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ARMENIA: 72 religious prisoners of conscience is new record

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

Armenia has a record number of religious conscientious objectors to military service in jail, despite a 2004 promise to free these prisoners of conscience, Forum 18 News Service has found. 72 Jehovah's Witnesses are now in jail. Four of these prisoners have been jailed within the past month, with an average jail sentence for each of the four young men of just under two and a half years. Armenia claims to have a civilian alternative service, but the allegedly "civilian" service is under the complete control of the Armenian General Staff, supervised by the Military Police under military law, and pacifists are forced to wear uniform provided by the military. Jehovah's Witnesses and Molokans insist that they would be happy to perform a genuinely civilian alternative service – but Armenia does not allow this. The father of a Molokan Protestant Christian conscientious objector told Forum 18 that "we're not satisfied with the current alternative service. It's against our faith to take weapons and to kill people."

Armenia's Jehovah's Witnesses have complained to Forum 18 News Service that 72 of their young men are now imprisoned for refusing both military service and the alternative service under military control, the highest number ever. This number could rise still further as the spring 2007 call-up gets underway. Of the 72 current prisoners, 63 have been sentenced and nine are in custody awaiting trial.

"Sentences are getting harsher and are now typically up to three years' imprisonment," Jehovah's Witness lawyer Lyova Markaryan told Forum 18 from the capital Yerevan on 1 May. "The government is saying nothing about this issue." He says the government should fulfil its obligations to the Council of Europe by freeing all the imprisoned conscientious objectors, halt further prosecutions and introduce a purely civilian alternative to military service.

On its accession to the Council of Europe in January 2001, Armenia pledged to adopt a law on alternative service within three years and to beforehand free all conscientious objectors from prison. The Alternative Service Law was adopted in 2004, but the alternative service it created is under military control. This contradicts Council of Europe principles.

On 23 January 2007, the Parliamentary Assembly of the Council of Europe again passed a resolution expressing disappointment over the failure to introduce a civilian alternative service. It said it was "deeply concerned" over the continued imprisonment of "dozens" of Jehovah's Witnesses. "The Assembly urges the Armenian authorities to revise the law on alternative service in accordance with the recommendations made by the Council of Europe experts currently studying this issue and, in the meantime, to pardon the young conscientious objectors currently serving prison sentences," the resolution declared.

The Armenian Parliament's then deputy speaker, Tigran Torosyan, told the Council of Europe Parliamentary Assembly on 22 June 2004 that all conscientious objector prisoners would be freed. Instead, Armenia has continued to jail these prisoners of conscience, which has drawn repeated Council of Europe protests (see F18News 22 February 2006 http://www.forum18.org/Archive.php?article_id=732).

A "civilian" alternative service?

Defence Ministry officials seek to hide military involvement in the "civilian" alternative service. "It is not under the jurisdiction of the Ministry of Defence," Lt Suren Aloyan of the ministry's press office insisted to Forum 18 on 2 May. "It is under Ministry of Health and Ministry of Social Security jurisdiction."

Currently, the Military Commissariat sends those accepted for alternative service to the Health and Social Security ministries for work to be assigned to such conscientious objectors. However, this allegedly "civilian" alternative service is supervised by the Military Police under regulations laid down by the Defence Ministry. Conscientious objectors are ordered to wear uniform provided by the military and fed by the military. All breaches of orders or regulations are dealt with by the Military Prosecutor's Office.

Order No. 142, issued by the then Deputy Defence Minister Mikael Harutyunyan on 20 December 2004, ordered the Military Commissariat and the Military Police to ensure that there is weekly military supervision of everyone performing "civilian" alternative service. Monthly written reports were ordered to be submitted to the Chief of the General Staff, and the military was ordered to search for anyone who attempts to evade the "civilian" alternative service. The Head of the Mobilisation Administration

of the General Staff was given the responsibility of ensuring that Order No. 142 is obeyed (see F18News 22 February 2006 http://www.forum18.org/Archive.php?article_id=732).

"Alternative service is totally under the control of the Defence Ministry," Vahan Ishkhanian, a journalist with the Yerevan-based news agency ArmeniaNow who has often covered conscientious objector cases, told Forum 18 on 1 May. "It is not civilian, which is why Jehovah's Witnesses refuse to do alternative service." He says no-one is currently doing the alternative service.

Government claims

However, despite failing to introduce an alternative service outside the control of the Defence Ministry, Armenian officials insist the country has met its obligations to the Council of Europe. "Unlike our neighbours, we offer an alternative service," Tigran Samvelyan, the head of the Council of Europe department at the Armenian Foreign Ministry, told Forum 18 from Yerevan on 2 May. "Our law on alternative service is very much in conformity with Council of Europe commitments." He refused to discuss why alternative service is under military control and said he did not know how many people are imprisoned for being unable on grounds of conscience to perform military service or military-controlled alternative service. He then put the phone down.

Punitive length of the "alternative" service

Armenia's Human Rights Ombudsperson, Armen Harutyunyan, expressed concern about the current alternative service being offered. "This is more than just a problem of the Jehovah's Witnesses – it is a general problem," he told Forum 18 from Yerevan on 2 May. He said all the complaints so far to his office have been about the punitive length of the alternative service and the conditions for those conducting the service, rather than over the fact that it is subject to military control. "But of course it is a problem if 72 people are imprisoned because of this – this problem must be overcome," he added.

The duration of "alternative" service, at 42 months, is the longest in the world. So is the difference (18 months) between the length of military (24 months) and of alternative service.

Harutyunyan pointed to Recommendation 1518 (2001) of the Council of Europe's Parliamentary Assembly, which calls for "genuine alternative service of a clearly civilian nature which should be neither deterrent nor punitive in character". He said Armenia's current law does not provide this. "I agree that the alternative service should be civilian and should not be under the control of the military, of the Ministry of Defence," he told Forum 18.

Sentences

Jehovah's Witness lawyer Markaryan reported that among sentences in April 2007 were: a three year prison term imposed in the town of Martuni on Kajik Harutyunyan; a 27-month term imposed on Hakop Babayan; a 30-month term on his brother Vahan Babayan; and a 24-month term on Genuni Barsegyan. Almost all Jehovah's Witness conscientious objectors are prosecuted 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.

European Court cases

Three Jehovah's Witnesses imprisoned earlier as conscientious objectors have lodged cases at the European Court of Human Rights (ECtHR) in Strasbourg. In the first of the cases, on 12 December 2006 the Strasbourg court declared partially admissible the case of Vahan Bayatyan (Application No. 23459/03), lodged in 2003. The court decided that his case that Armenia's prosecution of him violated his right to freedom of religion was admissible, though the court rejected some of Bayatyan's other complaints.

Bayatyan was called up in the spring draft in 2001 but refused to perform military service on grounds of religious conscience. He offered instead to perform genuinely civilian alternative service, but was arrested in September 2002 and later tried and imprisoned. He was freed on parole in July 2003.

Molokan conscientious objectors

Protestant Christians have also objected to the "civilian" alternative service. Nikolai Karavanov told Forum 18 on 2 May that his son Pavel was freed from prison in summer 2006 under amnesty. He had been sentenced in autumn 2005 after abandoning alternative service when he realised it was under military control (see F18News 22 February 2006 http://www.forum18.org/Archive.php?article_id=732). Pavel Karavanov was the first member of the Molokans to be jailed for conscientious objection to military service since the Soviet period. Molokans are a Russian Protestant church, established in the 17th century and known for their pacifism. There are about 4,000 Molokans in Armenia.

There are no known current Molokan conscientious objectors in prison, Nikolai Karavanov added. However, one Molokan young man due to be called up shortly has already told the authorities that he is not prepared to do either military service or alternative service because of his pacifist religious beliefs. "Let's see what happens to him," Karavanov said.

Karavanov explained that Molokan young men would be happy with a genuine civilian alternative service. "Of course we're not satisfied with the current alternative service," he told Forum 18. "It's against our faith to take weapons and to kill people." He said that, in the mid-1990s, Molokan representatives had met government officials to insist that their young men be free from compulsory military service. Officials at that time promised that Molokans would not be imprisoned for refusing to join the army. However, in 2005 Pavel Karavanov was imprisoned.

"I don't see any desire .. to resolve this problem"

Since the Alternative Service Law came into force in 2004, officials do not wish to change it again to allow a genuine civilian alternative service, Ishkhanian of ArmeniaNow told Forum 18. "Armenian officials could understand what is required to provide this, but they don't want to understand." Official sources in Armenia have indicated to Forum 18 that moves to introduce a new Alternative Service Law and amend the Criminal Code appear to have come to a halt (see F18News 23 February 2006 http://www.forum18.org/Archive.php?article_id=733).

Markaryan of the Jehovah's Witnesses is equally pessimistic. "I don't see any desire on the part of the government to resolve this problem at the moment."

Ishkhanian of ArmeniaNow does not think that there is international pressure to change the law. "I believe the Council of Europe is not pressuring Armenia on this, that's why there's been no change to the Law to allow civilian alternative service," he told Forum 18. "If the Council of Europe declared bluntly that Armenia has not fulfilled its obligations in this area I believe it would influence the government."

However, Council of Europe and Organisation for Security and Co-operation in Europe (OSCE) officials have repeatedly assured Forum 18 that this is not the case (see F18News 22 February 2006 http://www.forum18.org/Archive.php?article_id=732). Officials have urged Armenia to stop prosecuting conscientious objectors, stop jailing religious prisoners of conscience, and to introduce a genuinely civilian alternative service. However, Armenia has ignored these requests to respect fundamental human rights. (END)

Further coverage of Armenian-related religious freedom issues is at <http://www.forum18.org/Archive.php?query=&religion=all&country=21&results=50>

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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