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ARMENIA: Not illegal deportation, merely illegal removal

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

Jehovah's Witness conscientious objector Armen Grigoryan faces a six year jail sentence, after his illegal deportation from his own country, Armenia, and his refusal to do military service in the unrecognised Nagorno-Karabakh republic, Forum 18 News Service has learnt. But Armenia's Human Rights Ombudsperson, Larisa Alaverdyan, denied to Forum 18 that Grigoryan had been deported. "You can't call it illegal deportation - there's no such term. I'm a specialist on this. Perhaps it might have been illegal removal from the country." She defended what she claimed was the right of the Armenian Defence Ministry to send Armenian citizens to Nagorno-Karabakh, which international law regards as part of Azerbaijan. Armenia continues to break its promises to the Council of Europe to free conscientious objectors and introduce a civilian alternative to military service. Baptists and Jehovah's Witnesses continue to be beaten up and jailed for conscientious objection.

Jehovah's Witness conscientious objector Armen Grigoryan, illegally deported from his Armenian homeland to the unrecognised Nagorno-Karabakh republic, is facing imprisonment of up to six years if found guilty of desertion and refusing to perform his military duties, his lawyer Rustam Khachatryan told Forum 18 News Service from the Armenian capital Yerevan on 16 May. Mher Shageldyan, who chairs the Defence Committee of Armenia's parliament, said he was not familiar with the case, but would investigate. "This is absolutely unreal," he told Forum 18 on 17 May. "No-one has the right to deport an Armenian citizen from Armenia - that's clear."

However, Larisa Alaverdyan, Armenia's Human Rights Ombudsperson, denied that Grigoryan had been deported. "You can't call it illegal deportation - there's no such term. I'm a specialist on this," she told Forum 18 from Yerevan on 17 May. "Perhaps it might have been illegal removal from the country, I don't know. We'll have to seek official information on this from the Ministry of Defence."

She defended what she saw as the right of the Armenian defence ministry to send Armenian citizens to Nagorno-Karabakh, which international law regards as part of Azerbaijan. "It's where the Armenian army serves so it has every right to send personnel there."

Grigoryan, who refused military service after being called up, was summoned to the military recruitment office in Yerevan under a pretext on 21 June 2004. Within 24 hours and against his will he had been taken out of Armenia and transferred to a military unit across the border in Nagorno-Karabakh. On refusing to swear the military oath and sing the national anthem for religious reasons at a base in Martuni region of eastern Karabakh, he was beaten. He was later stripped and forced to stand in his underwear in front of about 1,800 soldiers to tell them why he refused to do military service. He escaped from his unit and fled back to Armenia last August (see F18News 6 January 2005 http://www.forum18.org/Archive.php?article_id=484).

Within the disputed enclave of Nagorno-Karabakh, the authorities have beaten up and imprisoned Baptists and Jehovah's Witnesses who have refused on religious grounds to do military service with weapons (see F18News 6 January http://www.forum18.org/Archive.php?article_id=483 , 22 February http://www.forum18.org/Archive.php?article_id=517 and 15 April 2005 http://www.forum18.org/Archive.php?article_id=544).

Grigoryan's lawyer, Rustam Khachatryan, told Forum 18 that Grigoryan decided to give himself in and the two went to the police in Yerevan on 28 April. He was immediately arrested and taken to Stepanakert in Nagorno-Karabakh, where he is being held in solitary confinement in an investigation cell. A criminal case was instigated under Article 362(1) of the Armenian criminal code, which punishes desertion with a prison term of up to four years, and Article 364(1), which punishes refusal to perform military duties with up to two years' imprisonment. (Nagorno-Karabakh uses Armenia's criminal code.)

Khachatryan said the criminal case has been completed and Grigoryan's trial is due to start at Stepanakert city court on 27 May under Judge Atayan. "The charges are baseless," Khachatryan told Forum 18. "The authorities deceived Grigoryan and took him to Nagorno-Karabakh illegally. They don't have the right to hold him, a citizen of Armenia, and put him on trial."

Khachatryan was sceptical about the claim of Mher Shahgeldyan, chairman of the parliamentary Defence Committee, that he did not know about the case. "The whole of Armenia knows about this case," Khachatryan told Forum 18.

Alaverdyan, the Human Rights Ombudsperson, insisted she has been in frequent contact with Grigoryan's father, who has visited her office almost weekly. "At the father's request we met the chief military prosecutor and he declared that Grigoryan had refused military service once he had already been conscripted," she told Forum 18. "I requested him to soften the penalty on human grounds in any way he could." She said she had been away since then and was not up to date on the latest developments.

Despite commitments to the Council of Europe that it would end the imprisonment of conscientious objectors and introduce a civilian alternative to military service, Armenia has failed to do so (see F18News 19 October 2004 http://www.forum18.org/Archive.php?article_id=434). Nineteen Jehovah's Witnesses are still in prison for refusing military service on grounds of conscience. Both of the alternative services introduced in 2004 - non-combat military service and labour service - are under the control of the defence ministry, and so do not meet Armenia's Council of Europe commitments. The alternative labour service is punitive in length, three and a half years instead of two years normal military service.

Of the 24 young men who opted for the alternative labour service last year, 22 were Jehovah's Witnesses who believed assurances by officials that it was in fact civilian. Many have expressed concern about the terms of the service. Vahe Grigoryan, Garazat Azatyan, Hayk Khachatryan and Garik Melkonyan, who were assigned to Vardenis psychiatric hospital, object particularly that they have to wear military-style uniforms, carry identity cards marked "Armed Forces of the Republic of Armenia", are regularly visited by military police and are given degrading work where they are treated as soldiers. They are even fed by the military.

Some have now abandoned this alternative service, risking prosecution. "My conscience would not permit me to continue under these conditions," one declared. When Narek Alaverdyan and Arsen Sevoyan, refused to continue their alternative service on 6 May in Kapan they were immediately arrested by the military police. Khachatryan told Forum 18 no date has yet been set for their trial.

"It was under pressure from the Council of Europe that alternative labour service was included into the law besides the military alternative," Avetik Ishkhanyan, who chairs the Armenian Helsinki Committee, told the ArmeniaNow news website. "However, this is not a civilian service and contradicts the European standards." He says the authorities are trying to cheat Europe by presenting military-controlled labour service as civilian service.

Both Alaverdyan and Shahgeldyan deny this. "The law does provide for civilian service," Shahgeldyan told Forum 18 from the Armenian parliament. "Since it was adopted some 25 or 30 religious and wider pacifist objectors have begun performing this alternative service." He denied that those doing alternative service are under military control and claimed that the military commissions that assign alternative service conscripts to their places of work are made up solely of civilians.

But he insists parliament is going to look again at the alternative service law in the light of concerns by non-governmental organisations to see if it meets international standards. He gave no timescale for this.

Shahgeldyan told Forum 18 he knows that Armenia sentenced conscientious objectors to prison before the alternative service law was introduced last year. "This didn't help the army or society," he maintained. However, he said he was unaware that 19 Jehovah's Witnesses arrested both before and after the adoption of the law are now in prison. He said he would study a list of names sent to him by Forum 18.

Armenia's failure to keep its promises to the Council of Europe to free religious prisoners of conscience, imprisoned for conscientious objection, continues. March 2005 saw five Jehovah's Witnesses sentenced to between one and two years in prison (see F18News 21 March 2005 http://www.forum18.org/Archive.php?article_id=528), with two more jailed in April.

Three Jehovah's Witnesses have appealed to the European Court of Human Rights in Strasbourg against their earlier convictions for refusing military service. In one case, that of Vahan Bayatyan who lodged his application in October 2003, the Armenian government has to provide the court with its written response to its questions on the case by 26 May.

A printer-friendly map of Armenia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=armeni> and 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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f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY