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NAGORNO-KARABAKH: Repressive new Religion Law signed

By Felix Corley, Forum 18

The President of the internationally unrecognised entity of Nagorno-Karabakh, Bako Sahakyan, has signed a repressive new Religion Law, Forum 18 News Service has learnt. It comes into force ten days after its official publication, which is expected to be after the current Christmas holidays. No officials were available to discuss the new Law, because of public holidays for Christmas which the Armenian Apostolic Church celebrates on 6 January 2009. The main restrictions in the new Law are: an apparent ban on unregistered religious activity; highly restrictive requirements to gain legal recognition; state censorship of religious literature; 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". Many articles of the Law are formulated in a way that lacks clarity, making the intended implementation of the Law uncertain. The Law also does not resolve the issue of conscientious objection to military service.

The repressive new Religion Law in the internationally unrecognised Republic of Nagorno-Karabakh was signed by the entity's President Bako Sahakyan, on 24 December 2008, Forum 18 News Service has learnt. The new Law – which will shortly come into force - imposes a range of restrictions on freedom of thought, conscience and belief. "All this reflects the intention of the authorities to introduce harsh control on the activities of religious minorities," civil society activist Albert Voskanyan told Forum 18 from the South Caucasus entity's capital Stepanakert on 3 January 2009, "and to strengthen the exclusive role of the Armenian Apostolic Church already proclaimed in Nagorno-Karabakh's Constitution."

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 December 2008 http://www.forum18.org/Archive.php?article_id=1225).

The new Law – which replaces Karabakh's 1996 Religion Law – was approved by Parliament on 26 November and was then sent to President Sahakyan for signature. It comes into force ten days after its official publication, which is expected after the 2008/9 Christmas holidays. 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 (see F18News 4 December 2008 http://www.forum18.org/Archive.php?article_id=1225).

No officials were available to discuss the new Religion Law with Forum 18 because of public holidays for Christmas (which the Armenian Apostolic Church celebrates on 6 January 2009).

Voskanyan, who heads the Stepanakert-based Centre for Civilian Initiatives, welcomes the fact that "after many years" the new Law allows religious communities to gain legal status for the first time. "This in effect gives them the right to life," he told Forum 18 from the capital Stepanakert on 3 January 2009.

However, Voskanyan believes provisions of the Law create artificial difficulties to the registration of many religious communities, particularly Protestants and Jehovah's Witnesses. "Some won't be able to get registration at all because their documents won't be in line with the Law," he maintained. He pointed out that many will not be able to find the necessary 100 adult citizen members required to seek legal status.

"Those without registration will then be told they are functioning illegally," Voskanyan told Forum 18 he believes the police and secret police will start to punish those who conduct unregistered religious activity.

"It is my view that some Protestant organisations won't want to present full lists of their believers (first names, surnames, home address and other information), fearing persecution of their flocks from the state authorities," Voskanyan added. "People would have a real fear for their jobs." He said officials are likely to check through the lists of names on applications, approaching individuals in a way they might find intimidating.

Voskanyan pointed out that one religious community, the Jehovah's Witnesses, has been unable to find anywhere to meet for

religious worship. "Wherever they turn, once the owners find out about their religious affiliation they become afraid and refuse," he explained. "And the authorities won't provide them with a plot to build a prayer house. This too could prevent them gaining registration as they won't have an address to use."

The Jehovah's Witnesses report that when they met Ashot Sargsyan, the head of the government's Department for Ethnic Minority and Religious Affairs, in November 2008, he told them that as long as he is working for the government they will not get registration. "He said openly he's a member of the Armenian Church," they told Forum 18 (see F18News 4 December 2008 http://www.forum18.org/Archive.php?article_id=1225).

Asatur Nahapetyan, head of Armenia's Baptist Union, which includes six member congregations in Karabakh, is more optimistic. "We need to wait and see how the Law will be implemented, but we see no reason why these congregations won't get registration," he told Forum 18 from the Armenian capital Yerevan on 5 January.

Article 5 of the new Law 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.

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.

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.

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.

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".

A member of the Brotherhood, an evangelical grouping within the Armenian Apostolic Church which has about a dozen groups in Karabakh, told Forum 18 in December that he expects the government to try to ban any Jehovah's Witness, Baha'i, Hare Krishna or Muslim literature. Jehovah's Witnesses pointed out to Forum 18 that they have already had problems over religious literature controls, with literature confiscated from their members in July 2008 as they returned from Armenia (see F18News 4 December 2008 http://www.forum18.org/Archive.php?article_id=1225).

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).

Members of religious communities have expressed strong concerns to Forum 18 about the Law. 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" (see F18News 4 December 2008 http://www.forum18.org/Archive.php?article_id=1225). (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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