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ARMENIA: Imprisonment of some 80 conscientious objectors "not a human rights issue"

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

Armenia's Foreign and Justice Ministries have denied to Forum 18 News Service that the country's alternative to military service is also under military control. Karine Soudjian, who heads the Human Rights Department in the Foreign Ministry, insisted to Forum 18 that the current Alternative Service Law has "no contradiction" with Armenia's international human rights obligations, including to the Council of Europe. But the Council of Europe's Human Rights Commissioner Thomas Hammarberg says the Law "does not provide for a genuine civilian service as the service is still managed and supervised by the Ministry of Defence". Soudjian says the imprisonment of some 80 Jehovah's Witness conscientious objectors – a figure she disputes – "is not a human rights issue". Parliamentary deputy David Harutyunyan told Forum 18 the Law has "room for improvement" and is being discussed in two parliamentary committees, but declined to spell out what changes are being discussed. Jehovah's Witnesses fear that if the system does not change, at least a further 15 young men will face trial from January.

Despite the call back in April by the Council of Europe's Human Rights Commissioner Thomas Hammarberg for Armenia to free all its imprisoned conscientious objectors, those who cannot serve in the army or perform the alternative service under military control currently being offered continue to be arrested and sentenced, Forum 18 News Service has found. Some 80 conscientious objectors – all of them Jehovah's Witnesses – are now imprisoned. The current Alternative Service Law "does not provide for a genuine civilian service as the service is still managed and supervised by the Ministry of Defence," Hammarberg complained.

Lyova Markaryan of the Jehovah's Witnesses told Forum 18 from the capital Yerevan on 10 December that they have been able to meet officials to resolve some issues, but that "nothing is clear" about whether the Alternative Service Law will be amended to meet Armenia's international commitments. He fears that if there is no change, the number of prisoners could soon rise sharply. "Cases are underway against more than 15 individual Jehovah's Witnesses and unless there is any change their trials could begin as early as January."

Parliamentary deputy David Harutyunyan told Forum 18 that two parliamentary committees – the state and law committee (which he chairs) and the human rights committee – are "discussing ways to improve the law". "It's questionable whether the Law provides a civilian alternative service or not," he told Forum 18 from Yerevan on 9 December, "but there is still room for improvement." He blamed "misunderstandings" on both sides for the continuing imprisonment of conscientious objectors and said a solution will be found. He stressed that alternative service must be free of military control, but not free of state control.

Harutyunyan refused to specify what changes to the Law or to procedures are being discussed or any timetable for any changes.

However, Karine Soudjian, who heads the Human Rights Department in the Foreign Ministry, insisted to Forum 18 from Yerevan on 9 December that the current Alternative Service Law has "no contradiction" with Armenia's international human rights obligations, including to the Council of Europe.

As of 1 November, 78 Jehovah's Witnesses were serving prison sentences of between one and three years for refusing military service on grounds of religious conscience, Jehovah's Witnesses told Forum 18. All had been sentenced under Article 327, Part 1 of the Criminal Code, which punishes evasion of the call-up to military or alternative service. The maximum sentence under this article was increased to three years' imprisonment in December 2005. One other Jehovah's Witness was serving a suspended two-year sentence.

As of 1 November, a further two Jehovah's Witnesses were in pre-trial detention in Nubarashen near Yerevan: Tigran Melikyan, who was arrested on 30 July, and Grisha Ohanjanyan, who was arrested on 13 October.

Soudjian of the Foreign Ministry dismissed the information Forum 18 had received about the number of imprisoned Jehovah's Witness conscientious objectors. "This is not the real figure – you have bad information." Asked what she believes the current figure is, she said: "We haven't any figure." Asked why the Human Rights Department does not seek out this information, given that a Council of Europe commitment is to free these prisoners and introduce a fully civilian alternative service, she told Forum 18: "This

is not a human rights issue."

Unlike representatives of the Foreign Ministry, Armenia's Justice Ministry does admit that Jehovah's Witnesses who cannot serve in the military on grounds of religious conscience are in prison. However, Lana Mshetsyan, spokesperson of the Justice Ministry, insisted to Forum 18 back in October that the situation for the then 86 Jehovah's Witness prisoners was "different", saying that they were imprisoned for refusing the alternative service being offered. She denied absolutely that the alternative service is under military control and believes it is adequate for those who cannot serve in the military. "So they are not 'prisoners of conscience' at all," she told Forum 18.

The number of imprisoned conscientious objectors has barely changed over the past year. As of September 2007, a total of 82 Jehovah's Witnesses were in prison serving sentences or awaiting trial. As well as the hundreds of Jehovah's Witness prisoners in recent years, a young Molokan Pavel Karavanov was freed from prison in 2006 after serving a sentence for refusing military and alternative service on grounds of religious conscience. Molokans are a Russian Protestant church, established in the 17th century and known for their pacifism. There are about 4,000 Molokans in Armenia (see F18News 26 September 2007 http://www.forum18.org/Archive.php?article_id=1024).

Soudjian of the Foreign Ministry claimed to Forum 18 that the Alternative Service Law adopted in 2003 and amended in 2004 and 2006 meets the obligations Armenia took on itself when it joined the Council of Europe in 2001. However, the failure to free imprisoned conscientious objectors and introduce a civilian alternative service by 2004 has drawn repeated criticism from officials of the Council of Europe, as well as of the Organisation for Security and Co-operation in Europe (OSCE).

The Council of Europe also criticised the length of the alternative service (42 months compared to 24 months' military service), a criticism repeated by Commissioner Hammarberg in April, who described it as "far too long".

Markaryan of the Jehovah's Witnesses told Forum 18 that he and his colleagues have met officials to try to help them understand the Jehovah's Witnesses' position. He said they met Deputy Defence Minister Ara Nazaryan in late November. "He told us at the end that he understood that we want an alternative civilian service," Markaryan reported. "At the moment officials are listening and we believe they understand what we want. But we don't know what reaction there will be."

Markaryan and other Jehovah's Witnesses insist that the alternative service now on offer remains under military control. "This became clear back in 2004 when 22 of our young men tried it. There has been no change in procedures since then." The 22 abandoned the service when they saw it was under military control and were subsequently imprisoned.

Markaryan pointed out that participants are given military record books where they are described as soldiers, are checked up on each week by the military and need permission from the military to go on leave. Article 14 of the Alternative Service Law says that the military organises the alternative service call-up, while Article 13 says that individuals are assigned to their place of work by the military. Article 18 subjects those doing alternative service to the army's Code of Rules. Article 21 treats those who desert from the army and those who abandon alternative service in exactly the same way.

However, Markaryan does note two areas of progress. He said that at a meeting in spring 2008 with Jehovah's Witnesses, Deputy Prosecutor General, Aram Tamazyan, said that those awaiting trial on charges of refusing military and alternative service would no longer be held in pre-trial detention. They would instead only be detained in the courtroom if found guilty. "This is only half-being implemented - it seems not all local prosecutors know about this," Markaryan told Forum 18. "But it is some improvement."

Tamazyan confirmed that he had met the Jehovah's Witnesses to discuss the issue of pre-trial detention. But he insisted to Forum 18 on 10 December that those awaiting trial for refusing military and alternative service are treated the same regardless of which region of the country they live in. He declined to discuss the two current cases where Jehovah's Witnesses are being held in pre-trial detention, one of them for more than four months.

Markaryan also noted that the previous practice of denying military cards to those who have served terms of imprisonment for refusing military and alternative service has now ended after Jehovah's Witnesses met the Defence Minister Seyran Ohanyan in summer 2008. Ohanyan then instructed all military commissariats to issue such cards, a process that began soon after. Markaryan said all their former prisoners now have such cards.

"This was a real problem. Without the military card the young men could not register their place of residence," Markaryan told Forum 18, "and without a registered place of residence they couldn't get an identity card or passport. So they couldn't get a job in the government, couldn't leave the country and couldn't even get married!" (END)

More coverage of freedom of thought, conscience and belief in Armenia and the unrecognised entity of Nagorno-Karabakh is at <http://www.forum18.org/Archive.php?query=&religion=all&country=21>

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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