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ARMENIA: Pastor prosecuted after journalists refuse to leave church

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

Following false claims in the Armenian media that an alleged murderer in Sevan is a Jehovah's Witness, a Pentecostal Pastor faces criminal trial for "obstructing the lawful professional activities of a journalist". Priests of the Armenian Apostolic Church took a Shant TV crew to the Pentecostal Church in Sevan. The TV crew did not seek permission to enter private property where the Church meets, and refused to leave when asked, so the Pastor then tried to stop them filming. After the TV station broadcast a report claiming that the Pastor attacked journalists, a criminal investigation was opened. Police refused to tell Pastor Bagdasaryan what was "lawful" about the journalists' activities. The Yerevan Press Club told Forum 18 that prosecutors are not usually so quick to defend journalists and start criminal proceedings. Asked by Forum 18 whether any journalist has the right to come into Shant TV's private property and to film, a Shant TV journalist told Forum 18: "That is not the same situation". Also, Armenian Justice Minister Hrair Tovmasyan has promised that controversial draft legal amendments will be re-drafted. However, a Ministry spokeswoman would not tell Forum 18 whether re-drafted amendments would be made available for public discussion before, after, or at the same time as they are sent to the Council of Europe's Venice Commission for review.

A Pentecostal Pastor in the central Armenian town of Sevan, Vladimir Bagdasaryan, is facing criminal trial after trying to stop television journalists filming in the private property where his church meets. The journalists did not seek permission to enter the property, refused to leave when asked to do so, and were filming a report hostile to the church. Many media outlets in Armenia encourage intolerance of religious minorities, and the latest incident happened after a murder falsely attributed to a Jehovah's Witness. On 15 February formal criminal charges were brought against Bagdasaryan under Article 164 Part 1 of the Criminal Code ("Obstructing the lawful professional activities of a journalist"), Forum 18 News Service has learnt.

This Article states that: "Obstructing the lawful professional activities of a journalist, or forcing the journalist to disseminate information or not to disseminate information, is punishable with a fine of between 200 and 400 times the minimum salary."

The Investigator in the case, Aram Martirosyan, told Irene Aloyan, a legal advisor at the Yerevan Press Club, a journalists' group, today (24 February) that the investigation against Pastor Bagdasaryan has been concluded and the case was handed to court the previous day. Pastor Bagdasaryan told Forum 18 on 24 February that he has not been informed of this. No date has been set for a trial.

False allegations follow murder

Trouble for Pastor Bagdasaryan began after a widely-publicised murder on 8 November 2010 of a husband and wife in Sevan. The couple's son was arrested swiftly, and Armenian Public Television broadcast allegations that the man was a Jehovah's Witness, as neighbours had stated that Jehovah's Witnesses had recently been seen near the block of flats.

The claim that the alleged murderer is a Jehovah's Witness continued to be broadcast, despite repeated insistences by Jehovah's Witnesses that he and the family had no connection with them, and had never attended a Jehovah's Witness meeting.

A long report on Public Television evening news on 10 November used the on-screen caption "Jehovah's Mindless Slaves and Captives" and claimed that "when people renounce the Holy Trinity" and become Jehovah's Witnesses they sign a contract refusing to accept blood transfusions, which the television equated to the murder of one's parents.

Media intolerance

Alexander Amaryan, the head of the Centre for Aid and Rehabilitation to the Victims of Destructive Cults told an 11 November news conference entitled "Sects as a Cause of Murders and Suicides", that the crime was a "religious murder". In remarks which were widely quoted in the Armenian media, Amaryan claimed that leaders of "religious sects" may use "acoustic weapons" to control members of their organisations, adding that "in contrast to hidden hypnosis or other psychological methods acoustic or ultrasonic weapons affect everyone. The weapon, currently freely available, can turn even the most well-balanced of men into an

aggressive and unpredictable person."

Jehovah's Witnesses told Forum 18 from Yerevan that "several obviously biased televised reports about Jehovah's Witnesses" have been aired in the past, "mainly on the Shogaghat TV station." This TV station is run by the Armenian Apostolic Church. "But this recent coverage by far outweighs anything previously aired, both in magnitude and in negative/aggressive content."

Journalists forced their way onto private property

Pastor Bagdasaryan said that on 10 November, two local priests of the Armenian Apostolic Church brought two journalists from the private Shant TV station to the building in Sevan where his church meets. He said the building is owned privately by an individual church member. No services were going on at the time.

"Shant TV journalists Arpi Sukasian and Eduard Petrosyan entered our private property videotaping it without asking permission from the owner of the property, or showing their accreditation," Bagdasaryan told Forum 18. "A young lady standing by the entrance informed them that it was a private property and asked them to leave the building." However, they refused and asked her "disrespectfully" about her faith. Despite telling her that they had turned off the camera, they continued filming.

The two journalists then pushed their way up to the second floor and carried on filming there. The church member phoned Pastor Bagdasaryan, who soon arrived and once more asked them to leave, insisting that the building was private property and they had no right to film there without permission.

"Seeing that repeating myself didn't result in change of their actions, I had to cover the camera with one hand. With my other hand I held the journalist's arm, leading him towards the exit. Suddenly, the journalist began to cry out 'why are you hitting me, why are you hitting me?' when in fact, I was just inviting him out gently holding his arm." He said the two journalists still refused to leave and began raising their voices. Only while Pastor Bagdasaryan was in his office calling the police did they leave.

Swift official reaction to biased report

That evening, the journalists' filmed report was shown on Shant TV's Horizon programme, accusing the "aghandavorner [false believers]" of attacking journalists and obstructing them in their work.

Based on the news broadcast, the prosecutor of Gegharkunik Region, Vahram Margaryan, opened a criminal investigation against Pastor Bagdasaryan under Article 164 of the Criminal Code.

Pastor Bagdasaryan complained to Forum 18 that on 17 November 2010 and many times thereafter he was summoned to the Police Station for questioning without a written summons.

On 25 December 2010, Investigator Aram Martirosyan informed him that a criminal investigation case had been opened against him and that he needed to be questioned as a witness on the case. He said that "despite my and two other witnesses' written affidavits describing the illegal, provocative, and rude behaviour of the journalists", Investigator Martirosyan presented him with formal written charges under Article 164 Part 1 on 15 February 2011.

What was "lawful" about journalists' activities?

"Prosecutors ignored all the obvious facts," Bagdasaryan complained to Forum 18. "This leads me to conclude that this is an order from higher levels because people involved in this case implied to us that it was ordered from higher levels."

Pastor Bagdasaryan pointed out that the journalists were led to his church by priests of the Armenian Apostolic Church. "In the footage of the news the same priests and a government official were discussing the 'erosive deeds of aghandavorner [false believers]'. It is therefore not difficult to conclude who was behind this incident and who provided the means to accomplish it."

Bagdasaryan told Forum 18 on 17 February that police had refused to answer his question, when he asked what was "lawful" about the journalists' activities.

Officials of Gegharkunik Regional Prosecutor's Office in Gavar refused to put Forum 18 through to Prosecutor Margaryan on 18 February. All subsequent calls went unanswered. Reached on 18 and 24 February, Investigator Martirosyan refused to answer any of Forum 18's questions.

Forum 18 was unable to ask the Prosecutor's Office why they have not opened investigations against Shant TV or other media outlets under Article 226 of the Criminal Code ("Inciting national, racial or religious hatred"). This states that:

"1. Actions aimed at the incitement of national, racial or religious hatred, racial superiority or the humiliation of national dignity, are punishable with a fine of between 200 and 500 times the minimum salary, or with corrective labour for up to two years, or with

imprisonment for between two and four years.

2. The actions described in Part 1 of this Article committed:

a.) publicly or by the mass media, with violence or the threat of violence;

b.) by officials abusing their official position;

or c.) by an organised group;

are punishable with imprisonment for between three and six years."

Was Prosecutor biased?

Aloyan, who is legal advisor at the Yerevan Press Club, told Forum 18 that the Criminal Procedure Code allows prosecutors to lodge cases under Article 164 based on reports in the media. However, stressing that this was her personal opinion, she said prosecutors are not usually so quick to defend journalists and start criminal proceedings. She believes the fact that Bagdasaryan is a Protestant pastor and that the case revolves around a minority religious community may have been a factor.

Aloyan stressed that journalists need permission from owners of private property before being allowed to film there. "They don't have the right to do so unless they have this permission," she told Forum 18. She pointed out that the principle of inviolability of one's personal rights and are enshrined in Armenia's Constitution and Criminal Code.

"That is not the same situation"

A staff member of Shant TV – who would not give her name – insisted that "no violation" had taken place in its journalists' activity. "Our journalists were doing their duty," she told Forum 18 from Yerevan on 23 February. Asked why the journalists had filmed on private property, despite being repeatedly asked not to and why her television station broadcast hostile remarks about a religious minority community, she responded: "You do not have correct information." However, she declined to say what information was incorrect.

Asked whether any journalist has the right to come into the private property of Shant TV and to start to film, she told Forum 18: "That is not the same situation." She did not explain in what way she thought it was different.

The Shant TV employee would not name the station's owner or chief editor, and would not provide any contact numbers for journalist Sukasian or cameraman Petrosyan. Despite repeated calls later on 23 and on 24 February, Forum 18 failed to reach either of them.

Armenian Apostolic Bishop denies Church's involvement

Armenian Apostolic Bishop Markos Hovhanissian of Gegharkunik confirmed that two priests of his diocese had taken the Shant TV journalists to the Pentecostal Church in Sevan in November 2010. "However, they did not initiate the broadcast or take part in it," he insisted to Forum 18 on 24 February. "The journalists asked them to point out where members of other faiths meet. They did so and that was all. Our priests didn't incite the population against any faith."

However, Pastor Bagdasaryan pointed out to Forum 18 that the two priests not only brought the journalists directly from the block of flats where the murder had taken place to his church, but waited outside while they were in the building. The priests then took the journalists to the Apostolic Church in the town (which is still being built) to give an interview alleging that such "sects" teach people to kill their parents.

Pastor Bagdasaryan said he had asked the priests over the following days why they had brought the journalists to his church. "One told me that as the Jehovah's Witnesses have no property in the town and meet in homes, he brought them to us."

Asked whether he thinks the journalists or the priests initiated the hostile coverage, Pastor Bagdasaryan laughed. "It's impossible to be certain, but as they say, all roads lead to Rome."

Jehovah's Witness bring case against TV

After their unheeded complaints to Armenian Public Television to retract publicly their allegations that the arrested son of the murdered couple was a Jehovah's Witness, the Jehovah's Witnesses lodged a suit against Public Television on 9 December 2010 with the Kentron and Nork-Marash Administrative Districts Court, as they told Forum 18. They are seeking a court order requiring Public Television to apologise for their "defamatory statements", issue a full retraction, and publish an unedited response from them.

"In addition to airing the misinformation about the religious beliefs of the family, the state-sponsored Armenian Public Television also used derogatory and insulting expressions when referring to Jehovah's Witnesses," Jehovah's Witnesses complained. "One of the broadcasts suggested that viewers should resort to physical violence against the Witnesses, which has already fuelled violent attacks against them in some towns and cities in Armenia."

On 12 November 2010, in a statement posted on his office's website, the then Human Rights Defender Armen Harutyunyan called on the media to cease representing the accused as a Jehovah's Witness.

Jehovah's Witnesses told Forum 18 on 24 February that their suit has been accepted, but no court date has yet been set.

Armen Bagdasaryan, head of Public Television's Legal Department, denied that his station had done anything wrong. "When the Jehovah's Witnesses wrote to us, we broadcast that we had received their letter denying that the individual in the case was a Jehovah's Witness," he told Forum 18 from Yerevan on 24 February. "But they wanted more – they said our response wasn't enough and took us to court. That is where this will be resolved."

Bagdasaryan of Public TV told Forum 18 that the station had not offered the Jehovah's Witnesses the opportunity to take part in the programme and refute the serious accusations against them, but refused to explain why not. "They had every right to get in touch with us afterwards and they did so." He declined to discuss the specific allegations made in the 10 November 2010 programme attacking the Jehovah's Witnesses.

Armenian human rights defenders have told Forum 18 that media channels have in the past staged "debates" involving Jehovah's Witnesses, without giving them a fair chance to reply to accusations. This has led to an understandable reluctance on the part of Jehovah's Witnesses to accept invitations to take part in media programmes.

Controversial draft amendments being re-drafted

Controversial draft Amendments to the Religion Law, the Criminal Code, the Code of Administrative Offences and the Charity Law have still not been published in Armenian. However, Justice Minister Hrair Tovmasyan has promised that the 2010 draft proposals will be re-drafted taking account of the severe criticisms made of them and the existing Religion Law by a joint Council of Europe Venice Commission / Organisation for Security and Co-operation in Europe (OSCE) legal review (see F18News 20 January 2011 http://www.forum18.org/Archive.php?article_id=1530).

Speaking at a roundtable in Yerevan on 17 February, organised by the Yerevan-based Open Society Foundations with the Collaboration for Democracy Centre and the Armenian Helsinki Committee, Justice Minister Tovmasyan promised a large audience of civil society activists, religious communities, local journalists and Venice Commission member Finola Flanagan that the proposals would be re-drafted to take account of the Venice Commission / OSCE criticisms.

Tovmasyan also promised that the re-drafted proposals would be made freely available for open public discussion in Armenia, and then sent to the Venice Commission for review.

Among the points Tovmasyan highlighted for re-draft were:

- avoiding defining proselytism or soul-hunting, as this may attack the right to share beliefs, but defining precisely what actions are prohibited;
- on the right to legal personality that unregistered religious activity should be permitted, that high minimum numbers of members to register a community should be avoided;
- that the actions of some members should not be a reason to liquidate entire communities, and that liquidation should be a final resort after other warnings and penalties have been exhausted;
- and that the state must respect the rights of parents to decide on the education of children in line with their own religion or beliefs.

He also noted that respecting the rights of the Armenian Apostolic Church was not a reason to restrict the rights to religious freedom of members of other religious communities.

Deputy Justice Minister Grigor Muradyan discussed "what should be in the draft amendments" to various laws on religion at the Ministry on 16 February with visiting Venice Commission representatives, Nora Sargsyan, an adviser to Minister Tovmasyan, told Forum 18 from Yerevan on 22 February. She said that "for the most part" the Venice Commission and Justice Ministry representatives agreed. "There was no substantial disagreement with the Venice Commission proposals," Sargsyan told Forum 18.

She said that Muradyan, as the Minister responsible for preparing legislation, would be overseeing work on a new draft, which would be prepared by civil servants of the Ministry. Sargsyan said her Ministry agreed to work with the Venice Commission "on a

day by day basis if necessary" in preparing the text. She said the final version would be submitted to the Venice Commission before it was sent to Parliament. She added that the final version of the draft would be available in Armenian to allow public discussion.

However she would not tell Forum 18 whether this would be before, after, or at the same time as the text was sent to the Venice Commission. (END)

More coverage of freedom of thought, conscience and belief in Armenia and the unrecognised entity of Nagorno-Karabakh is at <http://www.forum18.org/Archive.php?query=&religion=all&country=21>

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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