



August 7, 2026

Armenian Bar Association's Response to the Criminal Prosecution of His Holiness Garegin II

Religious Autonomy Under International Human Rights Law

Courts interpreting international human rights instruments, including the European Convention on Human Rights (to which the Republic of Armenia is a State Party), have consistently recognized that, while the freedom to hold religious beliefs is absolute, the expression and organization of religion may be subject to state regulation **only where it is prescribed by law and is strictly necessary to protect** public safety, public order, health, morals, or the rights and freedoms of others. In particular, the European Court of Human Rights has repeatedly recognized that the autonomy of religious communities is an indispensable component of the right to freedom of religion protected by Article 9 of the Convention.

Accordingly, decisions concerning matters of doctrine, ecclesiastical discipline, church governance, and the appointment or removal of clergy are presumptively for religious communities, not civil authorities, to determine. Absent exceptional circumstances that satisfy the Convention's strict requirements, state interference in such internal religious matters is incompatible with the principles of religious freedom and institutional autonomy.

The Criminal Proceedings

It is with these principles in mind that the Armenian Bar Association is deeply troubled by the criminal prosecution of His Holiness Garegin II and the six members of the Supreme Spiritual Council of the Armenian Apostolic Holy Church.

According to court records, including the summary of the criminal charges, the allegations are as follows. On or about January 10, 2026, Catholicos Garegin II issued Patriarchal Directive No. 2 removing Bishop Gevorg Saroyan from his position as Primate of the Masis Diocese. Bp. Saroyan subsequently filed suit in the Armavir District Court seeking to have Patriarchal Directive No. 2 declared invalid and to be reinstated as Primate of the Masis Diocese. The District Court accepted the lawsuit and, on the same day, issued a preliminary injunction prohibiting the Armenian Apostolic Holy Church from obstructing Bp. Saroyan's service as Primate of the Masis Diocese. The court further enjoined the Church from taking any action that would interfere with Bp. Saroyan's exercise of the powers and duties assigned to a diocesan primate under Article 68 of the Church's Charter, including management of the Diocese's financial accounts. The injunction was to remain in effect pending entry of a final judgment.

The Prosecutor General's Office of the Republic of Armenia alleges that, after learning of the court's ruling, the Supreme Spiritual Council determined that Bp. Saroyan's conduct constituted a breach of communion with the Mother See, canonical deviations, and a violation of his vow of

obedience. By unanimous vote, the Supreme Spiritual Council recommended that His Holiness Garegin II defrock Bp. Saroyan. Garegin II accepted that recommendation and defrocked Bp. Saroyan, thereby allegedly committing the offense of obstructing execution of the court's injunction.

The initial hearing on the criminal charges was held on August 7, 2026. According to defense counsel Ara Zohrabyan, following the hearing the presiding judge recused himself after disclosing that he had received his judicial license during Mr. Zohrabyan's tenure as Chairman of the Chamber of Advocates. As a result, the hearing was adjourned without any substantive ruling on the merits. The case will be reassigned to a different judge, and no date has yet been set for the next hearing.

The Armenian Bar Association's Position

If these allegations were a hypothetical, they would illustrate a textbook example of why civil courts should exercise restraint in matters of internal religious governance. Whether, and under what circumstances, a bishop may be removed from or reinstated to ecclesiastical office are quintessentially religious questions governed by canon law and the internal rules of the Church. It is not ordinarily a matter for judicial determination. And criminal liability predicated on the legitimate exercise of ecclesiastical authority raises serious concerns under the principles of religious autonomy protected by international human rights law.

The Armenian Bar Association respectfully calls upon the Prosecutor General's Office of the Republic of Armenia to reconsider its decision to indict His Holiness Garegin II and the six members of the Supreme Spiritual Council under Article 507 of the Criminal Code. We further urge the Armenian Church leaders to pursue all available legal remedies, including appellate review, to seek reconsideration of the Armavir District Court's preliminary injunction, which we believe was erroneously granted and precipitated the present dispute.

The Armenian Bar Association reaffirms that the rule of law requires both respect for judicial authority and respect for the autonomy of religious communities. Those core principles are not in conflict. Rather, the legitimacy of the justice system depends upon courts recognizing the limits of their own authority, particularly where the internal governance of religious institutions is concerned.