FORUM 18 NEWS SERVICE, Oslo, Norway
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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

27 April 2010

NAGORNO-KARABAKH: "We are getting ready for war and we need our nation to be united"

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

Fines today (27 April) on four Protestants bring to nine the number of religious believers punished so far for unregistered religious worship in Nagorno-Karabakh, the internationally unrecognised entity in the south Caucasus, religious communities have told Forum 18 News Service. More fines are likely. The fines follow eight police raids on worship services of Adventists, Evangelical Christians and Jehovah's Witnesses since February. "All religious organisations must have registration before they start to meet – it's the law," Deputy Police Chief Mkhitar Grigoryan told Forum 18, without admitting that two of these communities were denied registration. Karabakh's religious affairs official Ashot Sargsyan explained to the Adventists the government's attitude to smaller religious communities: "We are getting ready for war and we need our nation to be united".

"They were raided because they were meeting without registration," a Nagorno-Karabakh Deputy Police Chief has insisted to Forum 18 News Service. Mkhitar Grigoryan defended eight police raids on worship services of three separate religious communities in the internationally unrecognised entity in the south Caucasus, speaking from the capital Stepanakert on 27 April. "All religious organisations must have registration before they start to meet – it's the law," he asserted. Asked whether the raids were a return to Soviet-era human rights violations, he laughed and put the phone down.

The chief and deputy chiefs of Stepanakert city police – which conducted the raids on the Seventh-day Adventists, the Jehovah's Witnesses and the Revival Fire Protestant Church in the capital - were not available when Forum 18 called on 27 April. The duty officer rejected suggestions that the police had done anything wrong in raiding the communities, but declined to discuss why the raids had been launched.

Forum 18 reached Ashot Sargsyan, head of the government's Department for Ethnic Minority and Religious Affairs, by phone on 27 April, but he said he could hear nothing as the line was not good and put the phone down.

Karabakh's Deputy Foreign Minister Vasili Atajanyan told Forum 18 on 27 April that he had heard nothing of any raids and fines on religious communities. But he insisted that "Nagorno-Karabakh is a democratic state that respects human rights". "No-one is undergoing persecution," he claimed. However, he insisted that the authorities have to be wary because of the threat of renewed war with the Azerbaijani government.

Raids follow restrictive Religion Law

The raids, followed by fines on Protestants and Jehovah's Witnesses come just over a year after the entry into force in January 2009 of the entity's Religion Law. The Law – heavily based on the Religion Law of neighbouring Armenia - appears to require registration of religious communities and ban unregistered religious activity.

Other restrictions include: 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 3 November 2009 http://www.forum18.org/Archive.php?article_id=1371).

Albert Voskanyan of the Stepanakert-based Centre for Civilian Initiatives, who has long worked for religious freedom, reminded Forum 18 on 27 April that he had warned of the resumption of penalties for religious activity when the new Religion Law was adopted. "The next step will indeed be criminal prosecution," he added.

February raid

The first community to be raided was Stepanakert's Adventist congregation. About a dozen police officers arrived on 27 February as the congregation of some 15 people was nearing the end of its Saturday worship service, Douglas Hardt, the head of the Adventist

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Church in Armenia, told Forum 18 from the Armenian capital Yerevan on 27 April. Police confiscated all the literature, including about 15 identical copies of the Bible, as well as CDs and DVDs, saying they needed to check it up. Also taken was all the offertory money.

Police officers told those present that they should not meet for worship without state registration and if they did so they would be fined the first time, then imprisoned. The men present were taken to the police station, where they were threatened, Hardt added. However, he said no cases against them under the Code of Administrative Offences were launched.

Hardt said the following few Saturdays (which Adventists mark as their Sabbath), the community did not meet together for worship. However, he said that police later returned the literature and the offertory money.

"We need our nation to be united"

Hardt and a colleague from the Adventist Church in Armenia travelled to Nagorno-Karabakh a month after the raid, and met several officials. On 26 March they met Sargsyan of the Department for Ethnic Minority and Religious Affairs, who claimed to them that the Religion Law was a "good law". "We are getting ready for war and we need our nation to be united," Hardt quoted Sargsyan as telling them. Sargsyan questioned what Hardt – an American – and his colleague – an Armenian citizen – were doing in Nagorno-Karabakh.

Hardt said they had also met an official in the government, who had told them: "We're all Orthodox [i.e. of the Armenian Apostolic Church], why are you different?"

However, Hardt added that he was encouraged when they received a telephone call from the office of Yuri Hairapetyan, the Human Rights Ombudsperson, who told them that although the Adventists do not have registration, the law does not provide for religious communities to be punished for meeting together.

The Adventist congregation has resumed worship services and has not faced further problems.

Hardt complains that the requirement for 100 adult members makes registration for their community impossible, as they do not have enough members.

March raids

Police raided simultaneously six separate Jehovah's Witness meetings in Stepanakert on the evening of 30 March, the day worldwide when Jehovah's Witnesses marked the Memorial of Christ's death. Also raided that evening were meetings in the towns of Shushi near Stepanakert and Askeran north of Stepanakert.

Local Jehovah's Witnesses had rented a venue in Stepanakert to hold the Memorial meeting, Lyova Markaryan, an Armenian Jehovah's Witness, told Forum 18 from Stepanakert on 27 April. However, several hours beforehand the police had banned them from using the venue and they had to meet in smaller groups in private homes.

Up to 30 police officers took part in the raids in Stepanakert. Markaryan said two or three Bibles were confiscated with no reasons given. Two men were taken to the police station where they were photographed and fingerprinted and not freed until nearly midnight. Officers told them the meetings were illegal as Jehovah's Witnesses do not have registration.

Subsequent fines and further cases

Police drew up records of offences under Article 206 of Karabakh's Code of Administrative Offences against 19 Jehovah's Witnesses present at the commemorations, Markaryan told Forum 18. Article 206 punishes "holding mass meetings without state permission" with a fine of between 30 and 100 percent of the official monthly minimum wage.

The first to be fined were five Jehovah's Witnesses in Askeran, who faced an administrative commission on 19 April. Found guilty of violating Article 206, they were each fined 300 Armenian Drams, the currency in use in Karabakh (4.5 Norwegian Kroner, 0.58 Euros or 0.77 US Dollars). The five paid the fines, but are appealing to the Administrative Court.

"It's not a question of the fines in themselves," Markaryan explained to Forum 18. "It's that next time they will face prosecution under the Criminal Code." He said Sargsyan of the Department for Ethnic Minority and Religious Affairs has repeatedly told them that for any second "offence" the Criminal Code will be used. (Although no articles of the Criminal Code have been specified, Criminal Code penalties are far higher.)

Although 13 people in Stepanakert were due to be punished administratively under Article 206, two of them – both Russian citizens – have already returned to Russia. The remaining 11 – ten of whom are being punished for their presence at the Memorial meeting in Stepanakert, the other in Shushi – were due to have their cases heard on 27 April. However, Markaryan – who had been present at

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the commission that day – told Forum 18 that it had readily agreed to postpone the hearings until the following week to allow the Jehovah's Witnesses to prepare their case.

Markaryan told Forum 18 that the police records of the "offences" against each of the 11 have not yet been handed over.

On 27 April, one of the 11 awaiting an administrative case in Stepanakert was detained by police in Shushi for leading a Bible study, Markaryan added. Police demanded that he write a statement. They drew up a record for him to face a further administrative hearing under Article 206.

Jehovah's Witness registration rejected

Markaryan pointed out to Forum 18 that Karabakh's Jehovah's Witness community tried to get registration. It lodged its application in June 2009, but this was rejected by the State Registry in August 2009 after a negative assessment by Sargsyan of the Department for Ethnic Minority and Religious Affairs. A Jehovah's Witness challenge to the denial was rejected by the General Court of First Instance in Stepanakert in October 2009 (see F18News 3 November 2009 http://www.forum18.org/Archive.php?article_id=1371).

The community lodged an appeal to Karabakh's Supreme Court calling for the October 2009 judgment to be annulled and obliging the State Registry to register the community. They argued that the denial of registration violated their rights under the Karabakh Constitution and international human rights conventions that Karabakh has unilaterally said it would abide by. But after a hearing, the three judges headed by Gayane Grigoryan rejected their suit against the State Registry in a judgment of 28 January, of which Forum 18 has seen the text.

Appearing in court, State Registry head Sevak Mikaelyan insisted the State Registry could not be sued in court as it is only a sub-department of the Justice Ministry which was merely following the expert analysis of the Department for Ethnic Minority and Religious Affairs. He also argued that the Jehovah's Witnesses could not authorise their member Sarkis Avanesyan to bring the suit as – given that no registered community exists – it could not therefore authorise anyone to act on its behalf.

The court accepted his arguments, although it did annul the October 2009 court decision.

Markaryan of the Jehovah's Witnesses told Forum 18 of the community's dissatisfaction with the decision.

April raid and fines

On 10 April, the criminal investigation chief of Stepanakert city police invited Pastor Levon Sardaryan of Revival Fire Evangelical Church to his office to warn him that it had no right to meet as it does not have registration, Sardaryan told Forum 18 from Stepanakert on 27 April. The officer threatened to send police to raid the church if it continued to meet.

On the morning of 11 April, as the church was meeting for Sunday worship at Sardaryan's home, about seven police officers arrived and ordered the service to stop. Church members refused, pointing out their rights under the Constitution. Sardaryan, and three other church members soon after, were taken to the police station, where they were pressured to sign statements prepared in their names. However, they refused to sign the prepared statements and wrote their own. They were then freed, but threatened that if they continued to gather for Sunday worship they "would not be treated so mildly".

Sardaryan wrote letters of complaint to Sargsyan, who responded to him that as the church failed to get registration the church has no right to meet and the police were right. Sardaryan also wrote to Ombudsperson Hairapetyan.

Sardaryan and four other church members were summoned to an administrative hearing on 27 April, which took place just before the Jehovah's Witness cases were due to be heard. The four were found guilty under Article 206 and each fined 1,000 Armenian Drams (15 Norwegian Kroner, 2 Euros or 3 US Dollars). He said that despite the low level of the fines, they refused to pay as they do not consider themselves guilty of any offence.

Sardaryan said that Sunday worship services were not raided on 18 and 25 April.

Revival Fire's registration application was rejected in March 2009 after a negative assessment by Sargsyan (see F18News 4 May 2009 http://www.forum18.org/Archive.php?article_id=1290).

Sardaryan insists his church has the right to meet under Constitutional guarantees of freedom of conscience, religion, assembly and expression, even if registration was denied and pledged to continue to hold services.

Prosecution for rejecting military oath?

Meanwhile, local Council of Churches Baptist and military conscript Armen Mirzoyan, who is from Mardakert, is facing possible prosecution for refusing to swear the military oath, Council of Churches Baptists told Forum 18 from Karabakh. They say he was

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threatened by commanders of his military unit in Hadrut after he refused their pressure to swear the oath in the wake of his call-up in January. The investigator told his mother and brother that the case had been handed over to the court.

However, one Baptist who knows Mirzoyan told Forum 18 on 27 April that no date has been set for any hearing. However, the Baptist expressed concern that, while Mirzoyan is refusing to swear the oath based on his reading of the Bible, prosecutors are seeking to prosecute him for evading military service. "But he's already serving in his unit," the Baptist insisted.

Mirzoyan's older brother Gagik was forcibly taken to a military unit in December 2004 and beaten, and then imprisoned for refusing military service. He was freed in September 2006 and transferred to a military unit, where he was able to serve without swearing the oath and without bearing arms. He was released from service in January 2008 (see F18News 27 March 2008 http://www.forum18.org/Archive.php?article_id=1105).

Nagorno-Karabakh allows young men no alternative to compulsory military service and has earlier imprisoned conscientious objectors. (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.

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