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Written statement by André Carbonneau, Attorney for Jehovah's Witnesses in the Caucasus
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"Religious Freedom in the Caucasus"

My name is André Carbonneau, and I would like to thank the members of the U.S. Commission on Security and Cooperation in Europe for allowing me to testify on behalf of the 8,000 Jehovah's Witnesses in Armenia.

Registration Denials

The "Christian Religious Organization of Jehovah's Witnesses in the RA" has been denied legal registration in Armenia 11 times from 1995 to the present. The eleventh denial was issued by the Ministry of Justice of the Republic of Armenia on June 17, 2004. In its Resolution 1361 dated January 27, 2004, the Parliamentary Assembly notes that "despite the commitment made and the Assembly's repeated appeals, Jehovah's Witnesses are still not registered as a religious organization. It asks that this registration be done without delay, after their statute has been brought into conformity with the legislation in force."

However, the majority of the denials are based on various administrative objections. In essence, the government of Armenia has by its perpetual denials shown a pattern of finding fault on technical grounds that is designed to prevent Jehovah's Witnesses from registering. When placed in the context of 11 denials over the past nine years, the actions of the Armenian government evidence a prejudice against Jehovah's Witnesses, not to mention Armenia's blatant rejection of their commitment to the COE to register non-traditional religions. If the government of Armenia is truly committed to honor its human rights commitments as well as international agreements, then we present to this committee that Armenia should discontinue any further delay tactics and register Jehovah's Witnesses in Armenia.

As a result of the refusal to register Jehovah's Witnesses, importation of literature is outlawed. Religious conventions of Jehovah's Witnesses can only be held in utmost secrecy, since police have broken up these conventions in the past.

Conscientious Objectors

As of July 20, 2004, there were 14 Jehovah's Witnesses imprisoned in Armenia for their conscientious objection to military service. From February through April 2004, there were three

new arrests of conscientious objectors. Although some prisoners have been released on probation since July 1, some have had their passports confiscated, while others are being denied essential identification documents.

On January 25, 2001, Armenia's accession to the Council of Europe was granted on the condition that within three years Armenia would adopt a law on alternative service and in the meantime, would pardon all imprisoned conscientious objectors. In December 2003, the Armenian parliament did adopt a law allowing three years of military service not involving the use of arms, or three and a half years of alternative service. In its Resolution 1361, the Council of Europe stated that three and a half years of alternative service was "unacceptable and excessive" and should be reduced to three years by July 1, 2004. Additionally, the resolution demanded that imprisoned conscientious objectors be "released immediately by presidential pardon pending the entry into force on 1 July 2004 of the law on alternative civilian service." To our knowledge, Armenia has not met either of these demands.

Furthermore, an alternative service arrangement has been provided for by new legislation, but it is not known at this time how and under whose supervision this service will be carried out. No prisoners have been released under the provisions of this law. In referring to the recent arrests and imprisonments, a spokesman for Jehovah's Witnesses in Armenia stated:

What makes it especially unsettling is that these are honest, hardworking young men who are willing to perform alternative civilian service and thereby be productive members of society without going against their conscience. These young Witness men don't evade their responsibilities; in fact, they turn themselves in knowing the law as it stands now. But as long as this process continues, they are criminalized.

We are saddened and dismayed by the fact that the Armenian government continues to imprison Jehovah's Witnesses who are conscientious objectors to military service. This is in direct contradiction to Armenia's human rights commitments to the Council of Europe that requires them to release all those imprisoned as conscientious objectors. We remain hopeful that the Armenian government will abide by its human rights commitments to establish genuine alternative civilian service for conscientious objectors such as Jehovah's Witnesses. At this time, three applications have been filed with the European Court of Human Rights regarding this issue.

Conclusion

On behalf of Jehovah's Witnesses, we wish to thank the U.S. Helsinki Committee for its continued interest in the plight of Jehovah's Witnesses in Armenia. Jehovah's Witnesses in Armenia are peaceful and law abiding citizens whose only desire is to worship without the persecution or restrictions they endured for decades under the former Soviet regime. We continue to express our confidence that the government of Armenia will not deny its own citizens those fundamental human rights that belong to all citizens of Armenia.

Jehovah's Witnesses refused a passport or residential registration
after serving their sentence as
conscientious objectors to military service
REPUBLIC OF ARMENIA
(July 20, 2004)

1. The following **fifteen** young men did not possess a passport before they were called to the army. After their prison term for conscientious objection of military service the local military commissariat does not issue them a certificate that they are registered with their office. They say that they will not give them this certificate until they have served their time. The passport desk will not issue a passport without this certificate.

Name	Passport department
<i>Andreasyan Oganēs</i>	Community Malatiya-Sebastiya, Yerevan
<i>Arakelyan Aramais</i>	Community Erebuni and Nubarashen, Yerevan
<i>Artenyan Armen</i>	Community Avan and Nor-Nork, Yerevan
<i>Arutyunyan Karapet</i>	Community Erebuni and Nubarashen, Yerevan
<i>Bagdasaryan Araik</i>	Araratskiy marz, Ararat
<i>Bayatyan Vagan</i>	Community Erebuni and Nubarashen, Yerevan
<i>Bukharatyan Gayk</i>	Community Malatiya-Sebastiya, Yerevan
<i>Manvelyan Mikayel</i>	Armavir marz, Echmiadzin
<i>Minasyan Abgar</i>	Community Malatiya-Sebastiya, Yerevan
<i>Mirzoyan Mesrop</i>	Armavir marz, Echmiadzin
<i>Musakhanyan Arsen</i>	Armavir marz, Echmiadzin
<i>Petrosyan Tigran</i>	Community Avan and Nor-Nork, Yerevan
<i>Seyranyan Sarmen</i>	Community Malatiya-Sebastiya, Yerevan
<i>Usubov Aleksandr</i>	Loriyskiy marz, Tashir
<i>Yodigaryan Vardan</i>	Community Shengavit, Yerevan

2. The following **two** young men had passports before their prison terms but were refused when they asked for their return for the same reason as explained under the first paragraph. Both have made official complaints to the military commissariat and the General Prosecutor.

Name	Passport department
<i>Grigoryan Artur</i>	Community Kentron and Nork-Marash, Yerevan
<i>Vahanyan David</i>	Community Kentron and Nork-Marash, Yerevan

3. The following **seven** young men have their passports but they have not been given a residential registration after their release.

Name	Passport department
<i>Abadzhyan Karen</i>	Community Erebuni and Nubarashen, Yerevan
<i>Grigoryan Garib</i>	Kotayskiy marz, Charentsavan
<i>Oganesyan Sarkis</i>	Community Achapnyak Davidashen, Yerevan
<i>Pogosyan Set</i>	Kotayskiy marz, Charentsavan
<i>Tarzumanyan Tigran</i>	Community Malatiya-Sebastiya, Yerevan
<i>Tonosyan Vardan</i>	Kotayskiy marz, Charentsavan
<i>Tatevosyan Arshak</i> <i>His situation is special because he neither served in the army nor was sentenced to a prison term. Nevertheless, the local military commissariat does not issue him a certificate that he is registered with their office, explaining that his co-believers first should serve their time in the military.</i>	Kotayskiy marz, Charentsavan

Imprisonment of conscientious objectors to military service
REPUBLIC OF ARMENIA
(July 20, 2004)

Currently, there are **fourteen** male Jehovah's Witnesses in prison for their conscientious refusal of military service on religious grounds. The names, dates of imprisonment, sentences, grounds (under criminal code¹) and locations are as follows:

<i>Artur Kocharyan</i>	<i>September 16, 2003</i>	<i>§327I 1 year</i>	<i>Kosh Penal Institution</i>
<i>Andranik Makvetsyan</i>	<i>September 24, 2003</i>	<i>§327I 1 year</i>	<i>Kosh Penal Institution</i>
<i>Ashot Torosyan</i>	<i>December 8, 2003</i>	<i>§327I 1½ years</i>	<i>Kosh Penal Institution</i>
<i>Armen Simonyan</i>	<i>January 20, 2004</i>	<i>§327I 2 years</i>	<i>Kosh Penal Institution</i>
<i>Vitaliy Gasanov</i>	<i>February 11, 2004</i>	<i>§327I 2 years</i>	<i>Kosh Penal Institution</i>
<i>Armen Harutyunyan</i>	<i>February 19, 2004</i>	<i>§327I 2 years</i>	<i>Kosh Penal Institution</i>
<i>Minas Shashkinyan</i>	<i>February 25, 2004</i>	<i>§327I 2 years</i>	<i>Kosh Penal Institution</i>
<i>Vardan Sahakyan</i>	<i>March 5, 2004</i>	<i>§362I 1½ years</i>	<i>Kosh Penal Institution</i>
<i>Vazgen Galstyan</i>	<i>March 18, 2004</i>	<i>§327I 2 years</i>	<i>Kosh Penal Institution</i>
<i>Melsik Sargsyan</i>	<i>April 15, 2004</i>	<i>§327I 1½ years</i>	<i>Kosh Penal Institution</i>
<i>Harutyun Tonoyan</i>	<i>April 30, 2004</i>	<i>§327I 1½ years</i>	<i>Kosh Penal Institution</i>
<i>Hovanes Melkonyan</i>	<i>April 30, 2004</i>	<i>§327I 1½ years</i>	<i>Kosh Penal Institution</i>
<i>Mikael Mkrtchyan</i>	<i>May 5, 2004</i>	<i>§327I 2 years</i>	<i>Nubarashen Penal Institution</i>
<i>Ruslan Avetisyan</i>	<i>May 26, 2004</i>	<i>§327I 2 years</i>	<i>Nubarashen Penal Institution</i>

One Jehovah's Witness was sentenced to pay a fine:

<i>Stepan Epremyan</i>	<i>March 29, 2004</i>	<i>§327I penalty 300 000 dram</i>
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¹ **Article 327 I states:** Evading a recurring call to emergency military service, or educational or military training, without a legal basis for being relieved of this service, shall incur a fine in the amount of 300 to 500 minimum wages or arrest for up to two months or imprisonment for up to two years.

Article 362 I states: Desertion, i.e. willful abandonment of the military unit or place of service for the purpose of total evasion from military service, as well as, failure to report for service for the same reasons, is punished with imprisonment for the term of up to four years