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ARMENIA: Government breaks promises to Council of Europe

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Armenia promised the Council of Europe that it would free all imprisoned conscientious objectors by 26 January 2004. But in a clear violation of this promise, Forum 18 News Service has learnt that that day Artak Saiyan, a Jehovah's Witness, was jailed for 2 years for refusing military service. Today (4 February) postponed two more trials until mid-February, with another Jehovah's Witness due in court tomorrow. A total of 16 Jehovah's Witness conscientious objectors are now in jail, with ten more awaiting trial. Despite this, Ara Margaryan of the Armenian Foreign Ministry claimed to Forum 18 that "We understand our obligations to the Council of Europe very well and we honour them, but we can't break existing laws which say that all those who refuse to serve in the army must be punished." Armenia is also in breach of another Council of Europe commitment to allow all religious communities to practise their faith "without discrimination", by its repeated failure to give state registration to the Jehovah's Witnesses, even though they have applied for registration many times.

Despite Armenia's commitment to the Council of Europe to free all imprisoned conscientious objectors by 26 January 2004, the third anniversary of its accession to the international body, one Jehovah's Witness was sentenced that day for refusing military service. Two more due for trial today (4 February) had their cases postponed until mid-February, while another is due in court on 5 February. Sixteen Jehovah's Witness conscientious objectors are now serving sentences, with ten more awaiting trial. "Continued sentencing of conscientious objectors is a violation of Armenia's Council of Europe commitments," Krzysztof Zyman, the official responsible for the South Caucasus at the Council of Europe's directorate general of human rights, told Forum 18 News Service from Strasbourg on 4 February. But Ara Margaryan, first secretary at the Armenian Foreign Ministry, strongly denied this. "We understand our obligations to the Council of Europe very well and we honour them," he told Forum 18 from Yerevan on 4 February. "But we can't break existing laws which say that all those who refuse to serve in the army must be punished."

In the latest cases, five Jehovah's Witnesses were given prison terms ranging from one to two years last December under Article 327, part I of the Criminal Code, while on 12 January Vigen Nikagsyanyan was given a one-year sentence and has had to sign a declaration saying he will not leave the town of Hrazdan. Artak Saiyan was sentenced on 26 January to two years' imprisonment, the maximum punishment, and is now in Nubarashen penal institution.

Vardan Sahakyan, arrested in December, is due to go on trial on 5 February in the town of Goris. Sergey Azatyan, arrested last November, and David Chandoyan, arrested in December and due to be tried by a court in Yerevan's Arabkir district, had their trials postponed on 4 February. The judge announced, without giving a reason, that Chandoyan's trial will now be on 17 February, with Azatyan's the following day. The seven other Jehovah's Witnesses arrested since last October remain in pre-trial detention in labour camps in Nubarashen and Vanadzor.

"It is bad that they are still sentencing our people, and in most recent cases judges have handed down the maximum penalty," leading Jehovah's Witness Lyova Markaryan told Forum 18 from Yerevan on 4 February. "We heard there was apparently an internal order - maybe from the general procuracy, maybe from the justice ministry - to give our young men the maximum term, we don't know why. Perhaps they don't like us?" Forum 18 has been unable to confirm that such an internal order has been issued.

On 12 January, the rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe Parliamentary Assembly called on Armenia to free the imprisoned conscientious objectors "immediately". They noted with concern that although the new criminal code adopted last year reduced the maximum penalty for refusing military service from three to two years, "judges have no hesitation in sentencing young objectors to the severest penalty instead of a mitigated one as in the past". The parliamentary assembly went further on 27 January, expressing its "indignation" at the continued imprisonment and calling for the prisoners to be "released immediately by presidential pardon" even before the new alternative military service law comes into force on 1 July.

Yet Margaryan of the foreign ministry insisted that until the new law comes into force, the courts have to continue sentencing those who refuse military service. "This is a complex issue connected with other obligations." He claimed that this was in accordance with an implementation timetable agreed with the Council of Europe. He rejected suggestions that the imprisoned conscientious objectors could be immediately released and questioned the accuracy of the Jehovah's Witness information about their cases, telling Forum 18: "You could have the wrong information."

After years of delay and argument (see F18News 9 October 2003 http://www.forum18.org/Archive.php?article_id=159), parliament finally adopted a bill on alternative military service last December, which was signed into law by President Robert Kocharyan in January. Armenia had committed itself to the Council of Europe to adopt a law meeting European standards as part of its entry commitments and Council of Europe officials have welcomed its adoption, though with reservations. "It is good the law has been passed - it is a step forward," Zyman told Forum 18. "It goes some way to meeting European standards, but not fully."

The law allows young men to perform military service of 24 months, unarmed service within the military of 36 months or alternative service under the Ministry of Defence of 42 months. Zyman stressed that while accepting that the alternative service is "clearly civilian", the Council of Europe is concerned that the length of service is of "punitive duration". The parliamentary assembly noted that in its final form, the law's provisions "give satisfaction to the rapporteurs on the whole" but complained that the length of alternative service is "unacceptable and excessive".

Markaryan of the Jehovah's Witnesses told Forum 18 that although they are not entirely happy with all the provisions, they believe the law does broadly give them a satisfactory alternative to compulsory military service. "We are not too worried about the length of alternative service, but we would prefer it to be outside the control of the Ministry of Defence," he declared. "But what can we do?" He said only when the mechanism for applying the law becomes known will the Jehovah's Witnesses see if indeed it resolves their problems.

In what he interpreted as a hopeful sign, he said two Jehovah's Witnesses in Yerevan who have refused military service have been summoned by the procuracy and told to submit declarations on whether they wish to do military or alternative service and then wait for their cases to be dealt with when the mechanism for implementing the law is known. "Maybe from 1 March they will no longer prosecute our people."

Markaryan - who successfully fought off prosecutors' attempts to imprison him for his faith in 2002 - complained that while pressure on Jehovah's Witnesses was not overt, it still existed. "They are cutting back on interior ministry officials and teachers, and they are using this to get rid of our people," he maintained. "There are four or five cases I know of. They decided not to complain as they know there'd be no point."

However, he noted that Zemfira Voskanyan, a Jehovah's Witness bookkeeper sacked from her job with the police in the town of Vanadzor in February 2003 after the interior ministry issued a December 2002 internal order banning members of minority faiths from working for the police (see F18News 25 April 2003 http://www.forum18.org/Archive.php?article_id=39), has been reinstated. The Armenian authorities have told the Council of Europe the interior ministry order has been withdrawn.

The Jehovah's Witnesses - who claim more than 8,000 members in the country - are again going to lodge a registration application with the government in mid-February, Markaryan added. Another Council of Europe commitment was that Armenia should allow all religious communities to practise their faith "without discrimination". On 27 January the parliamentary assembly again called on Armenia to register the Jehovah's Witnesses as a religious organisation "without delay". Asked if he was optimistic that after ten years of fruitless attempts they would finally get registration, Markaryan responded: "Frankly, no. They always claimed we would get it if the documents were right, but we never did."

Gyurgen Sarkisyan, who maintains the state registry of legal entities at the justice ministry, admitted that the Jehovah's Witnesses have applied for registration many times. "I've been here two years and they've applied twice in that time," he told Forum 18 from Yerevan on 4 February. "Neither time were their documents complete - this was lacking or that." He denied that there was any discrimination against the Jehovah's Witnesses. "Of course not. Maybe they didn't want registration, that's why it's taken all this time."

Sarkisyan said when the Jehovah's Witnesses lodge their application with the government it will be considered by experts who will give their conclusion within the specified one-month deadline. "With an expert conclusion signed by the minister and all documents, they will be registered," he pledged.

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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