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ARMENIA: Council of Europe fails to punish commitment violations over imprisoned conscientious objectors

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

With 24 Jehovah's Witnesses in prison for refusing military service on grounds of conscience, another fined and a further three awaiting trial, Council of Europe officials have been unable to explain to Forum 18 News Service what punishment Armenia faces – if any – for violating its commitments to the organisation. The commitments required Armenia to have freed all imprisoned conscientious objectors and introduced alternative service by January 2004, but it failed on both counts. One outsider involved in the issue at the Council of Europe, who preferred not to be identified, told Forum 18 that the Armenian government had deployed "an especially successful lobbying campaign" to have the issue buried. The Jehovah's Witnesses, one of Armenia's largest religious minorities, appear no nearer to receiving state registration.

Despite open defiance of its Council of Europe commitments by continuing to arrest and imprison conscientious objectors to military service, Armenia seems set to escape punishment from the international organisation. No Council of Europe official reached by Forum 18 News Service was prepared or able to say what punishment – if any – the country would face for violating its pledge to the Council of Europe to free all imprisoned conscientious objectors and have an alternative service system functioning by January 2004, three years after it joined the organisation (see F18News 4 February 2004 http://www.forum18.org/Archive.php?article_id=245). Armenia failed on both counts. March saw four Jehovah's Witnesses sentenced to prison terms of between one and two years for refusing military service, bringing to 24 the number of imprisoned Jehovah's Witnesses, the highest number of imprisoned conscientious objectors of all the former Soviet republics. Another was given a large fine.

Jerzy Jaskiernia, a Polish parliamentarian and one of the two Council of Europe Parliamentary Assembly rapporteurs for Armenia, told Forum 18 on 15 April that the Council of Europe is "pursuing the issue and asking the government to change the law". But he declined to specify any penalties the Armenian government might face over its violation of its commitments and referred all further enquiries to Council of Europe officials in Strasbourg. Forum 18's enquiry to David Cupina of the organisation's Monitoring Committee went unanswered as of 18 April.

Another Council of Europe official who has been involved in tackling Armenia's violations of its commitments told Forum 18 on condition of anonymity that its continuing imprisonment of conscientious objectors "clearly violates" its commitments and rejected outright Armenian government assertions that the failure to meet the deadline to free all imprisoned conscientious objectors and introduce the alternative service system had been agreed with the Council of Europe. But asked what punishment Armenia would receive, the official laughed and declined to comment.

But the official vehemently denied suggestions that the people of Europe would lose confidence in the organisation that is supposed to promote human rights when specific commitments individual countries undertake are flouted with impunity. The official pointed out that Armenia abolished the death penalty – another commitment it undertook on joining the organisation – only after repeated pressure from the Council of Europe.

Others are more cynical. One outsider involved in the conscientious objection issue with the Council of Europe, who preferred not to be identified, told Forum 18 that the Armenian government had deployed "an especially successful lobbying campaign" to have the issue buried. But the Council of Europe official dismissed this as an explanation for how the country had escaped censure. "That's absolutely not true. All ten member states under monitoring of their commitments lobby."

The Organisation for Security and Cooperation in Europe (OSCE) agrees with the Council of Europe that the practice of imprisoning conscientious objectors should have ended long ago. "The practice of sentencing conscientious objectors is contrary to the letter of the OSCE commitments as well as commitments undertaken by Armenia to the Council of Europe," Maria Silvanyan, senior human rights legal assistant at the OSCE Office in Yerevan, told Forum 18 on 15 April.

Silvanyan said the OSCE office "fully shares" the view expressed in the Council of Europe Parliamentary Assembly back in January that all imprisoned conscientious objectors should be freed immediately by presidential pardon pending the entry into force of the

law on alternative military service on 1 July "once necessary legal acts regulating alternative civilian service are adopted". Silvanyan added that OSCE officials held several meetings last year with representatives of the prosecutor's office to urge it to end the practice of sentencing Jehovah's Witnesses for conscientious objection to military service.

All 24 imprisoned Jehovah's Witnesses are serving sentences of between one and two years' imprisonment under Article 327 part 1 of the criminal code. Ten of them have been sentenced since Armenia's deadline for ending the practice expired. A further Jehovah's Witness, Stepan Yepremyan, was sentenced on 29 March to a fine of 300,000 drams (3,598 Norwegian kroner, 435 Euros or 522 US dollars) under the same criminal code article. "This is the first trial that has ended without a prison sentence," Hratch Keshishian, the leader of the Jehovah's Witnesses in Armenia, told Forum 18 from Yerevan on 8 April. Three other Jehovah's Witnesses are awaiting trial, two of them in pre-trial detention and one at home, although he has had to sign a pledge to say he will not leave his home.

Despite Armenia's clear violation of its commitments, Aram Argaryan, head of the Council of Europe division of the Armenian Foreign Ministry, categorically denied that his government had failed to meet its obligations. "We undertook these obligations," he told Forum 18 on 7 April. "We have not failed to meet them." Asked why, if Armenia had met its commitments, 24 Jehovah's Witnesses remained in prison, with three more awaiting trial, he responded: "I can't confirm that. I don't have that information."

Maintaining that legal reform was a "long process", Argaryan claimed that the Armenian government had confirmed its timetable of introducing alternative service with the Council of Europe, an assertion specifically denied to Forum 18 by Council of Europe officials. He maintained that Armenia had until the end of 2004 to introduce alternative service, another claim specifically rejected by Council of Europe officials. "We take our commitments seriously," he added.

Meanwhile, the Jehovah's Witnesses, one of Armenia's largest religious minorities, have still not achieved state registration after a decade of trying. Keshishian told Forum 18 that they had most recently handed in a registration application to the government on 16 March. On 30 March the government handed back an "expert opinion" about whether the group should be registered, which the Jehovah's Witnesses are still studying. "The expert opinion gave the government no recommendation as to whether to register us or not," Keshishian explained. "It said we could apply to be entered in the register, but that what we preach is against the law and that therefore we don't meet the provisions of the law."

Keshishian complained of what he claimed were "active measures" against the Jehovah's Witnesses, including hostile media coverage and leaflets, and an anti-Jehovah's Witness demonstration in Yerevan on 18 April. "We are not optimistic about getting registration – the mood doesn't look promising."

A printer-friendly map of Armenia is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=armeni>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY