir District armed with a knife threatened to kill Protestant pastor Levon Bardakjian (he was not present at the time), he and other Protestant leaders told Forum 18. Police detained the man, telling church members he had been ordered sent to psychiatric detention.

Two days later, what they say was an attempt to kidnap the church secretary occurred. On 18 September, a car belonging to a church-run charity was reportedly shot at in the central town of Sevan and a window broken while the driver was inside.

On 15 October, the same man who had allegedly threatened to kill Pastor Bardakjian came to a cafe next to the church, where church members were gathered, asking for him. Church members told Forum 18 they had not been told the man had been released. At the Office of the Human Rights Ombudsperson, they learnt to their astonishment that no criminal case had been launched against the man.

"I'm 100 per cent sure no criminal case was opened simply because I'm a Protestant pastor," Bardakjian complained to Forum 18. He said that although no actions or threats against the church or its members have happened since 15 October, church members suffer "insecurity, anxiety and fear".

Pastor Bardakjian stressed that the attacks immediately followed a 9 September press conference by Archimandrite Komitas Hovnanyan from the Armenian Church headquarters at Echmiazdin alleging that 220 "cults" operate in Armenia which receive half a billion US Dollars per year and aim to destroy the Armenian state.

In November 2010, following false claims in the media that an alleged murderer in Sevan was a Jehovah's Witness, Armenian Apostolic priests took a Shant TV crew to Sevan's Pentecostal Church. The TV crew did not seek permission to enter private property where the Church meets, and refused to leave when asked, so Pastor Vladimir Bagdasaryan tried to stop them filming. After the TV station broadcast a report claiming that the Pastor attacked journalists, Pastor Bagdasaryan was accused of "obstructing the lawful professional activities of a journalist" under Criminal Code Article 164, Part 1 (see F18News 12 July 2011 http://www.forum18.org/archive.php?article_id=1592).

On 13 July 2011, Gegarkunik Court found Pastor Bagdasaryan guilty and fined him 200,000 Drams (3,030 Norwegian Kroner, 390 Euros or 550 US Dollars). His appeals were rejected in December 2011 and February 2012. At the same time, Pastor Bagdasaryan's suit to force the police to launch criminal cases for trespass against the journalists were rejected in court, with the final appeal heard by Armenia's Cassation Court in October 2012.

Pastor Bagdasaryan also failed through the courts to get Shant TV to retract what he regarded as an untrue report, according to the Yerevan-based Committee to Protect Freedom of Expression.

New Religion Law to parliament "in spring 2014"

Controversy has long raged over a proposed new Religion Law. Most recently, a draft text – as well as proposed amendments to a range of other laws relating to religion – were prepared by the Justice Ministry and made public in July 2011. They were heavily

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criticised by human rights defenders and members of some religious communities.

Concerns included: 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 were 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 (see F18News 14 July 2011 http://www.forum18.org/archive.php?article_id=1593).

A joint opinion of the draft new Religion Law and other amendments was published by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights on 17 October 2011. While citing "improvements" since earlier drafts both organisations had strongly criticised in 2009 and 2010, the 2011 joint opinion highlighted "fundamental problems which are essential to correct" for the drafts "to be fully in line with international standards" (see the opinion at http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282011%29028-e).

In an 8 November 2013 interview with Armine Davtyan for the religions.am website, Deputy Justice Minister Grigor Muradyan said the new Religion Law draft was being finalised and would be presented to parliament in spring 2014. He said a "significant proportion" of the Venice Commission's recommendations had been incorporated into the draft text.

However, human rights defenders and religious communities note that the text of the proposed new Religion Law has not yet been made public.

Danielyan of Collaboration for Democracy told Forum 18 he had sent the Justice Ministry ten pages of suggestions for the new Law in October. He has not had a response. He said that judging by previous occasions, the text of the proposed new Law will be made public only when it reaches parliament.

One of Deputy Minister Muradyan's assistants at the Justice Ministry told Forum 18 on 6 December that the proposed new Religion Law is being handled by Deputy Justice Minister Arman Tatoyan. However, Tatoyan's assistant told Forum 18 the same day that he was not in the office.

Bans in current Religion Law "OK"?

Some religious communities want the new Law to introduce even more distinctions between religious communities, on top of the special status (and exclusive rights, for example its monopoly on preaching) the Armenian Apostolic Church already enjoys. "Instead of dividing religious communities between the Armenian Church and the rest, there should be a gradation," Fr Arseni Grigoryants of Yerevan's Russian Orthodox parish told Forum 18 from the city on 5 December.

"While the special status of the Armenian Church should be respected, there should be a second category of religions which have been in Armenia for centuries." Asked if he had in mind such communities as Muslims, Catholics, Molokans, Yezidis and Orthodox, Fr Arseni said yes, but then said that Yezidis should be classed not as a religion but an ethnic minority (the faith is followed by most Armenian Kurds).

Asked why members of all faiths should not have the same rights, Fr Arseni insisted that Armenia's "cultural traditions" needed to be respected in law. "I consider it OK that the Religion Law currently bans me from going out into the street and proclaiming that Orthodoxy is the correct religion. This is the right of the state." (END)

More coverage of freedom of thought, conscience and belief in Armenia and the unrecognised entity of Nagorno-Karabakh is at http://www.forum18.org/Archive.php?query=&religion=all&country=21.

A personal commentary, by Derek Brett of Conscience and Peace Tax International, on conscientious objection to military service and international law in the light of the European Court of Human Rights' July 2011 Bayatyan judgment is at http://www.forum18.org/Archive.php?article_id=1597.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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