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ARMENIA: We are breaking our Council of Europe commitments, official admits

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

Four Jehovah's Witnesses who abandoned their alternative service at a psychiatric hospital in May after it turned out to be under military control were sentenced to three years' imprisonment each on 3 November in Sevan, Jehovah's Witnesses in Armenia told Forum 18 News Service. One of the four, Boris Melkumyan, testified in court that the hospital director ordered them to shovel snow with their bare hands until their arms froze, to remove a dead body from the women's section during the night, and despite having no training, to perform nursing duties on aggressive patients. Valery Mkrtumian of the Armenian foreign ministry admitted to Forum 18 that alternative service is under military control, thus violating Armenia's commitment to the Council of Europe to have introduced a genuinely civilian alternative service by January 2004. Twenty Jehovah's Witnesses are currently serving prison terms in Armenia, with a further fourteen soon due to go on trial.

As six Jehovah's Witnesses have been sentenced in the past ten days to prison terms for abandoning alternative service after they realised it was not genuinely civilian and after what they claim was deliberate maltreatment, a senior official in Armenia's foreign ministry admits to Forum 18 News Service that Armenia has not yet introduced an alternative civilian service, as it should have done by January 2004 under its Council of Europe commitments. "Yes, alternative service is under the control of the military," Valery Mkrtumian, head of the ministry's International Organisation Department, told Forum 18 from the capital Yerevan on 7 November. "We are trying to change this." But he vigorously rejected suggestions by some that Armenia should be punished or expelled from the Council of Europe for violating its commitments.

The latest sentences bring to twenty the number of Jehovah's Witnesses imprisoned after sentences related to refusing to serve in the armed forces on grounds of faith. All 22 Jehovah's Witnesses who agreed to do alternative service in the belief that it would prove to be civilian have long abandoned it.

The Jehovah's Witnesses who have given up their alternative service complain that they were constantly checked up on by military police in the places to which they were allocated, were confined during their 42-month service to the building where they were assigned, were fed by the military, had to wear uniforms provided by the military – and four of them were even ordered to have their hair cut short in military style by the head of Sevan's military police. As proof of the military control over alternative service, the Jehovah's Witnesses point out that cases against those abandoning their alternative services were started by military prosecutors.

Mkrtumian – who oversees the ministry's human rights division - claimed that Armenia adopted its commitment to introduce a civilian alternative service "in good faith" and denied that the country had deliberately failed to meet its obligation. While admitting "setbacks" in introducing such a civilian alternative service, he blamed the Jehovah's Witnesses imprisoned for refusing military service for failing to lodge their applications for alternative service on time, claims the Jehovah's Witnesses reject. "Our law-enforcement agencies tell us here in the foreign ministry that these Jehovah's Witnesses have failed to comply with the norms," Mkrtumian told Forum 18.

On 3 November Judge Asatryan of Geghargunik District First Court in Sevan sentenced Artur Chilingarov, Gagik Davtyan, Vagarshak Margaryan and Boris Melkumyan each to three years in prison, Jehovah's Witnesses told Forum 18 from Armenia on 4 November. They were charged with "desertion by agreement", but Judge Asatryan reduced the charge by prior agreement to being absent without leave under Article 361(5) of the Criminal Code.

On 28 October, Arsen Sevonyan and Narek Alaverdyan were sentenced to two years in prison under Article 361(4), which punishes refusal to perform one's military duties. A further ten Jehovah's Witnesses who abandoned alternative service are awaiting trial in labour camp at Nubarashen near Yerevan, with a further four awaiting trial at their homes.

The four young Jehovah's Witnesses tried in Sevan had agreed to do alternative service and had been assigned to a psychiatric hospital. In their defence at the trial, the four stated that on 18 May, the director of the hospital locked them out of their room and took their keys away. They had to stand in the hospital compound in freezing rain without any outdoor clothing. It was then that they individually decided to leave. They went over the wall and returned home, leaving most of their personal belongings behind. They

immediately informed the authorities of their whereabouts.

Jehovah's Witnesses in Armenia told Forum 18 that in the cases of the four they have learnt that the prosecutor-general, Agvan Hovsepian, initially ordered his assistant, Gagik Jahangiryan, the military prosecutor, to initiate an investigation after the four abandoned alternative service. The investigation was started by a military investigator. On 12 July, the Prosecutor General ordered the civilian prosecutor, Margaryan, to get the files from the military prosecutor's office. He was asked to keep the prosecutor-general up to date with the progress of his investigation. Next, the civilian investigator, V. Stepanyan, interviewed the young men again. On 24 August, the civilian prosecutor, Margaryan, instructed the civilian investigator, Stepanyan, to upgrade the charge to Article 362(2), which punishes desertion by agreement.

"Our lawyers are arguing that this process is illegal," the Jehovah's Witnesses told Forum 18. "It was most interesting that in his closing speech in Sevan the prosecutor asked for the charge to be downgraded to Article 361(5). This was really an acknowledgement that they were having difficulty making Article 362(2) stick."

At the trial, nineteen-year-old Melkumyan testified that he and his companions were ordered by Gagik Garabedian, the director of the psychiatric hospital, to shovel snow with their bare hands until their arms froze, to remove a dead body from the women's section during the night, and despite having no training, to perform nursing duties on aggressive patients. He also explained that during the five months he worked at the hospital he was not allowed to leave the premises. Earlier, the director told the court that the order to detain the four within the hospital compound came from the government.

Melkumyan insisted he had taken the decision to abandon alternative service himself. "I made a personal decision to leave the psychiatric hospital because of constant visits from the military police to check on my activity," he told the court. "Being forced to wear a uniform issued by the military offended my Bible-based conscience." He confirmed to the court his willingness to continue working at the hospital if the alternative service law is amended.

The first of the Jehovah's Witnesses to be tried after abandoning alternative service was Shaliko Sarkissian, sentenced by a Yerevan court on 15 September to two years and eight months under Article 362(1), which punishes desertion (see F18News 23 September 2005 http://www.forum18.org/Archive.php?article_id=657). The Jehovah's Witnesses complain the trial was launched too quickly for Sarkissian to prepare his defence. "He did not even have a lawyer to represent him," Jehovah's Witnesses told Forum 18. "We are appealing his case and the case of the four conscientious objectors convicted in Sevan."

Officials of both the Council of Europe and the Organisation for Security and Co-operation in Europe have repeatedly told Forum 18 of their concern about the continuing imprisonment of Jehovah's Witnesses unable on grounds of their faith from serving in the armed forces and Armenia's failure to meet its commitments to introduce a genuine civilian alternative to military service.

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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