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ARMENIA: Promises broken by continuing jailing of prisoners of conscience

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

This month (October), five Jehovah's Witnesses have been sentenced to jail terms for their conscientious objection, on religious grounds, to military service. A sixth prisoner of conscience has been given a lesser sentence, Forum 18 News Service has learnt. The number of imprisoned Jehovah's Witnesses has been brought to thirteen by these sentences, with a further two awaiting trial on the same charges. The continued sentencing and detention of religious prisoners of conscience clearly violates Armenia's previous promises to free its religious prisoners, and to introduce alternative civilian service. The Armenian Foreign Ministry declined to explain to Forum 18 how these latest sentences matched Armenia's previous promises, claiming that the issue is "outside the competence of the Foreign Ministry".

Five Jehovah's Witnesses have been sentenced so far in October to two years of prison each, for refusing military service on grounds of conscience. A sixth prisoner of conscience has been given a lesser sentence, Jehovah's Witness lawyer Rustam Khachatryan told Forum 18 News Service from the capital Yerevan on 19 October. Called up in May, along with other Armenian young men, all six officially lodged a request to do alternative civilian service, but were told that such an alternative did not exist.

"Technically these sentences are correct, as all the Jehovah's Witnesses were called up before the new alternative service law came into force," Stefan Buchmayer, human rights officer at the Yerevan office of the Organisation for Security and Cooperation in Europe (OSCE) told Forum 18 on 19 October. "However, they show a certain lack of goodwill on the part of the authorities as everyone knew that the law was coming into force on 1 July. Besides, the right to alternative service is an important human right – that is why our office has been following these cases."

On 22 June, the Armenian Parliament's deputy speaker Tigran Torosyan, who heads the Armenian delegation to the Council of Europe, told Jehovah's Witness representatives at the Council of Europe parliamentary assembly in Strasbourg that all conscientious objector prisoners would be freed once the new law on alternative service came into force on 1 July (see F18News 3 August 2004 http://www.forum18.org/Archive.php?article_id=384).

Natalia Voutova, the Council of Europe representative in Yerevan, told Forum 18 on 19 October that her organisation is monitoring the latest developments. She pointed out that in 2001 Armenia committed itself to adopting an alternative service law and freeing all imprisoned conscientious objectors and said that these commitments have been closely monitored since 2001. The Armenian Foreign Ministry declined to explain how the latest sentences met Armenia's commitments to the Council of Europe. Vladimir Karapetian of the ministry's Media Relations Division claimed to Forum 18 on 19 October that the issue is "outside the competence of the Foreign Ministry".

This month's new sentences bring the number of imprisoned Jehovah's Witness young men to thirteen, with a further two are awaiting trial on the same charges. The continued sentencing and detention of religious prisoners of conscience violates Armenia's commitments to the Council of Europe, and comes after the justice ministry finally registered the Jehovah's Witnesses as a religious community, after years of official obstruction (see F18News 12 October 2004 http://www.forum18.org/Archive.php?article_id=430).

Four of the new prisoners were sentenced by a court in the town of Armavir, 50 kilometres (30 miles) west of the capital: Karen Hakopyan on 7 October, Arsen Sarkisyan on 8 October, Mher Mirpakhatyan on 13 October, and Artur Manukyan on 14 October. Hovhanes Bayatyan was sentenced by Yerevan's Erebuni-Nubarashen court on 14 October. All were given the maximum sentence under Article 327 part I of the criminal code, which reads: "Evading a recurring call to emergency military service, or educational or military training, without a legal basis for being relieved of this service, shall incur a fine in the amount of 300 to 500 minimum [monthly] wages or arrest for up to two months or imprisonment for up to two years." They are now being held in Nubarashen prison.

A sixth, Asatur Badalyan, was sentenced on 1 October to one and a half year's imprisonment by a court in Kotaik in central Armenia, but the judge allowed him to remain at home because it was felt as a Jehovah's Witness his behaviour would be good.

However, there are fears he will be arrested on 20 October, Khachatryan told Forum 18. Two other Jehovah's Witnesses received two year prison sentences in August.

Meanwhile, the trial of Grisha Kazaryan, arrested on 17 September and being detained in Nubarashen, is expected at the end of October. Nshan Shagiyan, who is from Yerevan, was required to give a written undertaking on 16 September not to leave the city. His trial is due at Yerevan's Malatia-Sebastia court on 26 October.

Jehovah's Witness lawyer Khachatryan told Forum 18 that all these young men wrote to both the recruitment office, and the general public prosecutor, explaining that they could not do military service because of their religious beliefs (the Jehovah's Witnesses are pacifists), but that they were prepared to do alternative civilian service outside the control of the armed forces. He said the recruitment office summoned each applicant, to establish that they had actually written the application. Recruitment office officials then told each one verbally that alternative service did not exist and handed their cases to the prosecutor, after which criminal proceedings were launched.

"The alternative service law has been adopted, but there is no mechanism for doing alternative service yet," Khachatryan lamented. "Besides, it's not clear that when it does come in whether it will be genuinely civilian or not. The law doesn't say it will be civilian."

Khachatryan added that the autumn call-up is now underway. Four Jehovah's Witness young men have written to the recruitment office so far, indicating that they cannot serve in the military on religious grounds and applying for alternative civilian service. "Nothing has happened to them so far," he noted.

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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