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NAGORNO-KARABAKH: Will imprisoned Baptist face new sentence?

By Felix Corley, Forum 18

Fellow Baptists fear that Gagik Mirzoyan could face new charges when his current sentence for refusing to perform military duties expires on 5 September. "All kinds of officials have told us he will be sentenced again – and that next time the sentence will be harsher," Baptist pastor Garnik Abreyan told Forum 18 News Service from Stepanakert, capital of the unrecognised republic of Nagorno-Karabakh in the South Caucasus. A Karabakh native, Mirzoyan was imprisoned after refusing on grounds of religious faith to swear the military oath and handle weapons when conscripted into the army in 2004. Despite being beaten in prison in February and sent to the punishment cells, Mirzoyan told visiting civil society activist Albert Voskanyan that he has "no complaints" about his current treatment. Jehovah's Witness Areg Hovhanesyan is serving a four-year sentence in the same prison for refusing Karabakh's compulsory military service.

Fellow church members of imprisoned Baptist Gagik Mirzoyan have told Forum 18 News Service that they believe recent difficulties he has experienced in prison in the unrecognised republic of Nagorno-Karabakh in the South Caucasus have now been resolved. But they fear he could be imprisoned again for refusing to swear the military oath and handle weapons on religious grounds once his current term of imprisonment expires on 5 September. "All kinds of officials have told us he will be sentenced again – and that next time the sentence will be harsher," Baptist pastor Garnik Abreyan told Forum 18 from Karabakh's capital Stepanakert on 20 March. "We're not lawyers, but we know that it is wrong to sentence people more than once for the same offence."

Abreyan insisted that Mirzoyan is prepared to serve in the military if he can do so in accordance with his Christian faith without swearing the oath and without handling weapons, but would prefer to do alternative service, an option not currently offered in Karabakh, where two-year military service is compulsory for all young men. "We're prepared to serve in hospitals even on the frontline," Abreyan told Forum 18. "We want to show everyone here it's not because we're afraid."

Jehovah's Witness young men – who face the same problems when called up – have also called for the Karabakh authorities to introduce an alternative service, for example in hospitals. One local civil society activist who has initiated a debate on this is Albert Voskanyan, director of the Centre for Civilian Initiatives in Stepanakert.

Lieutenant-General Seyran Ohanyan, Defence Minister of the unrecognised republic, insisted to Forum 18 in February 2005 that those who cannot serve in the armed forces on grounds of conscience have to be dealt with under the law, pointing to the unresolved armed conflict with Azerbaijan (see F18News 22 February 2005 http://www.forum18.org/Archive.php?article_id=517).

Mirzoyan was beaten in prison in the town of Shushi, near Stepanakert, in February, and then on 25 February was sentenced to ten days in the prison punishment cells for refusing to perform tasks he was assigned. It remains unclear what duties he refused to perform and why. However, the prison director, Artur Abramyan, told Voskanyan at the prison on 20 March that Mirzoyan had in the end served only four days in the punishment cells.

Voskanyan told Forum 18 on 20 March that during his visit to the prison earlier in the day he had been able to meet Mirzoyan who, he said, is now working in the prison canteen and has "no complaints" about his current treatment. The previous week, Mirzoyan was able to meet his mother and sister, who noted that his face, legs and hands were swollen and bruised and that even walking caused him pain. Voskanyan stressed to Forum 18 that the prison authorities had previously praised Mirzoyan and imprisoned Jehovah's Witness conscientious objector Areg Hovhanesyan for their "exemplary behaviour".

No official was prepared to discuss Mirzoyan's case with Forum 18 on 20 March. Officials at the police in Stepanakert – who still have authority over prisons despite moves to transfer them to the authority of the Justice Ministry - referred all enquiries to the Prosecutor's Office. The Stepanakert and the Karabakh prosecutor's offices both said they were not involved in his case. No one at Shushi prison was prepared to talk to Forum 18.

Abreyan stressed that the Baptists want to resolve Mirzoyan's case amicably. "Our sole aim is to ensure that our brother is not

beaten, we're not trying to cause trouble and make life difficult for the prison leadership," he told Forum 18.

Mirzoyan, who is from Mardakert in northern Karabakh and is a member of a local congregation of the Council of Churches Baptists (who refuse on principle to register with the state authorities in post-Soviet countries), was called up in December 2004. He announced immediately that he was not able to serve with weapons or swear the military oath on grounds of religious conscience. In the wake of his conscription he was beaten up in two different military units and served 10 days in military prison. Although he was then allowed to serve without weapons or swearing the oath, he was later prosecuted.

At the district court of Hadrut in south-eastern Karabakh in July 2005, Mirzoyan was found guilty under Article 364 part 1 of the Criminal Code (Nagorno-Karabakh has adopted Armenia's Criminal Code), which punishes "refusal to perform one's military duties" with detention of up to 3 months, service in a punishment battalion of up to 2 years or imprisonment of up to 2 years. Mirzoyan was sentenced to two years' imprisonment, but this was suspended and he was then sent back to his military unit. However, in September Hadrut district court converted this into a one-year term of imprisonment at the urging of military leaders (see F18News 5 September 2005 http://www.forum18.org/Archive.php?article_id=642).

Hovhanesyan, the Jehovah's Witness from Stepanakert also held in Shushi prison, was sentenced in February 2005 to four years' imprisonment for refusing military service on grounds of religious conscience (see F18News 22 February 2005 http://www.forum18.org/Archive.php?article_id=517).

Also sentenced in Karabakh in 2005 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 (see F18News 7 July 2005 http://www.forum18.org/Archive.php?article_id=600). He has now been freed.

Controversy continues over Armenia's failure to honour its promise to the Council of Europe to free imprisoned conscientious objectors (see F18News 22 February 2006 http://www.forum18.org/Archive.php?article_id=732) and to introduce genuinely civilian alternative service (see F18News 23 February 2006 http://www.forum18.org/Archive.php?article_id=733). (END)

A printer-friendly map of the disputed enclave of Nagorno-Karabakh is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba> within the map titled 'Azerbaijan'.

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

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