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ARMENIA: Nearly 50 Jehovah's Witness and Molokan prisoners of conscience

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Numbers of religious prisoners of conscience in Armenian jails continue to increase, despite a January 2004 promise to the Council of Europe to free all conscientious objectors and introduce a genuinely civilian alternative service. There are now 48 Jehovah's Witness and Molokan prisoners, Forum 18 News Service has found. Molokans are a Russian Christian group with pacifist leanings. Four more Jehovah's Witnesses await trial after abandoning 'civilian' service run by the Armenian Army's General Staff, with military regulations imposed on participants. A defence lawyer has complained to Forum 18 that these trials are being deliberately dragging out by the authorities. Armenia's Deputy Prosecutor-General, Kevork Danielyan, has claimed to Forum 18 that "the Jehovah's Witnesses are exploiting inadequacies in the law." He failed to explain to Forum 18 why they might be organising their own imprisonment and exploiting the law to achieve this. Officials have claimed to Forum 18 that more legal amendments are in preparation.

With the number of Jehovah's Witness and Molokan conscientious objector prisoners now at 48, and four more Jehovah's Witnesses awaiting trial, a Jehovah's Witness lawyer has complained to Forum 18 News Service that the Armenian authorities are deliberately dragging out the trials, as they are too embarrassed to sentence them.

The lawyer, who preferred not to be named, gave the appeal of the four Jehovah's Witnesses who abandoned their 'alternative' service at Sevan Psychiatric Hospital, north of Lake Sevan, last May as an example. The four abandoned their service when after it became obvious that the military was in control; they were checked up on by Military Police, kept in military barracks, fed by the military, had to wear military uniforms and were ordered to have military haircuts. Cases against them for abandoning their service were begun by the Military Prosecutor.

"Their appeal was due on 17 February, but after waiting an hour for the Prosecutor it turned out that the four prisoners had not been brought," the lawyer told Forum 18 on 21 February. "The judge could have phoned the prison and had them brought as it is only 15 minutes' drive away. But he didn't." The appeal is now due on 27 February but the lawyer remains sceptical it will go ahead.

The lawyer noted the "great enthusiasm" of the authorities last year to prosecute simultaneously all 22 Jehovah's Witnesses who abandoned their alternative service, but said this had turned to embarrassment as their lawyers were able to challenge the bases of the prosecutions in court. "Since we marshalled valid legal arguments against their prosecutions they started dragging out these cases," he told Forum 18.

Of the "Sevan Four", Vagarshak Margaryan and Boris Melkumyan were arrested on 17 August 2005, with Artur Chilingarov and Gagik Davtyan arrested the following day. On 3 November Judge Asatryan of Geghargunik District First Court in Sevan sentenced all four to three years in prison each. They were charged with "desertion by agreement", but Asatryan reduced the charge by prior agreement to being absent without leave under Article 361(5) of the Criminal Code (see F18News 7 November 2005 http://www.forum18.org/Archive.php?article_id=683).

Justice Minister David Harutyunyan admitted to Forum 18 on 21 February that it was "not correct procedure" that the investigation into the Sevan Four had been begun by a Military Prosecutor – a point the Jehovah's Witnesses have stressed – but denies that this invalidates their sentences.

The Jehovah's Witness lawyer believes the authorities deliberately targeted one of the four, Margaryan, as his father Lyova successfully evaded prosecution for his leading role in the Jehovah's Witness community in the town of Medzamor, close to the border with Turkey, in a high-profile case in 2001. "The National Security Ministry secret police used faked witness testimony at the trial and this was exposed in court," one Jehovah's Witness told Forum 18. "The Ministry has never forgiven Lyova for that and singled out his son for particularly harsh treatment."

The one Molokan prisoner, Pavel Karavanov, had been conducting his alternative service last year at the psychiatric hospital in Vardenis, in eastern Armenia, together with three Jehovah's Witnesses, Tigran Abrahamyan, Vahe Grigoryan and Karlen Simonyan.

All four abandoned their service there and were sentenced last autumn to two years and six months in prison each.

Armenia's Molokans – descendants of migrants from Russia who came to the South Caucasus to escape religious persecution under the tsars – have seen their numbers dwindle in the last fifteen years from an estimated 50,000 to about 5,000. They live mainly in northern Armenia. Molokans are a Russian Christian group, dating from the 1600s, who closely resemble Protestants. They have pacifist leanings.

Armenia's Deputy Prosecutor-General Kevork Danielyan dismisses the Jehovah's Witness objection to performing military-controlled alternative service and concern about the prisoners. "You have incorrect information," he told Forum 18 from Yerevan on 21 February. "All this is organised. The Jehovah's Witnesses are exploiting inadequacies in the law." However, he failed to explain why the Jehovah's Witnesses might be organising their own imprisonment and why they might be exploiting the law to engineer this.

Jehovah's Witnesses reject such official claims. "The fundamental complaint is not the maltreatment the young men suffered during their alternative service – it's all about the military control," the Jehovah's Witness lawyer told Forum 18. "This is the thread running through every single case." He added that each young man makes up his own mind about whether to serve in the military or not according to his conscience.

One crucial document revealing the extent of military control over the supposedly-civilian alternative service was Order No. 142 issued by Deputy Defence Minister Mikael Harutyunyan on 20 December 2004. The minister ordered the military commissar and the military police to ensure military supervision weekly of all those performing alternative service, with monthly written reports to the Chief of the General Staff, and military searches for any who abscond. The order required the Head of the Mobilisation Administration of the General Staff to supervise the fulfilment of the order.

After all 22 Jehovah's Witnesses who had opted for alternative service abandoned it in spring and summer 2005, other Jehovah's Witness young men have refused to accept military service or the military-controlled alternative. Seventeen have been sentenced to prison terms of between one and two years since April 2005. Seven more were arrested and charged in December and January, with a further two charged but awaiting arrest at home.

An official of the Yerevan Mission of the Organisation for Security and Co-operation in Europe (OSCE) in September 2005 expressed alarm to Forum 18 at the "growing number" of Jehovah's Witness prisoners. "We think the Alternative Service Law [which came into force on 1 July 2004] was not drafted and implemented in good faith. The OSCE was involved in the drafting process but the Armenian authorities disregarded our views." The official said the law must ensure a genuine civilian alternative to military service and must not be punitive in length. (see F18News 23 September 2005 http://www.forum18.org/Archive.php?article_id=657).

The Council of Europe has found that Armenia has failed to fulfil its commitments to free all imprisoned conscientious objectors and introduce a genuinely civilian alternative service by January 2004, as it promised to do (see F18News 19 October 2004 http://www.forum18.org/Archive.php?article_id=434). Krzysztof Zyman of the Council of Europe's Directorate General of Human Rights told Forum 18 on 20 September 2005 that he agreed with the OSCE. "We are urging the Armenian authorities to cooperate with the Council of Europe so that the Alternative Service Law meets European standards," he said, regretting that repeated requests to the Armenian government and its representation at the Council of Europe for copies of the amendments to the Alternative Service Law had been ignored (see F18News 23 September 2005 http://www.forum18.org/Archive.php?article_id=657).

Armenian government officials have rejected the Council of Europe's assessment and have told Forum 18 that they are - once again - preparing further amendments to the Alternative Service Law and the Criminal Code (see F18News 23 February 2006 http://www.forum18.org/Archive.php?article_id=733). It remains unclear whether such proposed amendments will bring Armenia into compliance with its commitments.

A printer-friendly map of Armenia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=armeni>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY