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NAGORNO-KARABAKH: Uncertainty faces Baptist conscientious objector

By Felix Corley, Forum 18

It is unclear whether the authorities will take further action against a young Baptist conscript who refuses to swear the military oath and bear arms on grounds of conscience, Forum 18 News Service has found. Gagik Mirzoyan was freed from prison at the end of a jail sentence, held by the Military Police and, after eight days, transferred to a military unit. "They are still pressuring him to swear the military oath and take up weapons," Baptist pastor Garnik Abreyan told Forum 18. "He still has three months to serve of his military service and we just don't know what they will do with him." Albert Voskanyan, of the Centre for Civilian Initiatives – who has regularly visited both Gagik Mirzoyan and jailed Jehovah's Witness conscientious objector Areg Hovhanesyan – told Forum 18 that "the danger is real that Mirzoyan could be imprisoned again." Deputy Foreign Minister Masis Mailyan told Forum 18 that he does not know what the military will now do.

Baptists in the unrecognised republic of Nagorno-Karabakh in the South Caucasus are still unsure whether the authorities will take further action against a young Baptist conscript who refuses to swear the military oath and bear arms. Freed from prison in Shusha on 5 September, at the end of his sentence for refusing to perform military duties, 20-year-old Gagik Mirzoyan was held by the Military Police and, after eight days, transferred to a military unit. "No-one is doing anything bad to him in the unit, but they are still pressuring him to swear the military oath and take up weapons," Baptist pastor Garnik Abreyan told Forum 18 News Service on 17 September from Stepanakert, the disputed enclave's capital. "He still has three months to serve of his military service and we just don't know what they will do with him."

Mirzoyan, who is from Karabakh's Mardakert district, is a member of a local congregation of the Council of Churches Baptists, who refuse on principle to register congregations with the state authorities in post-Soviet countries. He was called up in December 2004 and immediately refused to swear the military oath and carry weapons. After initially allowing him to serve without weapons and without swearing the military oath, the military authorities then changed their minds.

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, 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 2005 Hadrut district court converted this into a one-year term of imprisonment at the urging of military leaders. He was beaten several times while in the hands of the army and while in prison (see F18News 22 March 2006 http://www.forum18.org/Archive.php?article_id=748).

Nagorno-Karabakh has adopted Armenia's Criminal Code, which also punishes conscientious objection – see eg. F18News 23 February 2006 http://www.forum18.org/Archive.php?article_id=733.

Despite having served his full jail sentence for refusing to perform military duties, Gagik Mirzoyan's two-year term of compulsory military service is not due to be completed until December of this year.

An official at the Defence Ministry, who declined to give his name, told Forum 18 from Stepanakert on 18 September that he was not familiar with Mirzoyan's case and was not prepared to discuss it. He referred all enquiries to the Foreign Ministry, although it has no jurisdiction over what happens in the Karabakh armed forces.

Deputy Foreign Minister Masis Mailyan told Forum 18 on 18 September that he has been following Mirzoyan's case and described his release from prison as "good news" – even though the release was at the end of the young Baptist's full jail sentence. Mailyan said that after having spoken to the Defence Ministry about Mirzoyan's case he thought there was "no urge to punish him again". But he does not know what the military will now do, as Mirzoyan still refuses to swear the military oath.

Mailyan insisted that Karabakh needs to be able to defend itself because of the unresolved conflict with Azerbaijan, but said he believes young men who cannot serve in the armed forces on grounds of conscience should be offered alternative, non-military service. "We strive to meet European standards, and I'm personally in favour of introducing an alternative service," he told Forum

18. However, he noted that no concrete draft law on alternative service has yet reached the local parliament.

Pastor Abreyan told Forum 18 that he and fellow Baptists had been able to meet Mirzoyan on 16 September, at his unit in Nagorno-Karabakh's south-eastern Martuni district. "Gagik is being well treated at the moment, can move freely around the base and has not been made to wear a uniform," Abreyan reported.

Also imprisoned in Shusha Prison, just south of Stepanakert, for refusing military service on grounds of religious conscience is a Jehovah's Witness from Stepanakert, Areg Hovhanesyan. He 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).

Concerned over both Mirzoyan and Hovhanesyan is Albert Voskanyan, head of the Centre for Civilian Initiatives, a local human rights group, who has regularly visited both in Shusha Prison. "The danger is real that Mirzoyan could be imprisoned again," Voskanyan told Forum 18 on 15 September.

Voskanyan had written on 21 August to the president of the unrecognised republic, Arkady Gukasyan, explaining that Mirzoyan had rejected the military oath because of his belief as a Baptist that the Bible forbids the swearing of oaths and had expressed his willingness to serve in the armed forces without swearing the oath. "The following, complex situation has emerged, almost an impasse," Voskanyan told Gukasyan. "The sentenced man, having served the punishment given to him, will again be called up to military service, will again refuse to swear the oath although he is ready to serve the remainder of the term he is due to serve, and will again be sentenced, this time as a recidivist." Voskanyan called on Gukasyan to have Mirzoyan treated "leniently".

Pastor Abreyan told Forum 18 that Mirzoyan is the only Baptist in Nagorno-Karabakh facing such problems. He also reported that Baptist congregations are not obstructed in meeting for worship. "No-one is restricting us – we can hold meetings, pray and worship." (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'.

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