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Armenia

Fear of the freedom of conscience and religion: violations of the rights of Jehovah's Witnesses

1. Introduction

Amnesty International is concerned that Jehovah's Witnesses continue to be victims of human rights violations in Armenia, despite the country's obligations under international human rights law to respect and protect the right to freedom of conscience and religion. Jehovah's Witnesses in Armenia also face violations of the right to liberty and security of the person, the right not to be discriminated against and the right to legal remedy. This report lays out Amnesty International's concerns relating to Jehovah's Witnesses in Armenia, and ends with a series of concrete recommendations to the Armenian authorities to ensure the protection of their rights.

Amnesty International is concerned by the continuing practice of imprisoning conscientious objectors, the vast majority of whom are Jehovah's Witnesses, in defiance of Armenia's obligations under international human rights standards. Rather than providing a genuinely civilian alternative to military service, an obligation undertaken by Armenia upon accession to the Council of Europe in 2001, the current legislative framework, implementation and legal enforcement of the alternative service are characterized by measures suggesting a pattern of deterrence aimed at discouraging conscientious objection. There is considerable evidence pointing to military oversight and control of the alternative service introduced in 2004, making it incompatible with the beliefs and convictions of Jehovah's Witnesses (and others whose beliefs and convictions prevent them from taking up arms). Numbers of Jehovah's

Witnesses imprisoned are on the increase, due to more severe sentencing, and those who serve their terms continue to face bureaucratic obstacles to the fulfilment of economic, social and cultural rights upon their release. All are imprisoned in contravention of Armenia's obligations to respect and protect the right to freedom of conscience and religion, and all are considered by Amnesty International to be prisoners of conscience. As such all of them should be released immediately and unconditionally.

Increased reports of physical attacks on Jehovah's Witnesses and reportedly slow or non-existent investigation of these assaults represent further concerns for Amnesty International. These acts of violence are directed at Jehovah's Witnesses as members of a particular group, and therefore constitute a form of discrimination as well as crimes in their own right. The Armenian authorities have an obligation to exercise due diligence in protecting Jehovah's Witnesses against such attacks, including by the thorough, independent and impartial investigation and, where appropriate, prosecution of perpetrators of physical assault. Amnesty International is concerned that the reported failure to punish such crimes may be contributing to a climate of impunity for the physical assault of Jehovah's Witnesses, and, accordingly, impunity for discrimination against them.

A number of sources were consulted in the preparation of this report. An Amnesty International delegate visited Armenia in March 2007 and met with the Jehovah's Witnesses organization in the capital Yerevan. Meetings were also conducted in London with the European Association of Jehovah's Christian Witnesses, whose reports and other documents were also used. On 31 August Amnesty International also wrote to several agencies within the Armenian government to elicit information and responses to the organization's concerns. Letters were sent to the Minister of Defence, the Republic of Armenia Police, the Prosecutor General's Office, the Ombudsman's Office, the Department for National Minorities and Religious Issues and the Division for Human Rights and Humanitarian Affairs of the Ministry of Foreign Affairs. Replies were received from the Republic of Armenia Police, the Prosecutor General's Office and the Ministry of Foreign Affairs; the information received in this correspondence was considered in the final drafting of this report. Finally a wide range of internet-based news services were also consulted.

2. The right to freedom of thought, conscience and religion

The right to freedom of thought, conscience and religion is guaranteed by the Armenian Constitution and a wide array of instruments of international human rights law, to which Armenia is a State Party. Article 26 of the Armenian Constitution specifies that "[E]veryone shall have the right to freedom of thought, conscience and religion" and further stipulates that "[T]he exercise of this right may be restricted only by law in the interests of the public security, health, morality or the protection of rights and freedoms of others". Article 18(1) of the International Covenant on Civil and Political Rights (ICCPR), which enshrines the right to freedom of religion, declares that "[E]veryone shall have the right to freedom of thought, conscience and religion" and the freedom "either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching". Armenia is also a State Party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Article 9 of which guarantees the right to freedom of thought, conscience and religion.

The principle of non-discrimination in the enjoyment of rights is enshrined in Article 2(1) and 2(2) of the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 2(1) of the ICCPR obliges Armenia to "ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origins, property, birth or other status." Article 14 of the ECHR likewise guarantees the enjoyment of rights and freedoms without discrimination of any kind.

The ICCPR (Article 2(3)) and ECHR (Article 13) further enshrine the right to legal remedy in case of violation of the rights and freedoms set forth in these documents. Specifically, Article 2(3) of the ICCPR obliges Armenia to ensure that any person whose rights have been violated shall have an effective remedy, "notwithstanding that the violation has been committed by persons acting in an official capacity".

The right to refuse to perform military service for reasons of conscience is inherent in the right to freedom of thought, conscience and religion, enshrined in Article 18 of the ICCPR, Article 18 of the Universal

Declaration of Human Rights and in Article 9 of the ECHR. At the regional level the Council of Europe and the European Parliament have both urged governments to actively provide for the fulfilment of this right through the creation of a genuinely civilian alternative to military service. They have further stipulated that this alternative must not be of a length which could be considered punitive in relation to military service, and recommended that individuals may be allowed to register as conscientious objectors at any time before or during their military service.

3. Background

Jehovah's Witnesses have been active in Armenia since 1975. Armenia's independence from the Soviet Union dramatically changed the context for their activities in the country, and they first requested legal registration as a religious organization in 1995. A Jehovah's Witness lawyer in Armenia, Lyova Margarian, told Amnesty International that the organization was refused registration 15 times.[1] At the same time, aspects of the organization's activities in Armenia became the source of friction with representatives of the Armenian Apostolic Church.[2] There were also reports of discrimination against members of the organization (and other religious minorities).[3] The Jehovah's Witnesses were finally granted registration on 8 October 2004; according to the European Association of Jehovah's Christian Witnesses, there are now thought to be some 9,000 Jehovah's Witnesses in Armenia.[4]

Although the organization has been able to import religious literature since that time, it reported to Amnesty International that it regularly faces problems renting rooms or buildings for religious meetings. Jehovah's Witnesses in the Armenian capital Yerevan reported several

[1] Amnesty International interview with Lyova Margarian, Yerevan, 27 March 2007.
[2] A report published by Amnesty International in 1999 on the subject of the imprisonment of conscientious objectors in Armenia cited the commentary of an Armenian Apostolic bishop referring to the Jehovah's Witnesses as "a totalitarian sect" posing "the most horrible threats to our people, our state, our faith". See *Armenia. "Respect my human dignity": Imprisonment of conscientious objectors*, (AI Index: EUR 54/06/99).
[3] See "ARMENIA: Secret order banishes religious minorities from police", *Forum 18 News Service*, 25 April 2003. According to this report, a secret order issued by the head of the police in December 2002 banned representatives of all religious minorities from serving in the police.
[4] European Association of Jehovah's Christian Witnesses, *Armenia's Unresolved Issue of Conscientious Objection to Military Service*, London, 2006, p.3.

instances where contracts for the rental of premises for the holding of religious meetings had been reneged upon without the reimbursement of funds paid in the form of deposits, thereby incurring financial loss for the organization. In several instances it was state authorities, such as the Ministry of Culture and Youth Affairs, which had intervened to prohibit the fulfilment of contracts.

The Armenian Apostolic Church is the leading religious denomination in the country. Although as noted above the Armenian Constitution provides for the right to freedom of conscience, the Constitution as amended by referendum in 2005 also recognizes "the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia". Although Soviet rule diminished the salience of actual religious practice among the Armenian population, a strong link was nonetheless maintained between an Armenian ethnic identity and the Armenian Apostolic Church.[5] Whether practicing believers or not, some 90 per cent of the population of Armenia belong formally to the Armenian Apostolic Church. The population of Armenia consists of 98 per cent ethnic Armenians, accounting for a strong correlation between the population and at least nominal membership of the Armenian Apostolic Church.

Perceived losses endured by the Armenian Apostolic Church during the period of Soviet rule and the opening up of Armenian society to the activities of other religious denominations have provided a backdrop for the legislation of a number of rights for the Armenian Apostolic Church. Although the 'Law on Freedom of Conscience and Religious Organizations', adopted in 1991, provides for the separation of church and state, it also grants the Armenian Apostolic Church official status as the national church. Following a period of negotiations beginning in the year 2000, on 14 March 2007 an agreement or concordat was signed codifying the status and rights of the Armenian Apostolic Church.[6] When this agreement was

[5] In the words of His Holiness Aram I, "[D]ue to ecclesiological self-understanding and historical circumstances, the Armenian Church has become a major player in nation-building. It has become a powerful promoter of national values and aspirations." *On the Renewal of the Armenian Church, Dialogue with Youth No. 10*. See http://www.armenianorthodoxchurch.org/v04/doc/Documents/ dialogues.htm

[6] Among the rights codified are the right to financial assistance from the state budget, the right to implement educational programmes within the state educational system, the right

signed, human rights activists expressed concern that it effectively entrenched discrimination against other religious denominations denied the same rights and privileges as the Armenian Apostolic Church.[7] These concerns were rejected by the director of the Department for National Minorities and Religious Affairs of the Armenian Government, Hranush Kharatyan. Although Amnesty International wrote to Hranush Kharatyan in August 2007 to voice some of the concerns addressed in this report, the organization has to date unfortunately not received a response.

The human rights concerns documented in this report have therefore taken place against a background of the legalization and registration of the Jehovah's Witnesses and other religious groups in Armenia, concerns expressed by representatives of the Armenian Apostolic Church about the impact of new religious denominations on the Armenian Apostolic faith and new legislation codifying the rights of the Armenian Apostolic Church.

4. Compulsory military service in Armenia

Compulsory military service in Armenia dates from the Soviet era and is mandated by the Constitution for all young men between the ages of 18 and 27. Procedures for the draft closely resemble those enacted under Soviet rule, and those completing their military service are issued with a certificate of military service (sometimes referred to by its Russian term *voenni bilet*). Possession of a certificate of military service is necessary in order to apply for a wide range of documents, including passports and visas, and is essential to enact a number of basic civil rights such as the rights to marry, to apply for higher education within the state education system and to apply for public sector employment.

Since Armenian independence in 1991 the unresolved nature of the conflict between Armenians and Azeris in Nagorny Karabakh has strengthened public perceptions of the need for a strong military in Armenia.[8] Following military victory in Nagorny Karabakh the army is more

to publication in mass media of the Church's official reports without changes, the right to recognition by the state of weddings and divorces conducted by the Church and the right to tax-exempt production of items used during religious rites.

[7] Vahan Ishkhanyan, "Theology and Politics: Should the Armenian Church also be the state Church?", *ArmeniaNow.com*, Issue 9 (228), 2 March 2007.

respected by public opinion than other institutions.[9] In recent years demands for a strong military have been bolstered by a sense of strategic vulnerability in the context of high military expenditures in Azerbaijan and regular statements by Azerbaijani politicians regarding the possibility of the use of force to resolve the conflict. Jehovah's Witnesses in Yerevan told Amnesty International that they believed the context of the Nagorny Karabakh conflict militated against the creation of a civilian alternative service, as the authorities fear a 'stampede' of conscientious objectors that would weaken Armenian military capacity. These factors provide an unfavourable backdrop to the exercise of the right to conscientious objection.[10]

5. Alternative civilian service in Armenia: still under military control

When Armenia acceded to the Council of Europe in 2001 it committed itself to the introduction of a genuinely civilian alternative service of non-punitive length for those whose beliefs do not allow them to perform military service. In July 2004 a Law on Alternative Service was introduced in order to fulfil this commitment. The Deputy Prosecutor General informed Amnesty International that the 'Law on Alternative Service' offers citizens of Armenia objecting to compulsory military service on conscientious grounds the opportunity to perform "an alternative civilian

[8] The post-Soviet conflict in Nagorny Karabakh, formerly an autonomous region within Soviet Azerbaijan populated by a local Armenian majority, began in 1988 and escalated into full-blown hostilities in 1991. The war ended in 1994 with the *de facto* secession of Nagorny Karabakh from Azerbaijan; no state, including Armenia, has recognized the self-proclaimed Nagorno-Karabakh Republic.

[9] According to an 'Armenian National Voter Study' poll conducted by the International Republican Institute, Baltioc Surveys Ltd/The Gallup Organization and the Armenian Sociological Organization in 2006, 83 per cent of the Armenian population has more confidence in the army than in the Church (77 per cent), the president's office (35 per cent) and the National Assembly (31 per cent). Figures cited in International Crisis Group, *Nagorno-Karabakh: Risking war*, Europe Report No.187, 14 November 2007, p.18, ft.196.

[10] During Soviet times there was no provision for conscientious objection. However, the Armenian Police told Amnesty International that historically a 'silent agreement' existed between the authorities and representatives of the Molokan community. A religious minority of Russian origin, the Molokans adhere to pacifist beliefs prohibiting them from taking up arms. As a result of the agreement they would serve in kitchens or construction sites during their military service. Although according to the Armenian Police, to this day Molokan conscientious objectors have never been prosecuted, there are reports of one Molokan, Pavel Karavanov, being released in summer 2006 after serving a sentence for conscientious objection.

service".[11] However, since its introduction the extent to which the alternative civilian service is genuinely civilian, and therefore fulfils Armenia's obligations as a Council of Europe member state and its wider obligations under international human rights law, has been disputed.

According to information gathered by Amnesty International, in both its legislative framework and implementation the alternative civilian service remains under the supervision and control of the military and so does not constitute a genuinely civilian alternative to military service. Although this has been denied by some Armenian officials, the alternative civilian service continues to be under the overall supervision of the Ministry of Defence, thereby nullifying its ostensibly civilian character.[12] The fact of military supervision has been confirmed by Jehovah's Witnesses who opted to perform the alternative civilian service. Jehovah's Witnesses told Amnesty International that members of their organization performing the alternative service were, for example, reportedly not allowed to leave their place of work without the permission of the nearest military authority or police. They were reportedly required to wear uniforms provided by the military, could be transferred to reserve units, and were required to keep an official pay-book/identity card marked 'RA Armed Forces'. Those who fell ill during the service were sent to military hospitals for treatment. Allegedly, part of their daily programme was determined by staff in the Ministry of Defence, and involved physical exercise typical of a military, rather than civilian, regime. Furthermore, it was reportedly the Military Prosecutor's Office that was the authority dealing with alleged breaches of discipline.

Military oversight of the alternative civilian service is further confirmed by the issuing of Order No.142 on 20 December 2004 by then Deputy Minister of Defence Michael Harutunian. This order mandated weekly military supervision of those performing the alternative civilian service. Monthly written reports were also to be submitted to the Chief of

[11] Avoidance of this alternative service, as is the case with draft evasion, is a criminal act under Article 327 of the Armenian Criminal Code.

[12] Artur Agabekyan, chair of the parliamentary Defence Committee, and other officials have denied that the alternative civilian service is under the jurisdiction of the Ministry of Defence. They claim that it is under the control of the Ministries of Health and Social Security. See "ARMENIA: 82 religious prisoners of conscience is new record", *Forum 18 News Service*, 28 September 2007. Other officials, including the Ombudsman, have confirmed that it is under the overall control of the Ministry of Defence.

General Staff. Finally, Jehovah's Witnesses refusing to perform or abandoning the alternative service on grounds of conscientious objection have been prosecuted as if they were military personnel under Articles 327 and 362 of the Armenian Criminal Code, which deal with draft evasion and desertion respectively.

As noted above, it is stipulated by the Council of Europe that alternative civilian services must not be punitive in length. Those performing military service in Armenia must serve for two years, whereas those performing the alternative civilian service must serve three and a half years. Although there is no simple standard for determining when length of service becomes punitive, Amnesty International believes that the fact that those performing the alternative service must serve for 75 per cent longer than those performing military service is suggestive of an intent to punish, by imposing a significantly longer alternative service requirement.

A further problem with the legislative framework of the alternative civilian service is that the 'Law on Alternative Service' does not allow for applications for conscientious objection to be made by serving conscripts. Applications to object to military service on conscientious grounds must be made prior to the beginning of the months of March or September preceding the bi-annual drafts. Serving professional soldiers are omitted entirely from legal provisions regulating conscientious objection.

Although a number of amendments were introduced to the 'Law on Alternative Service' in 2005 and 2006, the above deficiencies have been acknowledged by the Parliamentary Assembly of the Council of Europe (PACE). Paragraph 6.7 of PACE Resolution 1532, adopted on 23 January 2007, noted that the PACE was "disappointed to note that the current law, as amended in 2005 and subsequently in June 2006, still does not offer conscientious objectors any guarantee of "genuine alternative service of a clearly civilian nature, which should be neither deterrent nor punitive in character", as provided for by Council of Europe standards."[13] The Resolution further expressed concern regarding the imprisonment of conscientious objectors.

[13] Parliamentary Assembly of the Council of Europe, Resolution 1532 (2007), Honouring of Commitments by Armenia. Retrieved from http://www.coe.am/docs/pace/resolution_1532_en.pdf

Amnesty International welcomes the acquittal in November 2006 of 19 men, all Jehovah's Witnesses, who began the alternative service in December 2004 but later abandoned it and after their conviction and imprisonment filed an appeal with the European Court of Human Rights (ECtHR) against their imprisonment (*Khachatryan and 18 Others v. Armenia*).[14] These individuals have not received compensation and Amnesty International urges the Armenian authorities to review their applications for compensation commensurate with the distress imposed by wrongful imprisonment.

However, Amnesty International remains seriously concerned by the continuing imprisonment of increasing numbers of conscientious objectors. As of 26 September 2007 there were 82 Jehovah's Witnesses imprisoned in Armenia (73 tried and convicted, nine charged and in pre-trial detention). This number represented a new record and the continuation of a trend of increasing numbers of conscientious objectors in prison, a trend fuelled by lengthened sentences (see below) and greater reluctance to release conscientious objectors on parole. According to information supplied to Amnesty International by the Deputy Prosecutor General, a total of 92 Jehovah's Witnesses were prosecuted under Article 327 of the Armenian Criminal Code between January and September 2007.

6. Prisoners of conscience

Although Amnesty International does not question the right of governments to conscript individuals into armed forces, the organization upholds the right of every person to refuse to perform military service on the grounds of conscience, deeply held ethical, moral or philosophical beliefs or profound personal conviction, without suffering any legal or physical penalties as a result. Amnesty International further believes that this right extends to those already conscripted, so that they may claim conscientious objector status at any time up to and after entering the armed forces. Furthermore, a state of war or active hostilities cannot be

[14] This is the fourth application relating to conscientious objection filed by Jehovah's Witnesses in Armenia at the ECtHR. The others are *Bayatyan v. Armenia*, *Bukharatyan v. Armenia* and *Tsaturyan v. Armenia*. On 12 December 2006 the ECtHR declared the case of *Bayatyan v.Armenia* admissible. This case is significant in that the ECtHR will consider the question of conscientious objection directly under Article 9 of the ECHR (the right to freedom of conscience and religion).

used as grounds for derogating the right to perform an alternative civilian service. Where an individual has not refused to perform an alternative, genuinely civilian service that is neither punitive nor discriminatory in character, Amnesty International considers that individual to be a prisoner of conscience.

In the light of the evidence pointing to the compromised civilian nature, as well as punitive length, of the alternative service in Armenia, Amnesty International believes all Jehovah's Witnesses currently imprisoned for conscientious objection in Armenia to be prisoners of conscience. The organization calls upon the Armenian authorities to fulfil the pledge given to the PACE on 22 June 2004 by the then parliamentary speaker Tigran Torosyan, that all conscientious objectors in Armenia would be released. Amnesty International is also continuing to urge the Armenian authorities to reform the alternative service in order to remove all aspects of military oversight or control, in order that the implementation of the 'Law on Alternative Service' may provide a genuinely civilian alternative to military service.

7. Further punitive and discriminatory measures against conscientious objectors

Two further aspects of the situation confronting conscientious objectors in Armenia are a source of concern for Amnesty International. The organization is disturbed by increased reports of prosecutors appealing for harsher sentences when courts do not impose the maximum sentence on conscientious objectors (which are two and four years respectively under Articles 327 and 362 of the Armenian Criminal Code). Jehovah's Witnesses told Amnesty International that prosecutors consistently appeal to the Court of Appeal to increase sentences handed down to Jehovah's Witnesses. Reportedly, there had been 12 such cases by March 2007, with no such applications being refused by the Court of Appeal. For example, the Assistant Prosecutor of the Malatia-Sebastia Community in Yerevan lodged an appeal on 25 September 2006 for the two-year sentence given to Jehovah's Witness Hayk Gegham Avetisyan to be increased. The Court of Appeal granted the application and increased the sentence to 30 months. It is a concern that increased sentences serve a punitive function further discouraging conscientious objection.

Another source of concern is the fact that Jehovah's Witnesses who have served prison terms for conscientious objection face further problems after their release. Jehovah's Witnesses reported that as of March 2007 there were 30 individuals in this situation. All 30 had served their sentences or been paroled. However, they had not been issued with a certificate equivalent to the certificate of military service (widely referred to by the Russian term *voenni bilet*); they were told by the relevant document-issuing body to apply to their local military authority (known in Russian as *voenni kommisariat*) for a certificate, which was then refused. Instead they were told to go back into the army and that they could only receive a certificate when they have reached 27 years of age, the upper limit for military service in Armenia.

Without a certificate of military service, it is difficult to secure other important documents, such as passports, visas and internal residency permits, to enter public sector employment or to marry. Without the capacity to receive passports or visas Jehovah's Witnesses' right to freedom of movement, enshrined in Article 12 of the ICCPR and Article 2 of Protocol No.4 to the ECHR, is violated. Paradoxically, Amnesty International has been told that two of the Jehovah's Witnesses acquitted in November 2006 did receive a certificate of service, indicating that there has been inconsistency in the granting of certificates of service. Amnesty International urges the Armenian authorities to review the cases of these 30 Jehovah's Witnesses, in order to ensure that having already been imprisoned for exercising their right to conscientious objection, they receive the necessary certification to end any further penalization for their legitimate exercising of this right.

8. Allegations of impunity relating to violence directed at Jehovah's Witnesses

Amnesty International is also concerned by increasing reports of violence directed against Jehovah's Witnesses, including physical attacks allegedly perpetrated by clergy members of the Armenian Apostolic Church. These attacks represent violations of the right to physical and mental integrity, a right which the Armenian authorities have a responsibility to protect as well as to respect, and since they appear to target their victims as Jehovah's Witnesses, they further constitute a form of discrimination. In this context Amnesty International is concerned by allegations that the

Armenian authorities have failed to exercise due diligence in effectively investigating and prosecuting such assaults, which would have an important preventive and protective effect. A related concern is the apparent violation of the right to effective remedy, as stipulated in Article 2 (3) of the ICCPR and Article 13 of the ECHR (see above).

In March of this year an Amnesty International delegate met with representatives of the Jehovah's Witnesses in the capital Yerevan. They told Amnesty International that in some senses conditions had improved since the Jehovah's Witnesses had been registered as a religious organization on 8 October 2004. For example, they reported that at least until March 2007 (see below) they had been able to import and distribute religious literature. They were also able to hold religious meetings on the same basis as other religious organizations. However, Jehovah's Witnesses also told Amnesty International that acts of violence against them increased following the 2004 registration of their organization. They reported a number of incidents over the previous year in which their members had been physically assaulted by unknown assailants, or by inhabitants of their locality. They further stated that their attempts to secure effective remedy for these physical assaults had been largely unsuccessful.

These concerns were raised by Amnesty International's delegate in March with the Head of Division for Human Rights and Humanitarian Issues in the Ministry of Foreign Affairs. Some of the cases discussed below were confirmed to Amnesty International by the Republic of Armenia Police. Yet surprisingly, Amnesty International was later informed in October by the Deputy Prosecutor General that the Prosecutor's Office possessed no information relating to assaults against Jehovah's Witnesses in Armenia. This gives rise to the concern that while some investigative activity into the cases discussed below has taken place, the Armenian authorities are failing to consider the possibility that there is a discriminatory aspect to these assaults, i.e. that they are specifically directed against Jehovah's Witnesses as members of a particular group. Amnesty International is therefore concerned that the lack of effective investigation and prosecution of such assaults, combined with the apparent denial of their discriminatory basis, is contributing to a climate of impunity for discrimination against Jehovah's Witnesses and the physical attacks it engenders.

On 21 August 2006 Jehovah's Witnesses Zoya Tamaryan and Lena Karapetyan were allegedly physically assaulted in Shengavit by Ashot Poghosyan, a priest of the Armenian Apostolic Church. He reportedly hit both women, one of them so hard that she fell and fractured her arm; he also threw a rock and a bottle at the two women. Police have reportedly confirmed this incident, but did not open a criminal case after Ashot Poghosyan expressed remorse for his assault. Appeals by the Jehovah's Witnesses to the court of first instance and the court of review to overturn the police decision not to open a criminal case were rejected. According to information supplied to Amnesty International by the Police of the Republic of Armenia, the assault was in fact 'a neighbourly quarrel' between Ashot Poghosyan and Zoya Tamaryan 'who happened to be a Jehovah's Witness', although the reasons for the quarrel and why it should have turned violent are unclear. The Armenian Police told Amnesty International that the appeal to open a criminal case against Ashot Poghosyan was rejected in accordance with paragraph 2 of Article 37 of the Code of Criminal Procedure (circumstances giving discretion to refuse criminal prosecution).

Jehovah's Witnesses also told Amnesty International that on 28 February 2007 two Jehovah's Witnesses, Ruben Khachaturian and Narine Gevorkian, were beaten and threatened with being thrown out of a window by neighbours in the apartment block where they live in the Shengavit suburb of Yerevan. They said that one month later the police had failed to institute a prompt investigation of the assault. On 13 March 2007 Jehovah's Witness Vartan Gevorkian was reportedly attacked by unknown men in the street in Shengavit. His attackers were prevented from seriously beating him by intervening passers-by. On 17 March a Jehovah's Witnesses meeting in the village of Sevabert in Abovian region was allegedly interrupted when unknown men broke down the door, stole a music system and cut the electricity supply. Allegedly, no investigation into this case was initiated. On 17 April Jehovah's Witnesses Marine Rushanyan and Elvina Artunyan were threatened by a man with a pistol while conducting public ministry. Although they filed a complaint with the police on 21 May they were informed that a criminal case would not be opened due to lack of evidence. According to the Armenian Police, however, no complaints were lodged with them in relation to these four cases.

On 1 June, in the village of Lusarat in the Ararat district, Jehovah's Witnesses Armen Khachatryan and Hamest Petrosyan were physically

attacked by an unknown man while engaged in a discussion with a young woman on religious themes. Armen Khachatryan later appealed to the police and Prosecutor General's office for the case to be investigated as both Witnesses had sustained physical injuries. According to the Jehovah's Witnesses, the Ararat District Police investigated the case. The alleged attacker in this case was an Armenian Apostolic priest from the town of Gyumri who was visiting his family in Lusarat on the day of the attack. The Jehovah's Witnesses agreed to try to resolve the matter without legal action if the priest apologized for his actions. However, he denied the incident and the police dropped the case. The Armenian Police told Amnesty International that the opening of a criminal case was rejected due to the absence of any criminal act punishable under the Criminal Code.

Amnesty International is concerned that this rise in the number of assaults on Jehovah's Witnesses may be related to perceptions of a climate of impunity in the absence of effective investigation and prosecution of such assaults by law enforcement agencies. State parties to international human rights instruments such as the ICCPR and ECHR are obliged not only to respect human rights in the actions of state institutions and law enforcement agents, but to demonstrate due diligence in taking steps to prevent, investigate and prosecute human rights abuses by non-state actors. States bear a responsibility when they fail to prevent or investigate human rights abuses or secure redress for victims. In this context, Amnesty International is concerned by claims of the lack of prompt, thorough, independent and impartial investigation into cases of alleged assaults against Jehovah's Witnesses.

Other concerns regarding discrimination

As noted above, Jehovah's Witnesses informed Amnesty International that following registration the organization had been able to import religious literature into Armenia. However, Jehovah's Witnesses told Amnesty International that in March 2007 Customs Officials raised the import tax on Jehovah's Witness periodicals from the equivalent of US$0.05 to $1.00, an increase imposing considerable limitations on the capacity of the organization to import religious literature. Amnesty International sought confirmation from the Armenian authorities in August 2007 whether this was a universal tax increase applying to all periodicals, or whether it applied only to literature imported by Jehovah's Witnesses, but has

received no reply on this issue. In the latter case this would constitute an act of discrimination and a human rights violation. Even in the former case, the effect of the tax increase may have a discriminatory effect, since some religious organizations, such as the Jehovah's Witnesses, are more dependent on imported literature than others.

Dissemination of discriminatory attitudes

Amnesty International also received reports of the dissemination of views which may be seen as contributing to a climate of discrimination against Jehovah's Witnesses. For example, a youth organization or group by the name of 'One Nation' has reportedly been responsible for public processions and the dissemination of posters and flyers warning the public to 'Beware of the Jehovah's Witnesses' and to 'Say no to the sects' (see attached photograph). As noted above, aggressive commentary from Armenian Apostolic Church representatives directed against the Jehovah's Witnesses has also been documented. Jehovah's Witnesses in Yerevan told Amnesty International that negative coverage of the Jehovah's Witnesses (as well as other religious groups and denominations) is common on Armenian television, including both mainstream television channels such as *Armenia TV* and the specialist religious television channel *Shoghakat* ('drop of light').[15] A former Minister of Culture, Hakob Movses, recently stated on *Shoghakat TV* that "sects are the traitors of the nation".[16] Jehovah's Witnesses have also reported derogatory statements made about their organization by teachers of courses on the history of the Armenian Apostolic Church in schools, and even the failing of Jehovah's Witness students who refused to convert to the Armenian Apostolic Church.[17]

[15] *Shoghakat* is an independent television channel originally established in 1998 by then Archbishop Karekin Nersissian, and advocates the values and traditions of the Armenian Apostolic Church.

[16] See Vahan Ishkhanyan, 'Essay: Late night lessons in fear', *ArmeniaNow.com*, Issue 38 (258), 21 September 2007.

[17] Yerevan Press Club, Partnership for Open Society Initiative and Open Society Institute Human Rights and Governance Grants Programme/Open Society Institute Assistance Foundation-Armenia, *Monitoring of Democratic Reforms in Armenia Report 2006*, p. 28. This report also acknowledged that such incidents had reduced in number, and that whereas there had previously been cases of teachers who were Jehovah's Witnesses being fired, this was no longer the case. Available at http://www.ypc.am/Old/Downloads/Report_eng.pdf

Article 20(2) of the ICCPR states that '[A]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law'. Article 226 of the Criminal Code adopted by the Republic of Armenia in August 2003 criminalizes the incitement of national, racial and religious hatred, and stipulates that the committing of such acts by an organized group constitutes an aggravating circumstance. The Armenian authorities have a responsibility to exercise due diligence in taking action to comply with these international and domestic standards. Furthermore, government officials have a positive responsibility to take the lead in showing non-discriminatory and inclusive attitudes towards groups which face discrimination and hostility in society.

9. Conclusion

Although registration as a legal religious organization has facilitated certain aspects of the activities of the Jehovah's Witnesses in Armenia, members of the organization continue to confront serious violations of their human rights as a result of their beliefs. This most clearly applies to young male Jehovah's Witnesses, whose religious beliefs prohibit them from performing military service. The Armenian authorities have failed to comply with Council of Europe standards in introducing an adequate legal framework or structure for the implementation of a genuinely civilian alternative to compulsory military service. The Armenian alternative service does not, in its present configuration, fulfil conscientious objectors' right to an alternative, genuinely civilian, service that is neither punitive nor discriminatory in character. That this is the case is further substantiated by the fact that at this time of writing no one in Armenia is performing the alternative service.

Since the alternative service in its current configuration is not genuinely civilian, Amnesty International considers all those imprisoned on account of their refusal to perform this service to be prisoners of conscience, imprisoned solely on account of their religious beliefs. An integral aspect of the fulfilment of Armenia's obligations in this field is the immediate and unconditional release of all conscientious objectors currently imprisoned. All those wrongfully imprisoned should receive adequate compensation, and it is the responsibility of the Armenian authorities to ensure that they suffer no further human rights violations

through the withholding of documents necessary for the exercise of their civil, political, social and economic rights.

The Armenian authorities have also failed to protect other rights and freedoms of Jehovah's Witnesses. They have failed to ensure the prompt, thorough, impartial and independent investigation of reported assaults on Jehovah's Witnesses, and therefore to prevent the emergence of a climate of impunity with regard to such assaults. Acknowledging the discriminatory aspect to these assaults, that is, that they are directed against Jehovah's Witnesses as members of a particular group, is a necessary step towards countering discrimination and impunity. Amnesty International urges the Armenian authorities to demonstrate that they are guided by human rights principles in fulfilling and protecting the right to freedom of conscience and religion, and to this end offers the recommendations laid out below.

10. Recommendations

Amnesty International calls upon the Armenian authorities to:

Take active steps to bring the legislative framework and implementation of Armenia's alternative civilian service into compliance with the commitments and standards to which Armenia is obliged as a Council of Europe member and State party to the ICCPR and ECHR, so that it can offer a genuinely civilian and non-punitive alternative to compulsory military service. Such steps should include:

- Releasing immediately and unconditionally all individuals imprisoned solely for exercising their right to refuse to perform military service in the absence of a genuinely civilian alternative, and refraining from imprisoning conscientious objectors in future.

- Ensuring that military bodies or officials have no part to play in the legislative framework, implementation or disciplinary structures or practices of the alternative civilian service.

Reducing the length of the alternative civilian service so that the length of the service may not be seen as punishing or deterring the exercise of the right to conscientious objection.

Ensuring, after the introduction of a genuinely civilian alternative service, that all relevant persons affected by military service, including those already serving in the army, have information available to them about the right to conscientious objection and how to apply for the alternative service.

Ceasing without delay the imposition of lengthened or maximum prison sentences punishing and deterring the exercise of the right to conscientious objection.

Issuing without delay a certificate of fulfilment of service to all those who have served prison terms for conscientious objection in order that they face no obstacles in accessing a full range of human rights after their release.

Take active steps to ensure that a climate of impunity does not emerge with regard to physical assaults against Jehovah's Witnesses or representatives of other minority religious groups. Such steps may include:

Exercising due diligence in ensuring the prompt, thorough, impartial and independent investigation and, where appropriate, prosecution of alleged physical assaults against members of the Jehovah's Witnesses organization.

Encouraging government officials to take the lead in showing non-discriminatory and inclusive attitudes towards groups which face discrimination and hostility in society.

Ensure that Jehovah's Witnesses and other registered religious groups are not discriminated against or prevented from exercising

the rights extended to them in the 'Law on freedom of conscience and religious organizations'. This may include:

Reviewing import tax increases with a view to ensuring that any such increases do not, in either intent or effect, discriminate against the Jehovah Witnesses or any other religious group.

Ceasing all interventions by state agents to prohibit execution of contracts between the Jehovah's Witnesses and other parties for venue rental or other services.