

Human Rights Without Frontiers International

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Statement

This year has been characterized in the OSCE space by the persistent lack of recognition of the right to conscientious objection to military service in a few countries and by laws restricting the structuring and the freedom of religious communities.

In **Armenia**, we welcome the efforts that were made to pave the way to a civilian alternative service but as of 30 June 2005, there were still 16 male Jehovah's Witnesses in prison for their conscientious refusal of military service on religious grounds. The new law does indeed not provide for a genuine alternative civilian service. For example, Article 6 states that issues related to alternative service are dealt with by the military. Article 13 mentions that workers are assigned by the Military Conscription Committee and article 14 says that the alternative service call-up is organized and supervised by the military. If conscientious objectors were put under a non-military authority, a considerable move forward would have been made.

In **Nagorno-Karabakh**, two local believers and a Jehovah's Witness drafted in Armenia were sentenced to a prison term as conscientious objectors in Stepanakert. Nagorno-Karabakh, which has adopted Armenia's criminal court, has compulsory military service for all young men, with no alternative service provision. Article 364, part 1 of the criminal code punishes "refusal to perform one's military duties" with detention of up to 3 months, disciplinary battalion of up to 2 years or imprisonment of up to 2 years.

On September 5, 2005, the district court of Hadrut in south-eastern Karabakh sentenced Mirzoyan to one year's imprisonment for refusing to swear the military oath or bear arms because of his religious convictions. Mirzoyan is a Karabakh native and a member of a local congregation of the Council of Churches Baptists, was called up last December. In the wake of his conscription he was beaten up in two different military units and served 10 days in military prison.

Already held in Shushi prison for refusing military service on grounds of religious conscience is Jehovah's Witness Areg Hovhanesyan, sentenced on 16 February to four years' imprisonment.

Also sentenced in Karabakh this year for refusing military service on religious grounds was another Jehovah's Witness Armen Grigoryan, an Armenian citizen

who had been illegally deported from Armenia to serve in Karabakh against his will. Grigoryan was returned to Armenia to serve his two year sentence. Grigoryan is now being held in the prison in the town of Nubarashen close to the Armenian capital Yerevan.

In **Azerbaijan**, the right to alternative civilian service is not recognized. Since last year, Mahir Bagirov has made numerous requests for alternative civilian service and has used all the domestic legal means at his disposal to have this right recognized but on February 4, 2005, the Supreme Court dismissed his appeal. In May 2005, Bagirov found political asylum in the United States.

In **Turkmenistan**, despite a presidential amnesty of all the conscientious objectors in April 2005, the legislation on military service remains unchanged: only a non-combatant alternative service in the army is proposed to the objectors.

In **Russia**, the alternative civilian service is not consistent with OSCE standards. Its duration is up to 42 months and is in fact a "punishment" as the military service lasts 24 months. Most important, conscientious objectors are not given the choice between a true civilian service in social institutions and mere combatant duty within military organisations as the decision is to be made by the drafting commission together with the military commissar without taking into account the opinion of the conscript.

In Russia, religious freedom is also shrinking. The greatest blow in the last year was the local court decision in Moscow banning that city's branch of the Jehovah's Witnesses. Though formally the court decision applies only to Moscow, it has triggered crackdowns in other regions.

The denial of permission to rent public buildings for worship services is a continuous problem for many Protestant congregations.

Another new development is the destruction of churches and the firing of religious believers from their secular jobs. The most vulnerable targets seem to be those affiliated with the unregistered "Initsiativniki" Baptists.

For Roman Catholics, the greatest difficulty lately has been the issuance of visas for their clergy.

On June 22, 2005, the Committee of the Honouring of Obligations and Commitments by Member States of the Council of Europe said in the section of its report devoted to freedom of conscience and religion:

"We were distressed to hear during our fact-finding missions reports about numerous cases of religiously motivated violence – physical violence, intimidation, other forms of attacks against the representatives of "non-traditional" confessions and their places of worship. In most cases the local and regional authorities turned a blind eye to these attacks and did not prosecute their authors.

We are alarmed by the recent trend of segregation of religious organisations into traditional and non-traditional groups. Recognising the fact that the federal authorities are trying to secure the unhindered realisation of the freedom of religion, we have to state that regional and local bodies in many cases are reluctant to protect the rights of religious communities and fail to address properly the cases of freedom of religion violations."

In **Uzbekistan**, unregistered religious activity is still illegal, with believers often punished simply for holding prayer meetings in private homes. It is almost impossible for minorities to register new congregations. Religious literature is censored. Imported books such as Bibles have been confiscated and destroyed. All missionary activities are banned.

Following the Andijan uprising, Tashkent has tightened its repressive religion policy. Protestants in north-west Uzbekistan – whose activities in the region are banned – are under great pressure, as are Hare Krishna devotees in that region. Protestants from a number of churches say the authorities are tracking their activities more intently than before. Members of the Full Gospel Church in the capital Tashkent have frequently faced questions about their church's activities. One member of the congregation was even held for over a month in jail by police.

Members of another church in the capital, Bethany Protestant Church, have recently been imprisoned and fined, in an ongoing campaign that the authorities have conducted against the church, which has repeatedly tried to register with the authorities. Protestants involved in charitable work have also attracted hostile attention from the authorities, the main reason for the harassment seeming to be that they are Protestant.

The situation of Jehovah's Witnesses continues to be bad. After the Andijan events, a number of criminal cases were brought against their believers almost simultaneously. On 10 August 2005, a Jehovah's Witness from the town of Prigovor, in the central region of Navoi [Navoli], was found guilty at the Navbokhor district court of committing a crime under Article 229 (2) (breaking the law on teaching religious beliefs) of the Criminal Code. He was sentenced to a fine of 50,000 Som (286 Norwegian Kroner, 36 Euros, or 44 US Dollars), Shirobokov told Forum 18.

A criminal case is also currently under way, in the southern town of Karshi [Qarshi], against Feruza Mamatova and Bakhrom Pulatov, who are accused of operating an unregistered religious organisation under Article 216 (2) of the Criminal Code. It is unusual for this article to be used against religious minorities, but previous victims have included both Jehovah's Witnesses and Pentecostal Christians. Mamatova and Pulatov are specifically accused, as members of the Jehovah's Witnesses, of attending a religious meeting on 26 January 2005 and of talking to Uzbek citizens – with their agreement - about religious matters in May and June 2005. Attempting to convert someone to another faith is illegal in Uzbekistan.

Under article 216 (2), repeat offences for illegal religious activity are punishable by a fine of between fifty and hundred times the minimum monthly wage, detention for up to six months or imprisonment for up to three years. Both Pulatov and Mamatova have already been fined for their religious activity, the fines being imposed two days after widespread raids on Jehovah's Witness meetings across Uzbekistan.

Unreasonable conditions for the registration of congregations and hence the legal right to meet for worship continue to be imposed on Jehovah's Witnesses, especially in Navoi and Karshi.

On August 5, 2005, seven law enforcement officials made an unauthorised search of an apartment belonging to a Tashkent Jehovah's Witness, Nadezhda Miryaeva. The officials seized all of Miryaeva's Jehovah's Witness literature, which is the usual official practice.

Recommendations

Human Rights Without Frontiers Int. recommends

to Armenia, Nagorno-Karabakh, Turkmenistan, Uzbekistan and Russia

- to respect the OSCE norms protecting religious minorities and the right to conscientious objection to military service;
- to release conscientious objectors and/or to order a moratorium.

Human Rights Without Frontiers Int. recommends

to the ODIHR, its Advisory Panel and the Personal Representatives to the OSCE Chairman-in-Office

- to assist Armenia, Turkmenistan and Russia in their dealing with the conscientious objection issue by organizing meetings in the capital cities of these countries with representatives of other OSCE participating states which have solved that issue in accordance with the OSCE norms;
- to assist Russia and Uzbekistan in giving their religious minorities easy access to official registration and legal personality so as to facilitate the exercise of their religious freedom by organizing meetings in the capital cities of these countries on the OSCE norms contained in the ODIHR brochure "Freedom of Religion or Belief: Laws affecting the structuring of religious communities."