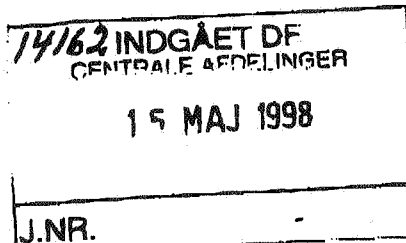


NATIONS UNIES
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UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

93

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Ynglingagatan 14, 8th floor
113 47 Stockholm
Sweden

12 May 1998

Our code: ROBNC 0233/98

ARMENIEN (85)

Dear Ms. Honoré,

Re: Draft evaders and deserters from Armenia

With reference to your question concerning the cessation-like criteria to be applied for draft evaders and deserters from Armenia, who have been granted de facto status in Denmark, we have the following information, based on a report from UNHCR in Armenia, to share with you.

According to official sources returned draft evaders/deserters will be punished according to Armenian Criminal Code, Article 75 (draft evaders) and Article 255 (deserters). The reference in Article 255 of the Criminal Code to "aggravating circumstances" and to the death penalty has in fact been taken out of the Article. Otherwise the contents remain the same; the sanctions for desertion are 3-7 years of prison if committed by regular servicemen, and 5-7 years of prison if committed by officers. Some of the governmental interlocutors have stated that draft evaders reporting themselves for military service will not be subject to punishment. However, we are not able to confirm this. It cannot be ruled out that draft evaders/deserters who are apprehended, in the airport or any other place, will be taken directly to a military unit according to our UNHCR in Armenia.

UNHCR in Armenia has also been informed by the prosecutor's office that after the draft evader or deserter has served his sentence in a civil prison (draft evaders) or in the military system (deserters) he will have to serve his time in the army. Conditions in Armenian prisons are generally very poor with overcrowded cells, lack of heating, little access to proper medical services and poor nutrition. However, the situation for an individual prisoner depends very much on whether or not he has a family and relatives who can support him financially and with food.

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The impression is that most allegations of ill-treatment perpetrated by public authorities have been related to arrests and police custody. UNHCR in Armenia is not aware of any reports of systematic torture being practised in Armenian prisons. However, although measures are being taken to improve the situation (see Amnesty International Report, January 1998), it appears that instances of harassment and beating are not uncommon in Armenian prisons.

Information about the conditions in the military penal system (Disciplinary Units) is unfortunately scarce. However, it should be noted that there are numerous reports of widespread harassment and ill-treatment within the Armenian army. Reportedly, many new recruits are targeted in order to extort money from the soldiers and their families. It can be assumed that recruits with certain backgrounds (deserters, draft evaders, conscientious objectors) will be in a vulnerable position in this system. Their situation will probably in many cases depend on their willingness and ability to pay for protection against harassment and ill-treatment.

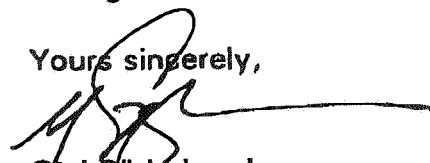
According to the Armenian authorities, only volunteers are sent to serve at the front line in Nagorno Karabakh. However, numerous reports have stated that there is in practice forced deployment of soldiers to the disputed enclave. There has recently been a tendency of increased tension and instances of skirmishes in the border areas, but there does not seem to be any immediate danger of resumption of large-scale hostilities.

UNHCR in Armenia is not aware of any amnesty for draft evaders/deserters since 1995. However, during his election campaign in March 1998, President Kocharian stated that young Armenians who has fled the country to avoid the draft would be allowed to return home safely. We do not yet have any information which confirms this or indicates what it would imply.

From the current political situation in Armenia it is difficult to predict whether there will be any change or move towards a clearer and more transparent policy with regard to returned draft evaders/deserters, and also towards the military service in general. UNHCR in Armenia will probably have more information concerning this matter in a few months, when the new government has been established and its policies have been put forward. Also it will take some time before one can make any thorough assessment of the new Armenian President's impact on the peace process and the situation in and around the front line in Nagorno Karabakh.

We hope that you find this information useful. Please do not hesitate to contact us again if you have any further questions. Best regards,

Yours sincerely,



Carl Söderbergh
Refugee Law Training Officer