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ARMENIA: Prisoners of conscience John MARTIROSYAN, Yerem NAZARETYAN, Tigran PETROSYAN and Samvel MANUKYAN

At least five young men are currently imprisoned in Armenia because their conscience has led them into conflict with the law that makes military service compulsory for young males and offers them no civilian alternative. Four of these men are John Martirosyan, Yerem Nazaretyan, Tigran Petrosyan and Samvel Manukyan (little substantive is known of the fifth man at present). Their stories, described below, illustrate how Armenia is not respecting the internationally-recognized right to conscientious objection. Other rights are said to have been violated also. One of these young men, for example, is said to have been forcibly conscripted and beaten severely when he refused to don military uniform. The father of another was reportedly illegally detained as a hostage by military officials, in order to force his son to report for conscription. Amnesty International regards these young men as prisoners of conscience, and is calling for their immediate and unconditional release.

Background

Military service in Armenia is currently compulsory for all young men between the ages of 18 and 27, and there is no civilian alternative for those who cannot perform this military service because of religious, moral, ethical or other objections. There have been regular reports in recent years that some young men who refused to carry out military service on grounds of conscience were being imprisoned for lack of such an alternative. These reports have related mainly to adherents to the Jehovah's Witness religion.

The Jehovah's Witnesses are said to have been active in Armenia since 1975, and they have faced various forms of problems with the authorities since then. They are still refused official registration in Armenia,¹ in connection with their position on military service. The religious beliefs of Jehovah's Witnesses do not permit them to bear arms or to swear the oath of allegiance required by army conscripts in Armenia, thereby bringing them into conflict with the Armenian law requiring all young men to perform compulsory military service. The current penalty for refusing conscription is from one to five years' imprisonment, under Article 75 of the Criminal Code.

Up until 1994 it appears that in some cases local military enlistment agencies in Armenia continued from the Soviet era an unofficial practice of reaching a certain accommodation with some religious conscientious objectors, rather than prosecuting them. In such cases conscripts

¹ Religious organizations must be registered with the authorities in order to be able to carry out certain activities. Those refused registration, for example, are not allowed to publish their own newspapers, rent a meeting place, or sponsor the visas of visitors to Armenia.

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT

1 Easton Street, London WC1X 8DJ, United Kingdom

Tel: Int. Code: (44) (171) 413 5500. UK Code: (0171) 413 5500. Fax: Int. Code: (44) (171) 956 1157. UK Code: (0171) 956 1157.

E-Mail: amnestvis@amnesty.org

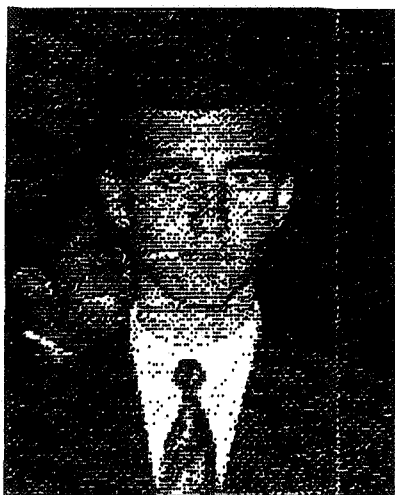
Web: <http://www.amnesty.org>

with conscientious objections were not required to take the normally compulsory oath of military allegiance, for example, and were sent to serve in capacities where they were not required to bear arms, such as drivers, cooks or as members of construction battalions. There was said to have been a change in this more lenient approach from 1995, however, resulting in an increase in prosecutions of conscientious objectors.

According to a report in the newspaper *Ayzhm* in April 1996,² for example, this change in approach had resulted in the imprisonment of 15 Jehovah's Witnesses for various periods. The four still imprisoned at the time the article was written were named as Sarkis Arakelian, who was sentenced to one year's imprisonment, Karen Simonian, who received two years' imprisonment, and Shahum Nahapetian and Grigor Dayan who were both sentenced to 18 months' imprisonment. One of those already released was named as Tigran Mardoyan, said to have completed his second sentence for refusing to serve in the army. Two others, Artur and Artak Hovhannissian, had reportedly left the country on their release to avoid the same situation, of being called up again, once more refusing to serve on conscientious grounds, and so facing a repeat prosecution and imprisonment.³

Prosecutions have continued, and the four cases currently known to Amnesty International are described below. The actual figure of imprisoned conscientious objectors is probably higher.

Prisoner of conscience John Martirosyan



John Martirosyan

John Martirosyan is a Jehovah's Witness. On 1 March 1997, around three months before his eighteenth birthday, he was notified of his forthcoming conscription for compulsory military service at the autumn call-up⁴ and was ordered to go to the Shahumyan District Military Registration and Enlistment Office (DMREO) to undergo a medical examination. John Martirosyan did so, passed the medical, and handed over a written statement to the District Military Commissar. In this statement he notified the authorities of his inability to perform compulsory military service on religious grounds, and wrote that - in the absence of any alternative, non-military service - he understood that such a refusal would result in criminal prosecution.

When he turned 18 on 21 June 1997, and knowing that his statement would most probably be ignored, John Martirosyan decided to leave his home - not to avoid prosecution, but to avoid being taken forcibly into military service by the army (as happened in the case of Samvel Manukyan described below, for example). Like others who have described being in a similar situation, John Martirosyan preferred to await a summons from the public prosecutor in connection with

² Article by Vahan Ishkanian in the Armenia newspaper *Ayzhm*, issue No. 10 (27 March to 2 April), 1996.

³ Such repeat prosecutions were also reported in the past from various parts of the Soviet Union, where some young Jehovah's Witnesses faced an almost continuous cycle of call-up and imprisonment until they reached the upper age of conscription at 27.

⁴ There are usually two call-up sessions a year, in spring and autumn.

the institution of criminal proceedings, and subsequently be tried as a civilian, rather than be forcibly conscripted into a military unit. What happened next in John Martirosyan's case - the detention of another family member, in effect as a hostage in an effort to force him to present himself at the DMREO - has also been widely alleged in other cases.

Two days after John Martirosyan's eighteenth birthday, at around 6.30am, two men from the DMREO went to his house and asked about his whereabouts. His father, Levon Martirosyan, replied that John had already written a statement about his beliefs to the Military Commissar, but went with the men back to the DMREO in order to hand over a further copy of the statement which John had prepared in advance for this eventuality. Once at the DMREO, however, officials reportedly ripped up this statement and ordered Levon Martirosyan to be detained in a solitary confinement cell until his son agreed to present himself there for military service. This was around 7.00am on 23 June.

The following day Levon Martirosyan's wife went to the DMREO to seek an explanation as to why he was being detained, and she was also told that he would be kept until John Martirosyan came to take his place. When she protested that her husband was unwell, having reportedly suffered an attack of radiculitis while detained, and that she was calling an ambulance, the Military Commissar himself was said to have told her that in that case they would detain her instead of her husband. Eventually the parents were allowed to leave the DMREO at around 5.00pm on 24 June.

Representatives of the DMREO called repeatedly at the house after that, and are said to have searched the premises on several occasions without any official sanction. Eventually, on 18 August, the public prosecutor's office rang summoning John Martirosyan to appear. His parents went to the office and were told that their son must agree to perform military service, or face prosecution. The following day John Martirosyan himself went to the prosecutor's office, and was placed under arrest.

The trial took place on 21 September, at the People's Court of Shahumyan District of Yerevan. John Martirosyan was convicted of "evading regular call-up to active military service" under Article 75 of the Armenian Criminal Code, and sentenced to 18 months' imprisonment. He is serving his sentence at the Kosh ordinary-regime corrective labour colony², and will be due for release on 19 February 1999 (the time spent in pre-trial detention counting against the sentence), should he serve his term in full.

Prisoner of Conscience Yerem Nazaretyan

Yerem Nazaretyan, who was born on 20 September 1976, received notification of his call-up papers in autumn 1994. He underwent the medical examination, and also straightaway notified the Zod District MREO in Ararat Region that he was unable to perform compulsory military service on religious and conscientious grounds as he was a Jehovah's Witness. He repeated these statements at various intervals, asking either to be able to perform alternative service or to be prosecuted for his refusal to perform military service. Like other young men in such a situation Yerem Nazaretyan left his home, to avoid



Yerem Nazaretyan

² Ordinary regime is the least severe of the four categories of corrective labour colony inherited from the Soviet era.

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being forcibly taken into the army, and went into hiding. At one point he was caught and taken to a DMREO Assembly Point, but managed to escape. He married in August 1997 and went to live at the home of his father-in-law. He was eventually arrested there on 22 October - at around 10.00pm that evening some men are said to have gained entrance to the home saying they were plumbers, and then detained him.

On 23 October Yerem Nazaretyan wrote to the public prosecutor of Vedi district, again explaining the reasons which underlay his inability to perform compulsory military service. Yerem Nazaretyan stated that after studying the Bible and considering himself a true Christian, his conscience did not allow him to serve in the army. He was prepared to bear criminal responsibility for this, but emphasized his willingness to perform alternative work. "Article 23 of the Constitution of the Armenian Republic guarantees each the right to freedom of conscience and religion", he wrote, "Respect my human dignity".

Yerem Nazaretyan was tried by Ararat District People's Court in the city of Vedi on 24 November 1997, and sentenced to two years' imprisonment under Article 75 of the Criminal Code for evading military service. As of early December he was held at the Sovetashen investigation-isolation prison, awaiting transfer to a corrective labour colony. Yerem Nazaretyan will be due for release by October 1999 at the latest.

Prisoner of conscience Tigran Petrosyan



Tigran Petrosyan

Tigran Petrosyan, a Jehovah's Witness, was born on 16 April 1977 and was notified of his call-up to compulsory military service on 25 September 1996. He immediately sent a written statement to the Military Commissar of the Sovetsky (Khorhrdayin) District of Yerevan explaining that as a Jehovah's Witness he was unable to perform compulsory military service on religious and conscientious grounds, and asking for the opportunity to perform a socially-useful, non-military alternative service. By the beginning of October 1996 Tigran Petrosyan had received no response and so repeated his statement in writing to the public prosecutor of the Sovetsky District. As in the case of John Martirosyan, his parents were reportedly harassed by representatives of the DMREO, who also threatened to hold his brother as a hostage to force Tigran Petrosyan to appear at their office.

On 2 June 1997 the prosecutor's office instigated criminal proceedings against Tigran Petrosyan, who was allowed to remain at liberty pending his trial. The hearing took place on 21 August 1997 in the People's Court of the Sovetsky District of Yerevan, and Tigran Petrosyan was sentenced to 18 months' imprisonment for evading call-up (Article 75 of the Criminal Code). He is serving his term in Kosh ordinary-regime corrective labour colony, and will be due for release on 21 February 1999 if he serves his term in full.

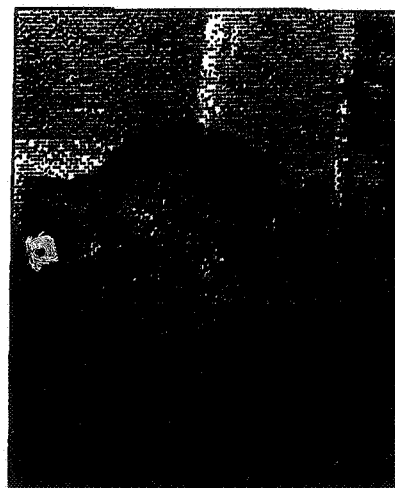
Prisoner of conscience Samvel Mamukyan

The young men in the cases described above went to considerable lengths to avoid the possibility of being forcibly conscripted into the army, preferring to stand trial and serve a prison sentence instead of finding themselves in a military unit and a situation of great conflict with their conscientiously-held beliefs. Samvel Mamukyan, also a Jehovah's Witness, was not able to follow this option: he was taken by force to a military unit and then tried under military law

when he escaped - the only way he could remove himself from the military demands his conscience forbade him to carry out.

Samvel Manukyan was born on 15 November 1978 and left Armenia in April 1996, before he reached the age of conscription. He lived in Russia for a while, before returning home of 28 November 1996. He was at liberty for only a few days, as representatives of the DMREO detained him at his home on 4 December and took him by force to military unit 63853 in Vanadzor. He reports that he was severely beaten there, and forcibly dressed in a military uniform after his own clothes were torn from him, in spite of his written statements that he wanted to be tried as a civilian for refusing military service (under Armenian law the offence of "evading regular call-up to active military service" does not fall under the separate section of military crimes, because the person concerned had avoided conscription and thus had not legally fallen under army jurisdiction at that point).

After two days at the military unit Samvel Manukyan managed to escape, and spent the next five months staying with a friend. During this time he sent several statements to relevant officials noting his refusal to perform military service, and the reasons for it, and requesting to be brought to trial rather than face forcible conscription. His family contacted the procurator's office and believed they had reached an agreement for him to face prosecution, so Samvel Manukyan eventually returned home around 15 days before the trial was due to take place. On 16 May 1997, however, eight representatives of the DMREO detained him at his home and Samvel Manukyan was held for the next two months in military custody in solitary confinement. He was also reportedly beaten severely during this time. He stood trial on 15 July 1997 in Vanadzor, and was sentenced to three years' imprisonment for the military crime of desertion (Article 255 part a) of the Armenian Criminal Code). Samvel Manukyan is serving his term in Kosh ordinary-regime corrective labour colony, and will be due for release on 16 May 2000, should he serve his term in full.



Samvel Manukyan

International law and conscientious objection

The right to conscientious objection is a basic component of the right to freedom of thought, conscience and religion - as articulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (to which Armenia is a party), and the European Convention for the Protection of Human Rights and Fundamental Freedoms. It has been recognized as such in resolutions and recommendations adopted by the United Nations Commission on Human Rights, the United Nations Human Rights Committee, the Council of Europe and the European Parliament.⁶

These bodies have all urged governments to guarantee that individuals objecting to compulsory military service because of their conscientiously held beliefs are given the opportunity to perform an alternative service. They have stated explicitly in a number of

⁶ For further information on the issue of conscientious objection in general see *Out of the margins: The right to conscientious objection to military service in Europe*, AI Index: EUR 01/02/97, April 1997.

resolutions that this alternative service should be of a genuinely civilian character and of a length which cannot be considered as punitive. They have also recommended that individuals be permitted to register as conscientious objectors at any point in time before their conscription, after call-up papers have been issued, or during military service. Likewise, the United Nations Commission on Human Rights, the Council of Europe and the European Parliament have emphasized that information about how to seek recognition as a conscientious objector should be readily available to all those facing conscription into the armed forces - as well as to those already conscripted.

Amnesty International considers a conscientious objector to be any person liable to conscription for military service who refuses to perform armed service for reasons of conscience or profound conviction. Their profound conviction may arise from religious, ethical, moral, humanitarian, philosophical, political or similar motives. But regardless of their objection, the right of such individuals to refuse to carry weapons or to participate in wars or armed conflicts must be guaranteed. This right also extends to those individuals who have already been conscripted into military service, as well as to soldiers serving in professional armies who have developed a conscientious objection after joining the armed forces. Wherever such a person is detained or imprisoned solely because they have been refused their right to register an objection or to perform a genuinely alternative service, Amnesty International will adopt that person as a prisoner of conscience.

Amnesty International does not question the right of governments to conscript individuals into the armed forces, nor does it agree or disagree with the motives of individual conscientious objectors. In keeping with the international standards mentioned above, however, Amnesty International insists that all those liable to conscription are given the opportunity to perform an alternative to armed service on the grounds of their conscience or profound conviction. On this basis, Amnesty International campaigns for the development of law and procedure which make adequate provision for conscientious objectors, and for the release of all those imprisoned solely on those grounds.

To this end Amnesty International is continuing to urge the relevant authorities in Armenia to take all appropriate steps to introduce the necessary legislation guaranteeing conscientious objectors their fundamental rights without delay, and to ensure that no one is imprisoned solely for exercising their right to conscientious objection, in violation of international standards to which Armenia is a party. Specifically, Amnesty International is urging the Armenian authorities to:

- ◆ release immediately and unconditionally John Martirosyan, Yerem Nazaretyan, Tigran Petrosyan, Samvel Manukyan and all others imprisoned for their refusal on conscientious grounds to perform military service, and refrain from imprisoning anyone else as a conscientious objector;
- ◆ introduce without delay legislative provisions to ensure that a civilian alternative of non-punitive length is available to all those whose religious, ethical, moral, humanitarian, philosophical, political or other conscientiously-held beliefs preclude them from performing military service;
- ◆ establish independent and impartial decision-making procedures for applying a civilian alternative to military service;
- ◆ ensure, after the introduction of a civilian alternative service, that all relevant persons affected by military service, including those already serving in the army, have

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information available to them about the right to conscientious objection and how to apply for an alternative service.

