

17 October 2013

ARMENIA: "Imprisoned conscientious objectors should be immediately and unconditionally released"

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

Armenian Jehovah's Witnesses have welcomed the release from jail of eight conscientious objectors to military service. The men all had less than six months of their sentences to run. However, 20 prisoners of conscience remain in jail. "Our position is that the 20 imprisoned conscientious objectors should be immediately and unconditionally released", they told Forum 18 News Service. The government has now introduced alternative civilian service and set up an Alternative Service Committee to decide on applications for alternative service. It is due to hold its first full meeting to consider 65 applications – from Jehovah's Witnesses and others - in the week of 21 to 25 October. Yet Jehovah's Witnesses state that 97 of their young men, including the 20 prisoners of conscience, have applied to have their cases considered. Questions also remain over how the Committee will make decisions. Stepan Danielyan of Collaboration for Democracy notes that only during the November call-up will it be clear whether the new system will allow individuals to choose which type of service to do in accordance with their conscience.

Armenia's Jehovah's Witness community has welcomed as "positive" the release from prison of eight conscientious objectors to military service in a prisoner amnesty. "The families of the imprisoned men were overjoyed to welcome their loved ones home," Jehovah's Witnesses told Forum 18 News Service from Yerevan on 9 October. The men all had less than six months of their sentences to run. However, the Jehovah's Witness are disappointed that, although their terms have been reduced by six months, a further 20 prisoners of conscience remain in prison. "Our position is that the 20 imprisoned conscientious objectors should be immediately and unconditionally released."

Stepan Danielyan of Collaboration for Democracy – which has long campaigned against the imprisonment of conscientious objectors - agrees. "It is not right that the 20 are still imprisoned," he told Forum 18 from Yerevan on 16 October. "They should be freed and allowed to perform alternative service."

Two of the Deputy Justice Ministers involved in the issue were unavailable each time Forum 18 called. Officials told Forum 18 that Grigor Muradyan was out of Armenia, while Ruben Melikyan was in meetings or out of the office each time Forum 18 called on 16 and 17 October.

The government has now introduced alternative civilian service and set up an Alternative Service Committee to decide on individual alternative service applications (see F18News 6 June 2013 http://www.forum18.org/archive.php?article_id=1844). It is due to hold its first full meeting to consider 65 applications – from Jehovah's Witnesses and others - in the week of 21 to 25 October, two officials told Forum 18. Yet Jehovah's Witnesses state that 97 of their young men have applied to have their cases considered by the Committee (see below).

Free prisoners of conscience now

Human rights defenders and Jehovah's Witnesses insist all imprisoned conscientious objectors should have been freed long ago and that the remaining 20 prisoners of conscience should be freed immediately. Armenia committed itself on joining the Council of Europe to introduce a civilian, non-military alternative service by January 2004, it failed to do so. It also pledged to release all those imprisoned for refusing military service in the interim, but continued with a policy of imprisonment. For this it has been strongly criticised by the Parliamentary Assembly of the Council of Europe (PACE) and the United Nations Human Rights Committee (see F18News 20 September 2012 http://www.forum18.org/archive.php?article_id=1745).

In addition, in July 2011 the European Court of Human Rights (ECtHR) in Strasbourg ruled in the case of former conscientious objector prisoner Vahan Bayatyan (Application No. 23459/03) that the right to conscientious objection is protected by Article 9 ("Freedom of thought, conscience and religion") of the European Convention on Human Rights (see commentary by Derek Brett of Conscience and Peace Tax International at F18News 26 July 2011 http://www.forum18.org/archive.php?article_id=1597).

The ECtHR also handed down two similar judgments against Armenia – in cases brought by Hayk Bukharatyan (Application No. 37819/03) and Ashot Tsaturyan (Application No. 37821/03) - in January 2012 (see F18News 1 February 2012)

http://www.forum18.org/Archive.php?article_id=1661).

In November 2012, the ECtHR – in its fourth decision against Armenia in conscientious objector cases – found in the case of Khachatryan and Others (Application No. 23978/06) that Armenia had violated the rights of 17 Jehovah's Witness conscientious objectors (see F18News 3 December 2012 http://www.forum18.org/archive.php?article_id=1774).

Jehovah's Witnesses state that 29 of their young men have been convicted since the Bayatyan judgment, and a further 33 cases are pending with investigators or the courts. All were punished or investigated under Criminal Code Article 327, Part 1, 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.

Eight prisoners of conscience freed, 20 still jailed

Eight imprisoned conscientious objectors were freed on 9 October after they were included in a prisoner amnesty. The amnesty, to mark the 22nd anniversary of Armenia's independence from the Soviet Union, was proposed by President Serj Sarkisyan and approved by parliament on 3 October, the parliamentary website noted the same day.

The longest-serving of the eight amnestied prisoners, Aharon Mushegyan, had been given a three-year sentence in November 2010. The other seven were all imprisoned in 2011, serving sentences of 30 or 36 months. Two of the eight amnestied prisoners had less than 10 days left to serve at the time of their release, Jehovah's Witnesses told Forum 18.

Jehovah's Witnesses remain concerned about the 20 current prisoners. "Unfortunately, the amnesty only reduced their sentences by six months," Jehovah's Witnesses told Forum 18.

Criminal cases continue

Three Jehovah's Witness conscientious objectors were sentenced under Criminal Code Article 327, Part 1 in 2013. Samvel Abrahamyan received a 30-month sentence on 29 January. Narek Grigoryan, was sentenced to 24 months' imprisonment on 25 February. Vahagn Paronikyan received a 24-month sentence on 4 March. However, the three young men were not imprisoned pending their appeals. Grigoryan's appeal is due to be heard at Armenia's Criminal Appeal Court in Yerevan on 21 October.

A total of 27 other criminal cases under Article 327, Part 1 are being investigated. Six more are already in the courts, though no verdict has yet been reached in any of the trials.

All 36 of these individuals have applied for the new alternative civilian service, Jehovah's Witnesses told Forum 18. However, the criminal cases against them have not been dropped. "We have not received any information about what they are planning to do with them," Jehovah's Witnesses told Forum 18.

Forum 18 was unable to reach Gevorg Kostanyan, Armenia's Military Prosecutor, on 17 October.

Civilian institutions

Armenia has long imprisoned those young men unwilling to perform military service or the alternative service under military control. All forms of military service were and are unacceptable to Jehovah's Witness young men and to at least one member of the Molokan community. Hundreds of Jehovah's Witnesses and one Molokan were imprisoned, with prison sentences of up to three years.

The Justice Ministry finally drafted amendments to the 2003 Alternative Service Law and to the 2003 Law on Implementing the Criminal Code to introduce for the first time a genuinely civilian alternative. They were approved by parliament and signed into law by President Sarkisyan in May. They came into force on 8 June (see F18News 6 June 2013 http://www.forum18.org/archive.php?article_id=1844).

Under a 25 July government decision, 11 institutions were identified as places where alternative civilian service would be carried out including nursing homes, children's homes and psychiatric clinics. The 11 institutions are controlled by a number of ministries: the Labour and Social Affairs Ministry, the Health Ministry and the Emergency Situations Ministry. A separate list identified tasks the alternative service workers would carry out, including hospital orderly, laundry worker, kitchen worker, ground staff or emergency rescuer's assistant.

"We're not against these institutions," Jehovah's Witnesses told Forum 18. "They are civilian."

Alternative Service Committee

Under another 25 July government decision, the government appointed the members of the seven-strong Alternative Service

Committee to review applications for alternative civilian service. Chairing the Committee is Vache Terteryan, First Deputy Minister of Territorial Administration. Its other members come from various ministries and agencies, including the Defence Ministry, Health Ministry, the Police and Vardan Astsatryan of the government's Department for Ethnic Minorities and Religious Affairs. The Defence Ministry's representative on the Committee is Deputy Minister Ara Nazaryan, who is a civilian and not a military officer.

Applications

A total of 97 Jehovah's Witness young men have made individual applications to the Committee for alternative civilian service.

Among the 97 applicants are all 20 current conscientious objector prisoners, who applied for transfer to alternative civilian service by the 1 August deadline in accordance with the terms of the amendments. They did so "under protest" to be released from jail, Jehovah's Witnesses complained to Forum 18. "We are at a loss to understand why their applications for alternative service have not yet been processed and they have not been freed."

Any young man transferring from prison to the new alternative civilian service would have the length of time they have been imprisoned deducted from their alternative service, Jehovah's Witnesses told Forum 18.

How will Alternative Service Committee operate?

Human rights defenders have expressed some concern over the role of Defence Ministry officials in the Alternative Service Committee, and vagueness over the way it is supposed to operate (see F18News 6 June 2013 http://www.forum18.org/archive.php?article_id=1844). Forum 18 was unable to reach Deputy Defence Minister Nazaryan on 17 October.

Alternative Service Committee chair Terteryan was unavailable when Forum 18 called on 17 October. But a colleague from his Territorial Administration Ministry, Artur Sogomonyan, head of the Municipal Administration Department, told Forum 18 that the Committee meeting in the week of 21 to 25 October will consider all 65 applications it has received. He said these are not only from Jehovah's Witnesses but others too, though he would not identify the background of these other applicants.

It is unclear how the figure of 65 applications that Sogomonyan quoted matches the 97 applications Jehovah's Witness state have been made from their community, or where other applications – numbering at least 32 - may be in the application process.

Astsatryan of the Department for Ethnic Minorities and Religious Affairs told Forum 18 on 17 October that the Alternative Service Committee has held preliminary meetings, but that the meeting in the week of 21 to 25 October will be the first full meeting and will consider the applications for alternative service received.

Asked if the Committee will approve applications from individuals who base their objections on non-religious reasons of conscience, Sogomonyan of the Territorial Administration Ministry responded: "Each case will be decided individually."

Astsatryan of the Department for Ethnic Minorities and Religious Affairs was also asked by Forum 18 if the Committee will approve applications from individuals who base their objections on non-religious reasons of conscience. He replied that "we will listen and decide on each case. My approach is that alternative service will be open to religious and non-religious applicants."

Yet how the Alternative Service Committee will assess individuals and decide which applicants can proceed to alternative civilian service remains unclear, according to Danielyan of Collaboration for Democracy (see F18News 6 June 2013 http://www.forum18.org/archive.php?article_id=1844).

"I asked about the procedures it will adopt, but no one could tell me," Danielyan told Forum 18. "This is the most important question – will alternative service be for all who apply? Or just for religious objectors? What will happen to the other applicants?" He added that officials fear many people might apply for the alternative, rather than for military service.

Danielyan believes only during the November call-up will it be clear whether the new system is functioning in a way that allows individuals to make a free choice over which type of service to do in accordance with their conscience.

Length of alternative service

Human rights defenders have criticised the length of the alternative civilian service – three years compared to two years' military service (see F18News 6 June 2013 http://www.forum18.org/archive.php?article_id=1844).

However, Jehovah's Witnesses state that the longer alternative service is not the "main concern" for them. "Alternative service is longer, but for us the main concern is that alternative civilian service is not under military control," they told Forum 18. "It seems this has now been met." (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 personal commentary, by Derek Brett of Conscience and Peace Tax International, on conscientious objection to military service and international law in the light of the European Court of Human Rights' July 2011 Bayatyan judgment is at http://www.forum18.org/Archive.php?article_id=1597.

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.

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