FORUM 18 NEWS SERVICE, Oslo, Norway
https://www.forum18.org/
The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

22 February 2005

NAGORNO-KARABAKH: "Inhuman" sentence on religious conscientious objector

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

Jehovah's Witness Areg Hovhanesyan has been jailed for four years, by a court in the unrecognised Nagorno-Karabakh republic, for refusing to do military service – even though he stated that he would do alternative, non-military, service. Lieutenant-General Seyran Ohanyan, the Defence Minister, insisted to Forum 18 News Service that "it doesn't depend on me – according to our law of Nagorno-Karabakh there is no alternative service, so they are sentenced in line with the law." But General Ohanyan noted that, in individual cases, provision has been made for religious conscientious objectors to do military service in non-combat roles. He quoted the case of a Baptist, Gagik Mirzoyan, who refused to fight in the army despite pressure from the Armenian Apostolic Church's military chaplain. "He is now serving (..) without arms and without swearing the military oath. Otherwise he's doing everything the other conscripts do. He's now content." Baptist sources, who preferred not to be identified, confirmed to Forum 18 that Mirzoyan was happy with his terms of service.

Rustam Khachatryan, the lawyer for Jehovah's Witness Areg Hovhanesyan, has condemned as "inhuman" the four year sentence handed down on his client on 16 February by a court in Stepanakert, the capital of the unrecognised Nagorno-Karabakh republic, for refusing military service on grounds of his religious faith. "Areg's family lives very modestly and to lose their eldest surviving son to prison for such a long time is very harsh," Khachatryan told Forum 18 News Service from the Armenian capital Yerevan on 21 February. "Areg was one of five children, but one sister and brother were killed during the war over Nagorno-Karabakh in 1992 when a bomb landed on them as they played in the street." He said he and Hovhanesyan have not yet decided whether to lodge an appeal.

Hovhanesyan, who is 18 and from a Jehovah's Witness family in Stepanakert, told the court he was prepared to do an alternative, non-military service. But, in the absence of such alternative service in Nagorno-Karabakh, he was sentenced on 16 February under 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.) Hovhanesyan was detained after the verdict was announced.

Khachatryan described Judge Stepanyan, who heard the case, as a "good man". "He said during the trial that he didn't want to sentence Hovhanesyan but had to because of the law." He also praised the prosecutor. But Khachatryan insists his client "should never have been tried on the basis of his faith". He blames the recent presidential decree extending the military state in Karabakh until 1 January 2006 which allowed the heavy sentence to be imposed. Although a ceasefire with Azerbaijan has been in place since 1994, the conflict over the territory remains unresolved.

Lieutenant-General Seyran Ohanyan, Defence Minister of the unrecognised republic, insisted that those who cannot serve in the armed forces on grounds of conscience have to be dealt with under the law. "It doesn't depend on me – according to our law of Nagorno-Karabakh there is no alternative service, so they are sentenced in line with the law," he told Forum 18 from Stepanakert on 21 February. "Those who refuse to serve in the defence of our homeland are putting our republic at risk."

Asked why – given that Nagorno-Karabakh claims to abide by international human rights norms - Jehovah's Witnesses and others who cannot serve in the armed forces could not do alternative civilian service, for example in hospitals, he responded: "According to international norms, citizens should have this right, but we're in a military situation so we can't afford to do this. Besides, hospitals here are also considered military."

General Ohanyan said that, were Nagorno-Karabakh to allow an alternative non-military service, the numbers of those wanting to do it would rise. But he promised to consider the possibility.

He noted that in individual cases, his armed forces have made provision for believers who cannot fight on grounds of conscience to work within the military in non-combat roles. He pointed to the case of the young Baptist Gagik Mirzoyan, who refused to fight after conscription into the army despite pressure from his commander and the Armenian Apostolic Church's military chaplain (see F18News 6 January 2005 http://www.forum18.org/Archive.php?article_id=483). "He is now serving in Hadrut region without arms

Copyright Forum18 News Service 2005 - Page 1/2

and without swearing the military oath," Ohanyan told Forum 18. "Otherwise he's doing everything the other conscripts do. He's now content."

General Ohanyan's assertion that Mirzoyan was happy with his terms of service was confirmed by Baptist sources. "He's serving without weapons and without the oath – that's how a Christian should serve," one Baptist who preferred not to be identified told Forum 18 on 21 February.

Ohanyan insisted that Mirzoyan – who was called up on 6 December 2004 - had never been beaten while in the hands of the army, despite Baptist insistence that his unit commander and the chaplain, Fr Petros Yezegyan, had beaten him on separate occasions in December. "We conducted an investigation into these allegations and I want to assure you he was never beaten," Ohanyan told Forum 18.

Although in earlier years the terms of martial law – renewed annually since 1992 - included the banning of the activity of "religious sects and unregistered organisations", Khachatryan told Forum 18 that the current martial law decree contains no such ban. Although in recent years activity by Protestant Christians and Jehovah's Witnesses has on occasion been obstructed (see eg. F18News 27 September 2004 http://www.forum18.org/Archive.php?article_id=420), both the Baptists and the Jehovah's Witnesses say they can currently meet for worship without obstruction. "The authorities keep a watch on our activity, but that's OK – let them know what we're up to," Khachatryan told Forum 18. (END)

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'.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY

Copyright Forum18 News Service 2005