

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Independent Expert on Minority Issues; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

REFERENCE: UA G/SO 218/2 Assembly & Association (2010-1) G/SO 214 (56-23) Minorities (2005-4)
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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Independent Expert on Minority Issues; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/6, 14/11, and 15/21.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the harassment of members of the Jehovah's Witnesses community as well as the imprisonment of the following 72 Jehovah's Witnesses for their conscientious objection to military service:

David Mnatsakanyan, Vigen Sargsyan, Vladimir Sargsyan, Gagik Toplakhaltzyan, Harutyun Gagyan, Gor Aslanyan, Ishkhan Grigoryan, Aram Apresyan, Kamo Sahakyan, Arkadi Mardoyan, Vanik Soghomonyan, Grigor Safaryan, Lyudvik Arshakyan, Raphael Manukyan, Karapet Aghadjanyan, Hakob Babudjyan, Artak Kroyan, Vahram Grigoryan, Gevork Sargsyan, Roman Minasyan, Andranik Martirosyan, Aghasi Sargsyan, Hayk Ghazaryan, Spartak Khanumyan, Levon Vardanyan, Vardan Vardanyan, Hovhannes Kasemyan, Taron Pirapyan, Artur Torosyan, Karapet Sargsyan, Samvel Prutyan, Ashot Khachikyan, David Martirosyan, Arayik Nahapetyan, Zorayr Arakelyan, Narek Seyranyan, Levon Tumanyan, Rafael Khalatov, Narek Chinaryan, Narek Pogosyan, Suren Tonoyan, David Khlghatyan, Andranik Bagiryan, Edouard Ohandjanyan, Levon Avakyan, Alik Davtyan, Sevak Aghekyan, Manuk Khechoyan, Derenik Minasyan, Vahe Avetisyan, Artur Hayrapetyan, Hakob Engibaryan, Harutyun Mnatsakanyan, Gor Mesropyan, Artashes Arshakyan, Vardan Antonyan, Vahagn Alikhanyan, Anri Khachatryan, Nikolay Poghosyan, David Muradyan, Ashot Voskanyan, Samvel Sargsyan, Arutyun Kirakosyan, Arman Nersisyan, Andranik Geghamyan, Hayk Sargsyan, Hovik Gasparyan, Hovhannes Sardaryan.

A further three are held in pretrial detention, namely: **Artur Adyan, Vahan Margaryan** and **Harutyun Khachatryan**. On 19 July 2011, **Garegin Avetisyan** was convicted as a conscientious objector, sentenced and arrested for refusing military service.

According to information received:

It has been reported that the aforementioned individuals have been charged under the Armenian Criminal Code for their conscientious objection to military service on religious grounds. Despite the decision of 7 July 2011, by the Grand Chamber of the European Court of Human Rights in the case of Bayatyan vs. Armenia (application no. 23459/03), it has been reported that members of the Jehovah's Witnesses continue to be imprisoned for their refusal to engage in military service on religious grounds.

In addition, it has also been reported that religious conventions and meetings organized by Jehovah's Witnesses have been cancelled, very often at short notice, allegedly due to pressure from Government officials and from priests of the Armenian Apostolic Church.

Reportedly, two annual district religious conventions organized by the Jehovah's Witnesses in the cities of Vanadzor and Parakar were cancelled by the owners of the facilities in June and July 2011. Approximately 600 Jehovah's Witnesses were denied entry to the three day convention, scheduled to take place in Vanadzor from 10 to 12 June 2011. The entrance to the auditorium was reportedly locked by the owner following a bomb threat, should the facility be used by the Jehovah's Witnesses. The owner of the facility would allegedly only allow for the convention to take place, if approval was received from the Armenian authorities.

As a result the convention was cancelled with another religious convention in Parakar, due to take place from 1 to 3 July 2011, also being cancelled. Allegedly, the owner of the facility was pressured by both government officials and priests of the Armenian Apostolic Church. Consequently, approximately 800 Jehovah's Witnesses were denied their right to freely worship and to assemble peacefully.

Furthermore, from March to June 2010, three other Jehovah's Witnesses meetings in Yerawan, Gyumri and Vandazor were reportedly cancelled or disrupted. In Gyumri, for example, local authorities had allegedly forced the 1,000 Jehovah's Witnesses attending a convention to vacate the rented facilities on 19 June 2010, without giving any reason for the expulsion. In Vanadzor, a signed contract with the management of the building rented for a religious convention was unilaterally cancelled just a few days before the convention was due to take place on 18 June 2010.

Serious concern has been expressed that cancellations of these meetings and conventions organized by Jehovah's Witnesses form part of a worrying trend to severely restrict their right to freely worship and to assemble peacefully.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances concerning the

cancellations of religious convention of the Jehovah's Witnesses and the imprisonment of the 72 abovementioned conscientious objectors.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the 72 abovementioned conscientious objectors is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR), and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in Armenia, in accordance with articles 18 of the UDHR and of the ICCPR, respectively.

The General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end "(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated; (b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; [...] (g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas; [...] (k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;"

Furthermore, we draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the ICCPR establishes that: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." In addition, the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities require under article 1.1 that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Article 2 states that "Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public,

freely and without interference or any form of discrimination. In addition, article 4.1 of the Declaration establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.”

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?
3. Please explain how the imprisonment of the above mentioned individuals for their refusal to engage in military service on religious grounds is compatible with international human rights standards, including on freedom of thought, conscience and religion.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

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