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NAGORNO-KARABAKH: "The Law is like rubber"

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

President Bako Sahakyan of the internationally unrecognised entity of Nagorno-Karabakh is considering a restrictive new Religion Law, Forum 18 News Service has found. The new Law imposes vaguely formulated restrictions, including: an apparent ban on unregistered religious activity; state censorship of religious literature; an undefined "monopoly" given to the Armenian Apostolic Church over preaching and spreading its faith, while banning "soul-hunting" and restricting others to undefined "rallying their own faithful". Garik Grigoryan, head of the parliamentary Commission on State Legal Issues, claimed to Forum 18 that "it will be a more liberal, democratic Law." Members of religious communities have expressed serious concerns to Forum 18. One member of the Armenian Apostolic Church rhetorically asked Forum 18: "Where's the freedom?" Another described the Law as "like rubber," noting that "you can't see exactly how it's going to be put into practice." The Law also does not resolve the issue of a civilian alternative to compulsory military service.

Members of religious minority communities in the internationally unrecognised Republic of Nagorno-Karabakh in the South Caucasus have expressed concerns to Forum 18 News Service about restrictions on freedom of thought, conscience and belief in a new Religion Law. The Law has passed through the entity's parliament and needs the signature of the entity's President, Bako Sahakyan, to come into force. Much, but not all, of the new Law is copied word-for-word from Armenia's Religion Law as adopted in 1991 and amended in 1997 and 2001.

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

The new Law had its first reading in parliament in October, Garik Grigoryan, head of parliament's Commission on State Legal Issues, told Forum 18 from the capital Stepanakert on 2 December. He said that of the 21 deputies present during the final vote on 26 November, 16 were in favour of the Law, three were against and two abstained. If it is approved by the President, the Law will replace completely Karabakh's current 1996 Religion Law.

The President has one month to sign or reject the Religion Law from the point at which he receives it. It is unclear when the President received it, but it had its second, final, parliamentary reading on 26 November. If approved, the Law will come into force ten days after its official publication.

Grigoryan refused to speculate on whether President Sahakyan will sign the Law. Forum 18 was unable to reach anyone at the Presidential Administration in Stepanakert on 2 or 3 December to find out if the president is likely to sign it. Sahakyan was in Geneva in late November and arrived in Moscow on 1 December.

Despite the Law's restrictions, which violate international human rights standards, Grigoryan of parliament's Commission on State Legal Issues defends the Law. "It will be a more liberal, democratic Law," he insisted to Forum 18.

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

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

Grigoryan dismissed fears that the Department for Ethnic Minority and Religious Affairs might give a negative verdict on a religious community officials do not like, and bar it from gaining legal status. "That's not possible," he claimed. "And if it does happen people can challenge the decision in court."

He insisted that the Law does ban unregistered religious activity, and rejected any criticism of Article 25's registration requirements. "This isn't absurd – why else would we have adopted the Law?" Asked what would happen to a group of friends who might get together in a private home to pray, Grigoryan responded: "Well, that would be OK." He then pointed out that Karabakh is still under martial law, when unauthorised gatherings can be forbidden.

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

One religious minority told Forum 18 on 3 December that "we are worried by the permission required to rent premises for meetings and the failure to declare specifically – unlike in Armenia's Law - that religious meetings can be held in private homes."

The Jehovah's Witnesses – who have some 300 adherents in Karabakh – point out that they have already faced problems this year over rental of a meeting place. The Prosecutor's Office in Stepanakert wrote in June both to the local community and to the owner of a building which he rented to the community for worship. "The letter said that because the community is not registered it has no right to rent anywhere," the Jehovah's Witnesses told Forum 18. "But this is wrong, as the rental was done personally by one of our people."

The Jehovah's Witnesses say that, if the new Law is approved, they will try to seek registration. However, they report that they met Ashot Sargsyan, the head of the Department for Ethnic Minority and Religious Affairs, in early November. "He told us that as long as he is working for the government we will not get registration," they told Forum 18. "He said openly he's a member of the Armenian Church."

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

One controversial provision in Article 8 – copied from Armenia's Law – bans "soul-hunting", a derogatory term in Armenian for seeking converts. Parliamentary deputy Grigoryan refused to explain what "soul-hunting" meant. "That's how it is written in the Law we've adopted, I can't explain it."

Uncertainty over the meaning of the ban on "soul-hunting" was also expressed by a Jehovah's Witness. "They don't explain what this means," he complained to Forum 18 on 3 December.

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

"It is bad that the Law allows only the Armenian Apostolic Church to preach its faith," the Jehovah's Witness told Forum 18. "This is against the Constitution." Although Article 10 of Karabakh's Constitution gives the Armenian Church the "exclusive mission" in the spiritual life of the people, Article 26 guarantees religious freedom and the freedom to express religious views.

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

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

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

Parliamentary deputy Grigoryan dismissed any concerns over the government controls on religious literature. "It's not exactly censorship," he told Forum 18. "But permission will be needed for religious literature. You can call it what you like."

A Stepanakert-based member of the Brotherhood, an evangelical grouping within the Armenian Apostolic Church which has about a dozen groups in Karabakh, who wished to remain unnamed, expressed scepticism about how realistic it will be to control religious literature in practice. He expected, he told Forum 18 on 3 December, that the government will try to ban any Jehovah's Witness, Baha'i, Hare Krishna or Muslim literature. His preferred solution was for a group of Christian leaders to get together to decide which

literature was acceptable.

The Jehovah's Witnesses pointed out to Forum 18 that they have already had problems over religious literature controls. On 20 July, eight minibuses bringing back more than 120 of their members to Stepanakert from a convention in the southern Armenian town of Kapan were stopped at a police control point on re-entry to Karabakh. Officers told them they were going to search the minibuses. Asked to show documents authorising the searches, the police admitted they did not have any. Then one policeman showed his police certificate and said this was the basis for the search. When the Jehovah's Witnesses said they would lodge a complaint, police told them they could complain to whoever they liked. "For seven hours they rummaged through their possessions in a degrading manner," Jehovah's Witnesses told Forum 18. "They confiscated all the literature except the Bibles." None of the literature has been returned.

Some members of religious minorities think that - as in neighbouring Armenia - not much if any state control will be imposed in practice. "It depends how the new Law will be implemented," the general secretary of Armenia's Baptist Union Asatur Nahapetyan told Forum 18 from the Armenian capital Yerevan on 3 December. "It will take about six months for it to be clear what is happening." The Armenian Baptist Union also covers Karabakh.

Echoing this view is Hamlet Zakaryan, the Armenia-based head of the Brotherhood. "The Law is like rubber," he told Forum 18 from Yerevan on 3 December. "Even though it reflects some Soviet thinking, you can't see exactly how it's going to be put into practice."

Nahapetyan of the Baptist Union pointed out that the six affiliated Baptist congregations in Karabakh are not restricted, "though there is less freedom than in Armenia". He stressed that they were able to hold a youth conference in Stepanakert in October without problems.

The Stepanakert-based member of the Brotherhood thinks the new Law will not restrict the Brotherhood's activity, but is concerned about restrictions that he believes will be imposed on other religious communities. "I don't like the text all that much," he told Forum 18. "It speaks of freedom of conscience but only the Armenian Church has the right to evangelise. Any other community can only work among its own members. Where's the freedom?"

Gagik Mirzoyan, a member of a Council of Churches Baptist congregation, told Forum 18 on 3 December that he was not familiar with the new Law and did not know if it will make life more difficult for their small congregations. "As with all the congregations in our Council of Churches our position is not to seek registration," he told Forum 18. He said that in recent years their congregations' activity has not been restricted in Karabakh.

Forum 18 has been unable to find out why a new Religion Law has been adopted and where the impetus came from. The Brotherhood member expressed some surprise that Karabakh's politicians have devoted attention to it. "I don't think ordinary members of the public are particularly bothered by the religious situation."

The telephone of Sargsyan, head of the government's Department for Ethnic Minority and Religious Affairs, went unanswered each time Forum 18 called on 2 and 3 December. Others told Forum 18 that Sargsyan was on leave.

The new Religion Law does not resolve the issue of an alternative to Karabakh's compulsory military service for all young men. One Jehovah's Witness, Areg Hovhanesyan, is nearing the end of a four-year sentence imposed by a court in Stepanakert in February 2005 for refusing military service on grounds of religious conscience (see F18News 27 March 2008 http://www.forum18.org/Archive.php?article_id=1105).

Jehovah's Witnesses say he is being well-treated in the prison in Shusha not far from Stepanakert, where he is even allowed out while looking after animals. They say family members are able to visit him.

Mirzoyan, the Baptist, was earlier beaten and imprisoned for refusing to swear the military oath and bear weapons during his military service. He was later allowed to serve as a cook without the oath and without a gun, and completed his service in January 2008 (see F18News 27 March 2008 http://www.forum18.org/Archive.php?article_id=1105). (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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