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NAGORNO-KARABAKH: Jailed religious conscientious objector must undergo "re-education"

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

Jehovah's Witness Areg Hovhanesyan, who has served more than three years of a four-year jail sentence for refusing compulsory military service on religious grounds, must remain in jail and undergo "re-education", Forum 18 News Service has learnt. The internationally unrecognised entity of Nagorno-Karabakh's has rejected his appeal for early release, a Supreme Court official told Forum 18. Albert Voskanyan of the Centre for Civilian Initiatives – who attended the court hearing - told Forum 18 that the court had ordered the prison leadership to "re-educate the prisoner". Ashot Sargsyan, head of the Department for National Minorities and Religions, defended the jail sentence. "He's not dangerous, but how can he be a well-behaved person if he breaks the law by refusing to do military service?" A previous conscientious objector, who did military service without bearing weapons, was a Baptist, Gagik Mirzoyan. He refused to swear the military oath or bear arms, for which he was beaten up and imprisoned, but was eventually released from military service in January.

Jehovah's Witness Areg Hovhanesyan, who has already served more than three years of a four-year sentence for refusing compulsory military service on grounds of religious conscience, must remain in prison and undergo "re-education", Forum 18 News Service has learnt. The Supreme Court of the internationally unrecognised Nagorno-Karabakh Republic in the South Caucasus rejected his appeal for early release on 24 March, a court official told Forum 18 from the capital Stepanakert on 27 March. Yet the official – who would not give his name – refused to say why the court rejected Hovhanesyan's appeal. "I don't have the right to give you this information."

However, Albert Voskanyan of the Stepanakert-based Centre for Civilian Initiatives – who attended the court on 21 March when the case was heard - told Forum 18 that the court had ordered the prison leadership to "re-educate the prisoner".

"I believe the rejection of the appeal is not right, as Areg's conduct in prison has been excellent and he has not violated any regulations," Voskanyan told Forum 18. "The court should have taken this into account, not his religious affiliation which makes it impossible for him to serve in the army." He said he had long been pressing for conscientious objectors like Hovhanesyan to be given the possibility of an alternative civilian service.

But Ashot Sargsyan, the head of the government's Department for National Minorities and Religions, defended Hovhanesyan's continued imprisonment. "He's not dangerous, but how can he be a well-behaved person if he breaks the law by refusing to do military service?" he told Forum 18 from Stepanakert on 27 March. "Let him go to Azerbaijan then and do alternative service there."

Hovhanesyan was imprisoned in February 2005 for violating Article 327 Part 3 of the Nagorno-Karabakh Criminal Code, which punishes evasion of military service "in conditions of martial law, in war conditions or during military actions" with a sentence of between four and eight years. (Nagorno-Karabakh has adopted the criminal code introduced in Armenia in 2003.) He has been held in the prison in the hilltop town of Shusha near Stepanakert (see F18News 9 November 2006 http://www.forum18.org/Archive.php?article_id=866).

Lyova Markaryan of the Jehovah's Witnesses in Armenia – who retain close ties to their fellow-believers in Nagorno-Karabakh – said that Hovhanesyan had lodged his appeal for early release at the beginning of this year. "Areg was hoping that he might be freed early after serving more than two-thirds of his sentence," Markaryan told Forum 18 from the Armenian capital Yerevan on 27 March. "But it is clear neither the authorities in Stepanakert nor in Yerevan are prepared to give him early release."

Both Markaryan of the Jehovah's Witnesses and Voskanyan of the Centre for Civilian Initiatives maintain that Hovhanesyan's conduct in the prison has been exemplary. "Prison director Artur Abramyan praises Areg for his behaviour and has given him a position of responsibility in the canteen," Markaryan told Forum 18. Voskanyan frequently visited Hovhanesyan and other inmates in Shusha prison until his group were banned from monitoring prison conditions.

Despite repeated calls on 27 March, Forum 18 was unable to reach Shusha prison director Abramyan.

Nagorno-Karabakh's Constitution – adopted by referendum in December 2006 – required 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).

Sargsyan of the Department for National Minorities and Religions defended the lack of an alternative to compulsory military service. He cited the long-running unresolved conflict with Azerbaijan, which insists that Nagorno-Karabakh is an integral part of its territory. "The international community is to blame that we don't have such a law on alternative service," he insisted. "If one was adopted, what would we do if 10,000 young men refused to serve in our armed forces? That's why we're not in a hurry to adopt this law."

Sargsyan stressed that he was speaking to Forum 18 in an individual capacity, not in the name of the government. "I've been in this job for four months, but my post has not been confirmed," he explained. "Only when the 1997 Religion Law is amended to include the role of this office can my responsibilities be confirmed."

Despite repeated calls on 27 March, Forum 18 was unable to reach Ashot Gulyan, speaker of Nagorno-Karabakh's parliament. He had told Forum 18 in 2006 that a Law on Alternative Service would not be adopted until the conflict over the territory had been resolved (see F18News 9 November 2006 http://www.forum18.org/Archive.php?article_id=866).

A previous victim of Nagorno-Karabakh's policy of insisting that all conscripts must swear an oath of allegiance before they begin their military service was Gagik Mirzoyan, a member of a local Council of Churches Baptist congregation. He also refused to bear arms. After being forcibly taken to a military unit in December 2004 and beaten, he was then imprisoned for refusing military service. 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 (see F18News 9 November 2006 http://www.forum18.org/Archive.php?article_id=866).

Mirzoyan's military service should have ended on 29 December 2007, but he was released only on 3 January. "Gagik was summoned again on 3 January and told that if he refused to swear the oath they would not let him home," local Baptists told Forum 18 back in January. "He told them he had not changed his view and would continue to refuse to swear the oath, whatever consequences that would bring. Seeing his firmness on this issue they handed him his military card and allowed him to go home." He returned to his family in the town of Mardakert. On his military record card, which Mirzoyan has, the section headed "Oath" was crossed out.

Unlike in earlier years, neither the Jehovah's Witnesses nor the Council of Churches Baptists – who refuse to apply for state registration in any former Soviet state - report any current harassment of their religious activity.

Sargsyan of the Department for National Minorities and Religions told Forum 18 that until the Religion Law is changed, no religious communities apart from the dominant Armenian Apostolic Church will be able to get legal status.

"We have emergency military rule at the moment because of the unresolved conflict so all religious communities should be registered," he insisted. "But the current law does not have provision for that. The Armenian Apostolic Church's status is recognised in our Constitution, but no other religious communities have legal status. This must be changed." He told Forum 18 the status of his department needed to be enshrined in the law and a mechanism for registering religious organisations enacted. (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>

A printer-friendly map of the disputed enclave of Nagorno-Karabakh is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba> within the map titled 'Azerbaijan'.

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