

Public Statement

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Armenia: A positive step towards religious freedom

Amnesty International welcomed yesterday's acquittal of Jehovah's Witness Levon Margaryan who had faced up to five years' imprisonment under the Armenian Criminal Code for "enticing minors into attending religious meetings of an unregistered religion" and "influencing members to refuse their civic duties".

The mere fact that Levon Margaryan was charged under these provisions sends a worrying signal for the future of religious freedom in Armenia. If convicted and sentenced to imprisonment, Amnesty International would have considered Levon Margaryan a prisoner of conscience, imprisoned solely on account of his non-violent religious activities.

The prosecution has reportedly decided to appeal the verdict.

The case had been brought against Levon Margaryan in March this year at the Armavir regional court near Yerevan, reportedly because children had attended Jehovah's Witnesses meetings in the town of Medzamor where Levon Margaryan is a Jehovah's Witness elder. The defence had maintained that parents had signed documents giving permission for their children to attend, while the prosecution had denied the existence of such documents, accusing Levon Margaryan of 'enticing' minors into attending meetings of an 'unregistered religion'. Amnesty International was concerned at reports that prosecution witnesses had had their statements dictated to them. For example, according to a statement from the Jehovah's Witness community, Lilia Kazaryan, one of the prosecution witnesses, stated that an official from the National Security Ministry had dictated part of her written statement that

reportedly included the words: "Jehovah's Witnesses are against our government and our religion".

The Jehovah's Witnesses have been attempting since 1991 to register officially in Armenia, without success, and have alleged that the court case has been motivated by the National Security Ministry in an effort to block registration. Levon Margaryan is said to be a member of the Jehovah's Witnesses committee trying to negotiate registration, and the Jehovah's Witnesses claim that if he gets a criminal record, then the National Security Ministry will use this as a pretext to veto registration.

Furthermore, a key witness for the defence was arrested during the trial for his conscientious objection to military service. Aram Shahverdyan, 18 years old and a Jehovah's Witness, was arrested on 25 July on charges of "evading military service" and taken into custody pending trial. In the court hearing the previous week (on 20 July), Aram Shahverdyan had reportedly rejected the prosecutor's statements that Levon Margaryan had forced him to reject military service, insisting he was responsible for his own decision not to enlist, and had not been pressured by Levon Margaryan. He is reported to have told the court: "I studied the Bible and made my own conscientious decision on this issue." Jehovah's Witnesses monitoring the trial believed the arrest might have been an attempt to prevent other witnesses for the defence testifying in the trial. Aram Shahverdyan was subsequently convicted and sentenced to two years' imprisonment on 9 August at the Armavir regional court.

Amnesty International stated that all individuals arrested for their conscientious objection to compulsory military service are considered to be prisoners of conscience and the Armenian authorities should release them immediately.

Background

On accession to the Council of Europe on 25 January 2001, Armenia committed to “ensure that all Churches or religious communities, in particular those referred to as ‘non-traditional’, may practise their religion without discrimination”. Armenia also agreed to adopt a law on an alternative to military service within three years of accession, and in the meantime to pardon all conscientious objectors sentenced to prison terms or service in disciplinary battalions.

Despite these commitments, Armenia continues to arrest and convict young men for their conscientious objection to compulsory military service. In the first half of 2001 alone, 15 young men, all Jehovah’s Witnesses, were reported to have been imprisoned for conscientious objection, and sentenced to terms ranging from one to three-and-a-half years’ imprisonment. Amnesty International understands that such young men have repeatedly expressed their willingness to perform a civilian alternative to military service, should they be offered this possibility. The continuing imprisonments appeared to be a violation, at the very least, of the spirit of Armenia’s commitment on accession to the Council of Europe.

Article 244 of the Armenian Criminal Code was introduced into the Soviet Armenian Criminal code in the early 1960s and has remained unchanged since. During the Soviet era, Amnesty International adopted as prisoners of conscience a number of people who had been convicted under this or analogous provisions in the Soviet Republic criminal codes, in particular Article 227 of the Criminal Code of the Russian Soviet Federative Socialist Republic (RSFSR). The official Soviet Commentary to Article 227 of the RSFSR Criminal Code specified that judicial officials must first establish whether the given religious group was officially registered or not, and singled out Pentecostals and Jehovah’s Witnesses as being the ‘sects’ usually involved in prosecutions under this provision.

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