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ARMENIA: Imprisonment, no registration, and no identity documents for JW's

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

Armenia continues to jail Jehovah's Witness conscientious objectors, in clear breach of its Council of Europe and OSCE commitments, although human rights ombudsman Larisa Alaverdyan has denied to Forum 18 News Service that the commitments have been broken. The head of the state religious affairs department, Hranush Kharatyan, has rejected the right upheld in international human rights agreements of religious believers to spread their beliefs by peaceful means. An alternative service law is theoretically in force, but in practice cannot yet be applied. Jehovah's Witnesses see the alternative service terms as excessive punishment for their refusal to do military service, and are also being denied identity documents – necessary eg. for employment or marriage - on completing jail terms. Also, for the twelfth time since 1995, Jehovah's Witnesses have been denied state registration. Stefan Buchmayer, the OSCE's Yerevan human rights officer, told Forum 18 that "one cannot find real legal justification for the refusal."

Armenia's Jehovah's Witness community has just received its twelfth registration denial since 1995, with fourteen members in prison for refusing military service on religious grounds and a further eleven expecting to be tried for refusing the lengthy and harsh alternative service, the terms of which they see as a punishment for refusing military service. Problems for those completing prison terms also seem to be mounting. Jehovah's Witnesses told Forum 18 News Service that seventeen recently freed young men are being refused identity documents (internal passports) because they are not registered with the military commissariat, while a further seven who have identity documents are being refused residency registration, a requirement in Armenia.

Officials blame the Jehovah's Witnesses for allegedly failing to try to resolve these problems with the government. "If those being released are not getting passports they have put themselves in that situation," the human rights ombudsman Larisa Alaverdyan told Forum 18 from the capital Yerevan on 2 August. Hranush Kharatyan, head of the government's religious affairs department, told Forum 18 the same day that the Jehovah's Witnesses had failed to respond to her invitations to discuss how to amend their statute to get registration.

Fifteen Jehovah's Witnesses from various parts of Armenia, who did not possess an internal passport before they were called up by the army, found that after their release the local military commissariat refused to issue a certificate to them until they are registered with the military commissariat, saying they will not issue the certificates until the Jehovah's Witnesses have served their time. The passport office will not issue an internal passport without this certificate. In two further cases, both in central Yerevan, two young men who had passports before their prison terms were refused them when they asked for their return. Both have made official complaints to the military commissariat and the general prosecutor.

"This is a clear violation of their human dignity – they can't do anything without a passport," Jehovah's Witness lawyer Rustam Khachatryan told Forum 18 from Yerevan on 2 August. "They can't get a job or even marry. But our clever state does allow people to pay taxes without a passport." He said the military commissariats are obliged to give out these certificates, but said they deliberately refuse to give them to Jehovah's Witnesses.

Human rights ombudsman Alaverdyan agreed that the lack of a passport would create "an awful lot of problems" in Armenia. "People can't leave the country, can't vote, can't engage in any legal transactions, for example." But she said the Jehovah's Witnesses have not reported the problem to her and unless they do she can take no action. Yet she insisted they have to comply with the law and get the required certificates from the military commissariat like any other young men.

The Jehovah's Witnesses have been applying for registration as a religious community since the early 1990s, but their opposition to military service and what many regard as their aggressive style of proselytism have offended state officials and the leadership of the dominant Armenian Apostolic Church.

Their latest application was submitted for the required "expert assessment" to the government religious affairs department on 16 March, three months after a meeting between state officials and the Jehovah's Witnesses organised by the Yerevan office of the Organisation for Security and Cooperation in Europe (OSCE) tried to break the registration deadlock. The religious affairs

department concluded on 24 March that the Jehovah's Witness statute was in accordance with the law. "We didn't refuse the application – we gave a positive view about registration," its head, Hranush Kharatyan, told Forum 18.

The Jehovah's Witnesses then submitted the application to the State Registry of Legal Entities at the Ministry of Justice on 18 May, but it ruled at the end of June that the statute contradicted the religion law and other laws. Gyurgen Sarkisyan, who maintains the State Registry, had previously told Forum 18 that "with an expert conclusion signed by the minister and all documents, they will be registered" (see F18News 4 February 2004 http://www.forum18.org/Archive.php?article_id=245). Sarkisyan's phone was not being answered when Forum 18 tried to speak to him on 2 August.

Despite having signed the expert assessment approving the application, Kharatyan of the religious affairs department insisted to Forum 18 that a provision in the statute describing the Jehovah's Witness practice of door-to-door preaching violates the law. "This amounts to proselytism and the religion law forbids this," she declared. "They don't have the right to do this."

She flatly rejected suggestions that in a democratic country, believers of any faith have the right to spread their beliefs by peaceful means. "We keep getting a mass of complaints that Jehovah's Witnesses come to people's homes every day and bombard them with visits," she claimed. Kharatyan also argued that other provisions of their statute violated the law, although she maintained that the Jehovah's Witness rejection of military service was not an issue.

Stefan Buchmayer, human rights officer at the OSCE office in Yerevan, reported that the denial of registration was for "technical reasons" which the Justice Ministry did not fully explain. "The Jehovah's Witnesses cleared the expert assessment, so registration with the justice ministry should have been only a formality," told Forum 18 on 2 August. "One cannot find real legal justification for the refusal." He said his office has been closely following this issue. "Unfortunately it has dragged on for many years."

Despite its 2001 commitment to the Council of Europe to free all imprisoned conscientious objectors and introduce civilian alternative service by January 2004 (see F18News 19 April 2004 http://www.forum18.org/Archive.php?article_id=301), the courts have continued to jail young male Jehovah's Witnesses. As late as 26 May 2004, Ruslan Avetisyan was sentenced to two years' imprisonment and is now being held in Nubarashen labour camp, Jehovah's Witnesses told Forum 18. Also held in the same camp is Mikael Mkrtchyan, sentenced to two years' imprisonment the same month. The other twelve prisoners are being held in labour camp in Kosh. Other Jehovah's Witnesses freed early from prison for good conduct are required to report regularly to the local police station. On 1 April 2003, a foreign ministry spokeswoman told Forum 18 that a "full stop" would be put to the imprisonment of conscientious objectors by the end of 2003 (see F18News 1 April 2003 http://www.forum18.org/Archive.php?article_id=22).

Parliament's deputy speaker Tigran Torosyan, who heads the Armenian delegation to the Council of Europe, told Jehovah's Witness representatives at the Council of Europe parliamentary assembly in Strasbourg on 22 June that all conscientious objector prisoners would be freed once the new law on alternative service came into force on 1 July.

Alaverdyan, who said she has visited 21 imprisoned Jehovah's Witnesses since taking up the post of ombudsman, claimed there is a "new situation" now that the alternative service law has taken effect. "The situation has changed completely," she told Forum 18. However, the fourteen Jehovah's Witnesses remain in labour camp.

Moreover, Buchmayer of the OSCE pointed out that, although the alternative service law theoretically came into force on 1 July, in practice it cannot be applied until promised amendments are approved by parliament. "This will not now be until parliament's autumn session at the earliest," he told Forum 18, "unless a special session is called, which is unlikely for such an issue."

Buchmayer categorically stated that the continued imprisonment of conscientious objectors violates Armenia's commitments to the Council of Europe and OSCE commitments, a point rejected by Alaverdyan.

In a new development, eleven Jehovah's Witnesses called up in recent months have refused the alternative service offered to them, regarding unspecified work – perhaps cleaning sewerage systems or working in psychiatric homes for three and a half years under military supervision – as excessive punishment for their refusal to do military service. "This does not meet European norms," Khachatryan told Forum 18. The length of the proposed alternative service has been criticised by the Council of Europe (see F18News 4 February 2004 http://www.forum18.org/Archive.php?article_id=245).

Khachatryan noted that Aram Manukyan, a Jehovah's Witness from Yerevan called up in May, is expected to face trial in the next ten days. He said a further four are awaiting the opening of criminal cases against them, while six more are likely to face similar cases in the near future.

Both ombudsman Alaverdyan and Kharatyan of the religious affairs department seemed annoyed at Forum 18's questions about the Jehovah's Witnesses' difficulties. "Why don't the Jehovah's Witnesses work with us to resolve their problems, instead to complaining to people like you?" Alaverdyan asked Forum 18. "Organisations like yours seem only interested in having continuing cases to take up rather than resolving them properly." Kharatyan echoed these sentiments. "Why don't the Jehovah's Witnesses come to us if they want to resolve these issues?" she exclaimed. "I absolutely don't understand why they go running to others to complain and don't come to us." She said her office had helped other religious communities bring their registration applications into line with the law.

A printer-friendly map of Armenia is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=armeni>

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