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NAGORNO-KARABAKH: One year in prison for refusing military oath

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

Armen Mirzoyan, a young Baptist in Nagorno-Karabakh, an internationally unrecognised entity in the south Caucasus, was sentenced to one year's imprisonment on 30 June for refusing to swear the military oath and handle weapons during his compulsory military service, court officials told Forum 18 News Service. "Why has he been sentenced for following the Bible?" his brother Gagik – who had been imprisoned on the same charges by the same judge - told Forum 18. "I asked the officials why they treat Christians like this, and they responded that they follow the laws of Karabakh and no-one can tell them what to do," their mother Anna told Forum 18. Meanwhile, police confiscated religious literature from members of Revival Fire Evangelical Church returning to Karabakh from Armenia. Raids and fines on Protestant Christians and Jehovah's Witnesses continue. "Citizens are free to select their religion and worship," Deputy Foreign Minister Vardan Barsegyan claimed to Forum 18.

Five years after his older brother was sentenced on the same charges by the same judge in the same court, Armen Mirzoyan was sentenced to one year's imprisonment yesterday (30 June) for "refusal to perform military duties", a court official and his fellow Baptists told Forum 18 News Service. He was sentenced at Hadrut District Court in the south of Nagorno-Karabakh, an internationally unrecognised entity in the south Caucasus. Mirzoyan does not oppose serving in the army, but on grounds of religious conscience is not prepared to swear the military oath or take up weapons.

His imprisonment comes as the Nagorno-Karabakh authorities are stepping up raids and fines on religious minority communities and continuing to confiscate religious literature, most recently on 14 June.

Condemning the prison sentence were Mirzoyan's mother Anna and brother Gagik (who was himself imprisoned). "Why has he been sentenced for following the Bible?" Gagik Mirzoyan told Forum 18 on 1 July. "I asked the officials why they treat Christians like this, and they responded that they follow the laws of Karabakh and no-one can tell them what to do," Anna Mirzoyan added. They said that Armen Mirzoyan will appeal against his conviction.

Anna Mirzoyan said she does not know where the military police have taken her son in the wake of the trial, despite her repeated attempts to find out.

Refusal to discuss sentence, fines, raids and literature confiscations

Refusing absolutely to discuss Mirzoyan's imprisonment, the raids, fines and literature confiscations was Ashot Sargsyan, head of the government's Department for Ethnic Minority and Religious Affairs. "The last time we spoke I read what you published," he told Forum 18 from the entity's capital Stepanakert on 30 June. "You did not present my views accurately, so I'm not prepared to talk to you." Asked to specify in what way his views had not been accurately presented, he put the phone down.

Unavailable was Nagorno-Karabakh's Human Rights Ombudsperson Yuri Hairapetyan. His assistant, who did not give his name, told Forum 18 on 1 July that he was on leave until mid-July. Asked whether the Ombudsperson had done anything to defend Mirzoyan's rights in the run-up to the trial, he said he did not know. "Unless an individual submits an appeal, we cannot take up their case," he insisted.

Asked whether Hairapetyan had done anything to defend the rights of religious communities subjected to raids, fines and literature confiscations – such as the Jehovah's Witnesses who have appealed to him - the assistant said he did not know as he had only returned to work from leave that day.

As soon as Forum 18 had introduced itself on the telephone on 1 July, Nagorno-Karabakh Deputy Police Chief Mkhitar Grigoryan claimed that he could not hear anything. Subsequent calls went unanswered.

A deputy Foreign Minister, Vardan Barsegyan, said he was not familiar with any of the problems religious communities face, but repeated earlier assertions by other officials that Nagorno-Karabakh is a "democratic state". "Citizens are free to select their religion

and worship," he claimed to Forum 18 on 30 June.

Pressured to swear military oath

Mirzoyan, a 20-year-old Council of Churches Baptist from Mardakert in the north of Nagorno-Karabakh, was called up in January and transferred to military unit 38401 in Hadrut, which is led by Ararat Melkumyan. There he was threatened by commanders after he refused their pressure to swear the oath. His case was then handed over to prosecutors (see F18News 27 April 2010 http://www.forum18.org/Archive.php?article_id=1437).

Prosecutor E. Agabalyan – the same prosecutor as in his brother's case – prepared the case against Mirzoyan. Prosecutors had initially sought to prosecute Mirzoyan for evading compulsory military service, which carries a punishment of up to four years' imprisonment.

Nagorno-Karabakh allows young men no alternative to military service and has earlier imprisoned conscientious objectors. The most recent was Jehovah's Witness Areg Hovhanesyan, who was freed from prison in Shusha in February 2009 after completing a four-year prison term (see F18News 4 May 2009 http://www.forum18.org/Archive.php?article_id=1290).

Nagorno-Karabakh's Constitution – adopted by referendum in December 2006 – requires all citizens to take part in defence and made no provision for an alternative non-military service (see F18News 9 November 2006 http://www.forum18.org/Archive.php?article_id=866).

One-year prison sentence

Prosecutors eventually brought charges 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. (Nagorno-Karabakh has adopted the criminal code introduced in Armenia in 2003.) Mirzoyan's trial began at Hadrut District Court on 24 June. At the end of the second hearing on 30 June, Judge A. Amirjanyan handed down the one-year sentence.

Although Prosecutor Agabalyan prepared the case and initially presented it in court, demanding that Mirzoyan be given a one-year prison term, he was soon replaced in the courtroom by another Prosecutor, Gabrielyan.

An official at Hadrut Regional Court – who would not give her name – refused to tell Forum 18 on 30 June whether the one year sentence is to be served under general or a harsher prison regime. Baptists told Forum 18 that, although they do not know where he currently is, Mirzoyan is likely to be sent to serve his sentence in the prison in Shusha, where his older brother was also imprisoned.

"After the judge delivered the verdict, he left the courtroom, but Armen's family and fellow Baptists – including two who had come from Armenia – sang hymns right in the courtroom," one Baptist told Forum 18 on 30 June.

Ararat Danielyan, chair of Nagorno-Karabakh's Supreme Court, told Forum 18 from Stepanakert on 30 June that anyone dissatisfied with a lower court decision has one month to lodge an appeal to the higher court, the Nagorno-Karabakh Appeal Court in Stepanakert. Then there is the opportunity for a final appeal to the Supreme Court.

While refusing to discuss Mirzoyan's case, Danielyan insisted that Nagorno-Karabakh's Constitution requires all young men to serve in the army and meet all obligations, such as swearing the military oath and taking up weapons.

Did publicity prevent beatings?

Mirzoyan's older brother Gagik was forcibly taken to a military unit in December 2004 and beaten after refusing to swear the oath and bear arms. He was sentenced and imprisoned in Shusha prison. He was freed in September 2006 and transferred to a military unit, where he was able to serve without swearing the oath and without bearing arms. He was released from service in January 2008 (see F18News 27 March 2008 http://www.forum18.org/Archive.php?article_id=1105).

Local Baptists told Forum 18 that, unlike his brother Gagik, Armen Mirzoyan was not physically mistreated while in the military unit. "After Gagik was so badly beaten, many messages of support came in from around the world," they told Forum 18. "This time, although they made fun of Armen and insulted his faith, they didn't beat him. It was a kind of protection."

Religious literature confiscation

Meanwhile, members of Stepanakert's Revival Fire Evangelical Church were stopped as they returned to Karabakh from Armenia and religious literature was seized, the latest in a series of such victims. The church's pastor, Levon Sardaryan, said that the congregation had hired about 20 minibuses to take all 350 or so church members to a large church meeting in the northern Armenian city of Vanadzor on 13 June.

Sardaryan says that officers of the Police's Criminal Investigation Department stopped the minibuses in the early hours of 14 June on church members' return to Karabakh. "They checked every bus and every bag, taking any religious books and even personal notebooks they could find," he complained to Forum 18 from Stepanakert on 30 June. "They claimed they would conduct an expert analysis of them and return them. But how can they conduct an expert analysis of someone's personal notes on a religious sermon?"

Pastor Sardaryan added that police officers even wanted to take church members' personal Bibles, but were persuaded not to. He complained that, although records of confiscation were drawn up for individuals whose books were seized and for the drivers of the minibuses where literature was found, police refused to give the victims copies of the confiscation record. He added that, more than two weeks after the confiscations, none of the confiscated literature has been returned.

Sardaryan noted that the buses were not carrying religious literature in large quantities and people only had a few personal books and notebooks with them.

Raids and fines

Pressure has been mounting on religious minority communities since a controversial new Religion Law entered into force in January 2009. The Law appears to require registration of religious communities and ban unregistered religious activity.

Other restrictions include: state censorship of religious literature; the requirement for 100 adult citizens to register a religious community; an undefined "monopoly" given to the Armenian Apostolic Church over preaching and spreading its faith while restricting other faiths to similarly undefined "rallying their own faithful"; and the vague formulation of restrictions, making the intended implementation of many articles uncertain (see F18News 3 November 2009 http://www.forum18.org/Archive.php?article_id=1371).

The Jehovah's Witnesses and Revival Fire Evangelical Church were denied registration as religious communities in 2009, while other communities which did not have 100 adult citizens were not eligible to apply. The Council of Churches Baptists – who have a congregation in Mardakert to which prisoner of conscience Mirzoyan belongs – refuse on principle to register with the authorities in any of the former Soviet Union where they have congregations.

Raids began on unregistered communities in February 2010. First to be raided was Stepanakert's Seventh-day Adventist congregation, then the Jehovah's Witnesses and Revival Fire Church. First to be fined were five Jehovah's Witnesses, followed by five members of Revival Fire in Stepanakert, all under Article 206 Part 2 of Karabakh's Code of Administrative Offences, which punishes "holding mass religious meetings without state permission" (see F18News 27 April 2010 http://www.forum18.org/Archive.php?article_id=1437).

Eleven Jehovah's Witnesses detained and fingerprinted on 30 March during a mass raid on the Memorial of Christ's Death meeting in Stepanakert, whose cases were originally due to be heard on 27 April, were fined by the administrative commission of Stepanakert's Mayor's Office on 4 May, also under Article 206 Part 2. Government religious affairs official Sargsyan appeared before the commission to back the police action, Jehovah's Witnesses told Forum 18. They say he told the commission it is illegal for more than two Jehovah's Witnesses to meet together in public or in private.

Each of the eleven was fined 1,000 Armenian Drams, the currency in use in Karabakh (18 Norwegian Kroner, 2 Euros or 3 US Dollars). All eleven filed appeals on 13 May to the Administrative Court. Appeals are due to be heard on 25 and 26 August.

On 3 May, ahead of the hearing, five of the eleven also filed complaints to Human Rights Ombudsperson Hairapetyan.

Hairapetyan defended the fines. "The fact that Levon Sardaryan and the others broke the law is beyond doubt and the fining of them is lawful," he insisted to Forum 18 on 6 May.

On 20 May, the Jehovah's Witnesses filed a complaint with the office of the United Nations Special Rapporteur on Freedom of Religion or Belief.

Another Jehovah's Witness was fined 1,000 Armenian Drams, also under Article 206, Part 2, in Shusha on 14 May. This brought to 22 the number of religious believers fined in 2010 for their religious activity in Nagorno-Karabakh, 17 of them Jehovah's Witnesses and 5 from Revival Fire Church.

Pastor Sardaryan told Forum 18 that after he and the four other Revival Fire Church members refused to pay their fines, Stepanakert's mayor went to court demanding that court executors seize property from the five in response to the non-payment.

Police ordered to tackle "illegal" religious activity

On 28 April, religious affairs official Sargsyan told two visiting Jehovah's Witness lawyers representing those facing punishments that he had ordered the police to arrest Jehovah's Witnesses when they meet together as any such meeting would be illegal, Jehovah's

Witnesses told Forum 18.

Sargsyan has also instructed that police officers responsible for each small locality and individuals in residential blocks responsible for keeping order should report to the local police when members of an "illegal" religious community spread their faith publicly. He spoke of this order to local journalist Alvard Grigoryan, as she told Forum 18 from Stepanakert on 28 June.

As Sargsyan refuses to talk to Forum 18, it has been impossible to confirm these orders, find out why he has issued them and whether he has the authority to do so. (END)

Further coverage of freedom of thought, conscience and belief in Nagorno-Karabakh is at <http://www.forum18.org/Archive.php?query=&religion=all&country=22>.

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