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Armenia releases all imprisoned Jehovah's Witnesses

JW Official Website (15.11.2013) - On November 12, 2013, Armenia released the remaining 14 Jehovah's Witnesses imprisoned for their refusal to join the military. In total, 28 imprisoned conscientious objectors who are Jehovah's Witnesses have been released since October 8, 2013. This signals a change in Armenia's pattern of disregarding the right of conscientious objection, a policy that led to the imprisonment of over 450 young Witness men over the past 20 years. Now, for the first time since 1993, there are no Jehovah's Witnesses imprisoned in Armenia for their conscientious objection to military service.

Before the November 12 release, Armenia released eight Witnesses on October 8 and 9, based on an amnesty that reduced their prison sentences by six months. Six others were released on October 24. These six were the first to benefit from amendments adopted on June 8, 2013, to Armenia's existing law on alternative civilian service. These amendments allow conscientious objectors to apply to perform alternative service that is not under military control and supervision instead of being imprisoned.

Over 90 Witnesses have applied for this new program. On October 23 and November 12, 2013, the Republican Commission reviewed and approved the applications of 71 of these young men. The Commission announced its intention to hear the remaining cases shortly.

David A. Semonian, a spokesman for Jehovah's Witnesses at their world headquarters in New York, states: "We are pleased that the Armenian government has released these young men and that this long-standing issue appears to be resolved."

Imprisoned conscientious objectors should be immediately and unconditionally released

Forum 18 (17.10.2013) - Armenian Jehovah's Witnesses have welcomed the release from jail of nine conscientious objectors to military service. The men all had less than six months of their sentences to run. However, 20 prisoners of conscience remain in jail. "Our position is that the 20 imprisoned conscientious objectors should be immediately and unconditionally released", they told Forum 18 News Service. The government has now introduced alternative civilian service and set up an Alternative Service Committee to decide on applications for alternative service. It is due to hold its first full meeting to consider 65 applications – from Jehovah's Witnesses and others - in the week of 21 to 25 October. Yet Jehovah's Witnesses state that 97 of their young men, including the 20 prisoners of conscience, have applied to have their cases considered. Questions also remain over how the Committee will make decisions. Stepan Danielyan of Collaboration for Democracy notes that only during the November call-up will it be clear whether the new system will allow individuals to choose which type of service to do in accordance with their conscience.

Armenia's Jehovah's Witness community has welcomed as "positive" the release from prison of nine conscientious objectors to military service in a prisoner amnesty. "The families of the imprisoned men were overjoyed to welcome their loved ones home," Jehovah's Witnesses told Forum 18 News Service from Yerevan on 9 October. The men all had less than six months of their sentences to run. However, the Jehovah's Witness are disappointed that, although their terms have been reduced by six months, a further 20 prisoners of conscience remain in prison. "Our position is that the 20 imprisoned conscientious objectors should be immediately and unconditionally released."

Stepan Danielyan of Collaboration for Democracy – which has long campaigned against the imprisonment of conscientious objectors - agrees. "It is not right that the 20 are still imprisoned," he told Forum 18 from Yerevan on 16 October. "They should be freed and allowed to perform alternative service."

Two of the Deputy Justice Ministers involved in the issue were unavailable each time Forum 18 called. Officials told Forum 18 that Grigor Muradyan was out of Armenia, while Ruben Melikyan was in meetings or out of the office each time Forum 18 called on 16 and 17 October.

The government has now introduced alternative civilian service and set up an Alternative Service Committee to decide on individual alternative service applications. It is due to hold its first full meeting to consider 65 applications – from Jehovah's Witnesses and others - in the week of 21 to 25 October, two officials told Forum 18. Yet Jehovah's Witnesses state that 97 of their young men have applied to have their cases considered by the Committee (see below).

Free prisoners of conscience now

Human rights defenders and Jehovah's Witnesses insist all imprisoned conscientious objectors should have been freed long ago and that the remaining 20 prisoners of conscience should be freed immediately. Armenia committed itself on joining the Council of Europe to introduce a civilian, non-military alternative service by January 2004, it failed to do so. It also pledged to release all those imprisoned for refusing military service in the interim, but continued with a policy of imprisonment. For this it has been strongly criticised by the Parliamentary Assembly of the Council of Europe (PACE) and the United Nations Human Rights Committee.

In addition, in July 2011 the European Court of Human Rights (ECtHR) in Strasbourg ruled in the case of former conscientious objector prisoner Vahan Bayatyan (Application No. 23459/03) that the right to conscientious objection is protected by Article 9 ("Freedom of thought, conscience and religion") of the European Convention on Human Rights.

The ECtHR also handed down two similar judgments against Armenia – in cases brought by Hayk Bukharatyan (Application No. 37819/03) and Ashot Tsaturyan (Application No. 37821/03) - in January 2012.

In November 2012, the ECtHR – in its fourth decision against Armenia in conscientious objector cases – found in the case of Khachatryan and Others (Application No. 23978/06) that Armenia had violated the rights of 17 Jehovah's Witness conscientious objectors.

Jehovah's Witnesses state that 29 of their young men have been convicted since the Bayatyan judgment, and a further 33 cases are pending with investigators or the courts. All were punished or investigated under Criminal Code Article 327, Part 1, which punishes evasion of the call-up to military or alternative service. The maximum sentence under this article was increased to three years' imprisonment in December 2005.

Nine prisoners of conscience freed, 20 still jailed

Nine imprisoned conscientious objectors were freed on 8 and 9 October after they were included in a prisoner amnesty. The amnesty, to mark the 22nd anniversary of Armenia's independence from the Soviet Union, was proposed by President Serj Sarkisyan and approved by parliament on 3 October, the parliamentary website noted the same day.

The longest-serving of the nine amnestied prisoners, Aharon Mushegyan, had been given a three-year sentence in November 2010. The other eight were all imprisoned in 2011, serving sentences of 30 or 36 months. Three of the nine amnestied prisoners had less than 10 days left to serve at the time of their release, Jehovah's Witnesses told Forum 18.

Jehovah's Witnesses remain concerned about the 20 current prisoners. "Unfortunately, the amnesty only reduced their sentences by six months," Jehovah's Witnesses told Forum 18.

Criminal cases continue

Three Jehovah's Witness conscientious objectors were sentenced under Criminal Code Article 327, Part 1 in 2013. Samvel Abrahamyan received a 30-month sentence on 29 January. Narek Grigoryan, was sentenced to 24 months' imprisonment on 25 February. Vahagn Paronikyan received a 24-month sentence on 4 March. However, the three young men were not imprisoned pending their appeals. Grigoryan's appeal is due to be heard at Armenia's Criminal Appeal Court in Yerevan on 21 October.

A total of 27 other criminal cases under Article 327, Part 1 are being investigated. Six more are already in the courts, though no verdict has yet been reached in any of the trials.

All 36 of these individuals have applied for the new alternative civilian service, Jehovah's Witnesses told Forum 18. However, the criminal cases against them have not been dropped. "We have not received any information about what they are planning to do with them," Jehovah's Witnesses told Forum 18.

Forum 18 was unable to reach Gevorg Kostanyan, Armenia's Military Prosecutor, on 17 October.

Civilian institutions

Armenia has long imprisoned those young men unwilling to perform military service or the alternative service under military control. All forms of military service were and are unacceptable to Jehovah's Witness young men and to at least one member of the Molokan community. Hundreds of Jehovah's Witnesses and one Molokan were imprisoned, with prison sentences of up to three years.

The Justice Ministry finally drafted amendments to the 2003 Alternative Service Law and to the 2003 Law on Implementing the Criminal Code to introduce for the first time a genuinely civilian alternative. They were approved by parliament and signed into law by President Sarkisyan in May. They came into force on 8 June.

Under a 25 July government decision, 11 institutions were identified as places where alternative civilian service would be carried out including nursing homes, children's homes and psychiatric clinics. The 11 institutions are controlled by a number of ministries: the Labour and Social Affairs Ministry, the Health Ministry and the Emergency Situations Ministry. A separate list identified tasks the alternative service workers would carry out, including hospital orderly, laundry worker, kitchen worker, ground staff or emergency rescuer's assistant.

"We're not against these institutions," Jehovah's Witnesses told Forum 18. "They are civilian."

Alternative Service Committee

Under another 25 July government decision, the government appointed the members of the seven-strong Alternative Service Committee to review applications for alternative civilian service. Chairing the Committee is Vache Terteryan, First Deputy Minister of Territorial Administration. Its other members come from various ministries and agencies, including the Defence Ministry, Health Ministry, the Police and Vardan Astsatryan of the government's Department for Ethnic Minorities and Religious Affairs. The Defence Ministry's representative on the Committee is Deputy Minister Ara Nazaryan, who is a civilian and not a military officer.

Applications

A total of 97 Jehovah's Witness young men have made individual applications to the Committee for alternative civilian service.

Among the 97 applicants are all 20 current conscientious objector prisoners, who applied for transfer to alternative civilian service by the 1 August deadline in accordance with the terms of the amendments. They did so "under protest" to be released from jail, Jehovah's Witnesses complained to Forum 18. "We are at a loss to understand why their applications for alternative service have not yet been processed and they have not been freed."

Any young man transferring from prison to the new alternative civilian service would have the length of time they have been imprisoned deducted from their alternative service, Jehovah's Witnesses told Forum 18.

How will Alternative Service Committee operate?

Human rights defenders have expressed some concern over the role of Defence Ministry officials in the Alternative Service Committee, and vagueness over the way it is supposed to operate. Forum 18 was unable to reach Deputy Defence Minister Nazaryan on 17 October.

Alternative Service Committee chair Terteryan was unavailable when Forum 18 called on 17 October. But a colleague from his Territorial Administration Ministry, Artur Sogomonyan, head of the Municipal Administration Department, told Forum 18 that the Committee meeting in the week of 21 to 25 October will consider all 65 applications it has received. He said these are not only from Jehovah's Witnesses but others too, though he would not identify the background of these other applicants.

It is unclear how the figure of 65 applications that Sogomonyan quoted matches the 97 applications Jehovah's Witness state have been made from their community, or where other applications – numbering at least 32 – may be in the application process.

Astsatryan of the Department for Ethnic Minorities and Religious Affairs told Forum 18 on 17 October that the Alternative Service Committee has held preliminary meetings, but that the meeting in the week of 21 to 25 October will be the first full meeting and will consider the applications for alternative service received.

Asked if the Committee will approve applications from individuals who base their objections on non-religious reasons of conscience, Sogomonyan of the Territorial Administration Ministry responded: "Each case will be decided individually."

Astsatryan of the Department for Ethnic Minorities and Religious Affairs was also asked by Forum 18 if the Committee will approve applications from individuals who base their objections on non-religious reasons of conscience. He replied that "we will listen and decide on each case. My approach is that alternative service will be open to religious and non-religious applicants."

Yet how the Alternative Service Committee will assess individuals and decide which applicants can proceed to alternative civilian service remains unclear, according to Danielyan of Collaboration for Democracy.

"I asked about the procedures it will adopt, but no one could tell me," Danielyan told Forum 18. "This is the most important question – will alternative service be for all who apply? Or just for religious objectors? What will happen to the other applicants?" He added that officials fear many people might apply for the alternative, rather than for military service.

Danielyan believes only during the November call-up will it be clear whether the new system is functioning in a way that allows individuals to make a free choice over which type of service to do in accordance with their conscience.

Length of alternative service

Human rights defenders have criticised the length of the alternative civilian service – three years compared to two years' military service.

However, Jehovah's Witnesses state that the longer alternative service is not the "main concern" for them. "Alternative service is longer, but for us the main concern is that alternative civilian service is not under military control," they told Forum 18. "It seems this has now been met."

The life of Pastor Levon Bardakjian still under threat

Press release of the Council of the Evangelical Church of Yerevan

Council of the Evangelical Church of Yerevan (17.10.2013) - The Council of the Evangelical Church of Yerevan reports that while being under the emotional and physical stress after the murder attempt by Gevorg Ghazaryan against the Reverant Levon Bardakjian on September 11, 2013 (<http://www.religions.am/eng/news/attacks-on-the-members-of-the-evangelical-church-of-yerevan-after-archimandrite-komitas%E2%80%99s-statements/>) and the kidnapping event that happened with the Evangelical church secretary on the 13th of September, as well as the shooting incident on the church's vehicle on September 18th, to our extreme surprise, the same person, Gevorg Ghazaryan, who did the murder attempt, in the afternoon of the 15th of October appeared again at the cafe adjacent to the Evangelical Church of Yerevan asking again about Rev. Levon Bardakjian.

What has been even more disappointing and discouraging for us was to be informed at the Police Department that the Police has not yet made a final decision on this criminal case violating the Criminal Code on judicial procedures which requires to make a decision 10 days after the report is given at the Police Station. Therefore the Church community expresses their serious concern about not feeling secure having the Police officers acting contrary to the Criminal law.

Legalize the right to conscientious objection to military service on religious or philosophical grounds.

Human Rights Without Frontiers Int'l recommends to Armenia, Azerbaijan, Belarus, Georgia, Turkey and Turkmenistan to legalize the right to conscientious objection to military service on religious or philosophical grounds.

HRWF (26.09.2013) -

Armenia

By January 2004 Armenia should have introduced a civilian alternative to compulsory military service. In the last nine and a half years, about 275 JW were imprisoned as objectors, around 30 per year. In 2011, Armenia was condemned by the European Court on Human Rights on this issue. In May of this year, the Armenian has adopted new amendments to the 2003 Alternative Service Law and to the 2003 Law on Implementing the Criminal Code. The young people that are now called up are sent to a civilian service.

Two types of alternative service are now available:

- a.) "Alternative military service" for 30 months which is not connected with bearing, keeping, maintaining or using weapons;
- b.) "Alternative labour service" for 36 months not connected with the armed forces.

However, the conscientious objectors that are currently serving a prison term have still in prison for months.

Azerbaijan

Azerbaijan's two known imprisoned conscientious objectors sentenced last year to one year imprisonment – both Jehovah's Witnesses - have been freed as part of a prisoner amnesty in June last on the occasion of the late President Heydar Aliiev's 90th birthday.

Both conscientious objectors had been imprisoned under Article 321.1 of the Criminal Code. This states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

Three former imprisoned conscientious objectors have lodged cases to the European Court of Human Rights in Strasbourg.

Azerbaijan has not adopted a law on alternative civilian service, although this was one of the commitments it made upon accession to the Council of Europe in 2001.

Belarus

While the constitution provides for the right to alternative civilian service, the law makes no provision for conscientious objectors. Persons charged with draft evasion face penalties ranging from fines to five years in prison.

Georgia

In two cases reported this year by the Jehovah's Witnesses involving alternative service for compulsory active military duty, the Ministry of Defense denied initial requests for exemptions, but granted the requests in follow-up appeals. Authorities granted the appeal of one Jehovah's Witness in which the individual was fined for non-fulfillment of military or alternate service, but denied the appeals of three others.

Turkey

In its national law, Turkey fails to recognize the right to conscientious objection and no civilian alternative to military service is available. Conscientious objectors who have publicly stated their refusal to carry out military service have been subjected to criminal prosecution and imprisonment of up to three years. On release, they often receive new call-up papers, and the process is repeated. Turkey has failed to implement the 2006 ruling of the European Court of Human Rights that required Turkey to amend its legislation to prevent the "civil death" of conscientious objectors repeatedly prosecuted and convicted for their refusal to carry out military service, found by the Court to be a violation of Article 3 of the European Convention on Human Rights (prohibition of degrading treatment). Over the last two years, in several cases starting with *Erçep v. Turkey* in November 2011, Turkey was found to have violated Article 9 of the European Convention on Human Rights that guarantees the right to freedom of thought, conscience and religion.

In 2012, the Court applied the Grand Chamber's judgment in the cases *Savda v. Turkey*¹⁹ and *Tarhan v. Turkey*, and found violations of article 9 of the European Convention. These were the first "secular" cases addressed by the Court which did not involve Jehovah's Witnesses. In *Savda v. Turkey*, the applicant, a Kurd, had been subject to repeated call-ups, prosecutions and imprisonment. The Court also found violations of the European Convention's article 3 (inhuman or degrading treatment) and article 6 (right to a fair trial). The judgment also noted that the applicant's case was characterized by an absence of a procedure on the part of the State to examine his request for recognition of conscientious objector status, and consequently his request was never examined by the authorities who made use of criminal law provisions penalizing his refusal to carry out military service.

Turkmenistan

In March of this year, Jehovah's Witness conscientious objector Atamurat Suvkhanov was sentenced to one year in prison for refusing to perform military service on conscientious grounds.

This sentence brings to nine the number of known imprisoned conscientious objectors. A further four are serving suspended prison sentences. Another young Jehovah's Witness in the capital Ashgabad, Danatar Durdyev, was convicted on the same charges in January, but was instead given a heavy fine.

In Turkmenistan, military service for men between the ages of 18 and 27 is compulsory and is generally two years. There is no alternative to compulsory military service.

The refusal to serve in the armed forces in peacetime is punishable by a maximum penalty of two years' imprisonment under Criminal Code Article 219, Part 1.

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the right to freedom of religion or belief, breaks the country's international human rights commitments, and was criticised in March 2012 by the UN Human Rights Committee where 10 objectors had filed a complaint.

Social hostility in Armenia, France, Moldova and Ukraine

HRWF recommends to the OSCE Participating States
- to combat any form of social hostility and any act of violence against any religious or belief community, not just Christians, Muslims or Jews;
- to organize human rights seminars with a wide range of religious institutions in order to promote inter-religious tolerance and peaceful co-existence.

HRWF (24.09.2013) - An increasing number of non-state actors – religious, non religious and anti-religious – perpetrate acts of vandalism against places of worship and buildings, including arson, belonging not only to so-called historical religions but also against so-called new religious movements. Members of these religious minorities have also been victims of verbal insults and physical aggressions committed by people who were influenced by the hate speech and defamatory statements made by institutions or high-ranking personalities of some mainstream religions, anti-sect organizations as well as some state and private media outlets. This is the case in many Participating States of the OSCE. Some examples:

Armenia

On 9 September, the Armenian Apostolic Church Archimandrite Komitas Hovnanyan claimed at a press conference that there are more than 215 cults functioning in Armenia which are political organizations. He claimed that the "cults" receive annual funding of half a billion dollars and have the aim to destroy the State of Armenia. He addressed the government proposing them to develop a plan that will protect national interests, without which it will be impossible to unite the nation for the fight against destructive cults. This hate speech received a large mass media coverage and did not remain without consequences.

Two days later, on 11 September, a young man intruded the Evangelical Church of Yerevan with a knife in his hand with the intention to kill the pastor, Rev./Dr Levon Bardakjian.

On 13 September 13 at around 08:45, a Syrian-Armenian, Judy Mussah who is the secretary of Levon Bardakjian the Pastor of Evangelical Church of Yerevan, was attacked

at Ulnetsi Street in Qanaqer-Zeytun district by three unknown aggressors asking twice if she was the pastor's employee.

They forced her to sit with them in their car by pulling her hair and arms. Fortunately, she could hit one of those men with her handbag and managed to run away.

France

Since the beginning of the year, acts and threats against Muslims have increased in France by 35% compared to the same period in 2012.

In February, the mosque in Ozair-la-Ferrière was vandalised with racist slogans and swastikas. French Interior Minister Manuel Valls said that his government would never tolerate speech or actions directed against Muslims in France. However, the Minister kept silent after a firebomb attack was directed against a Jehovah's Witness meeting hall on the evening of 31st July in the city of Ajaccio in Southern Corsica. Residents heard three separate explosions and summoned fire fighters, who quickly extinguished the blaze.

France is the country of the European Union where Jehovah's Witnesses are most targeted by verbal insults, physical aggressions and acts of vandalism, including arsons, against their places of worship.

Moldova

In 2011, UN Special Rapporteur of FORB made a fact-finding mission in Moldova and noted in the conclusions of his report: "Important sectors of society see Orthodox Christianity, in particular the Moldovan Orthodox Church, as constituting the backbone of national identity. Extremist groups go as far as to explicitly demand, often in an aggressive manner, that followers of other denominations – such as Protestants, Jews and especially Muslims – be marginalized. Although these extremist groups seem to account only for a small minority, they apparently are not met with much criticism from within the Church, thus leading to the perception that they somehow speak on behalf of the country's Orthodox believers in general."

35. (...) The Special Rapporteur "received credible reports about manifestations of intolerance against members of minorities and even some incidents of intimidation or vandalism, especially in rural areas. Such incidents have also been reported in the Transnistrian region of the Republic of Moldova.

37. Reportedly, even the burial of deceased members of religious minorities in rural areas is occasionally met with the resistance of certain Orthodox groups who want the local cemetery (owned by the municipality) to remain free of graves of other denominations, such as Baptists, Methodists or Pentecostals. As a result of such aggressive opposition, in some cases, funerals had to be postponed and the bereaved faced difficulties in burying their loved ones in a dignified way, which is obviously an appalling situation. In addition, according to information received from different interlocutors, incidents of vandalism against Protestant houses of worship have occasionally occurred, such as the breaking of windows or the tearing down of walls during construction. The Special Rapporteur could not find any examples of the Orthodox Church clearly condemning such acts of violence or hostility sometimes perpetrated in the name of Orthodox Christianity.

38. The best documented case of public manifestation of religious intolerance against a religious minority was the removal and the demolition of the Jewish Chanukah Menorah displayed in a public place in Chisinau, in December 2009.¹⁰ A mob of around 100 people led by an Orthodox priest removed the Menorah and subsequently dumped it upside-down on a nearby monument to Stefan cel Mare, a medieval Moldovan prince and

saint in the Moldovan Orthodox tradition. While political authorities and the media expressed outrage at this public manifestation of religious intolerance, no condemnation, let alone apology, was publicly made by the Moldovan Orthodox Church to the Jewish community. This was a missed opportunity to emphasize that central public places belong to everyone on a non-discriminatory basis. The priest was eventually sentenced to paying a small fine.

Ukraine

Between 2010 and 2013, places of worship of Jehovah's Witnesses were increasingly victims of vandalism and arson.

In 2010 there were 5 reported incidents of vandalism and arson, 15 in 2011, 50 in 2012 and already 23 in the first five months of 2013. All these cases are detailed in their submission which was uploaded on the UN website:

http://www2.ohchr.org/English/bodies/hrc/docs/NGOs/EAJCWitnesses_Ukraine_HRC108.pdf

Numerous pictures of the damages illustrate their report.

Attacks on the members of the Evangelical Church of Yerevan after Archimandrite Komitas' statements

Religions in Armenia (14.09.2013) - In the press conference held by "Armenpress" news agency on September 9 the General Supervisor and Director of the "Hayordats Tner" Organization of the Armenian Apostolic Church Archimandrite Komitas Hovnanyan announced that there are more than 215 cults functioning in Armenia which are political organizations.

According to <http://newsarmenia.ru/society/20130909/42933579.html/>, Archimandrite Komitas also claimed that the "cults" receive annual funding of half billion dollars and have the aim to destroy the State of Armenia. He addressed the government suggesting them to develop a plan that will protect national interests, without which it will be impossible to unite the nation for the fight against destructive cults. This press conference received large mass media coverage.

On September 11, 2013, at around 02:25 PM a young man intruded the Evangelical Church of Yerevan located on V.Vagharshyan St., 12 Building and without consent barged into the office of the Church Pastor, Rev./Dr Levon Bardakjian.

In the following we present the story of Dr Levon Levon Bardakjian, that he told to www.religions.am site.

The Pastor's office is divided into three sections, and before the receptionist managed to stop him, the above mentioned young man was already in the last section. He had a knife with marks of blood in his hand, which is overall 39 cm and has a 29 cm long blade. Seeing the receptionist he started waving the knife and consistently asking: "Where is the Reverend, where is he? ...Call him and ask him to come... Tell me his place I will go myself..."

Being scared and horrified, the receptionist though persuaded him to get out of the office. In the corridor the man continued to insist on immediately seeing Reverent Bardakjian. The existence of the knife and immediate danger shocked the church

workers. Merely by chance, neither the Pastor nor his daughter (who had left the office just an hour ago and returned some minutes after the incident) was not in the office.

Our first concern is that this was an intentional act against the church leader. Another concern is the article published on line by the information provided by the RA police. The facts in this article do not correspond to the reality (<http://news.am/arm/news/171023.html>).

On September 13, 2013 at around 08:45, a Syrian-Armenian, Judy Mussah who is the secretary of Levon Bardakjian the Pastor of Evangelical Church of Yerevan, was attacked at Ulnetsi Street in Qanaqer-Zeytun district. Three, about 25-30 year old unknown to Judy men attacked her asking twice whether she is Levon Bardakjian's employee. To Judy's question who they are and what they want, they introduced themselves as policemen and forced her to go with them in their car. Judy required them to show Identification Cards that proves them being policemen, however they didn't do so. Judy told them that whoever they were to be they had no right to treat her that way and if there was the need she could have accompanied them in an adequate manner. The unknown men continued forcing her to sit with them in their NIVA car (Number: Vaz 2121) by pulling her hair and arms. Judy was able to hit one of those men with her handbag and managed to run away towards the bus station, take a taxi and leave the place. Seeing the bus station crowded, the offenders left the scene. Right after the incident Judy informed Levon Bardakjian's assistant about the happening and L. Bardakjian immediately contacted the Ministry of Internal Affairs which in its turn informed Qanaqer-Zeytun District Police.

We believe that the incident of the September 13th was interlinked with what had happened on the September 11th, the murder attempt by a young man against Levon Bardakjian. Judy Mussa, being the witness of this incident had reported to the Police in Arabkir District where she provided her residential address and according to our understanding, only these policemen could follow her by visiting her residence.

At the Arabkir Police Station, to Pastor Bardakjian's question whether those three men were really related to the Police, the answer was that they didn't know and had to find it out.

Our concern is that in both Arabkir and Kanaker-Zeytun Police Departments the reports miss the following important points:

1. The young man entered The Evangelical Church of Yerevan with the determination to find Reverend Levon Bardakjian.
2. The three men that attacked Judy asked whether she is Levon Brdakjian's employee.

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<http://www.religions.am/eng/news/attacks-on-the-members-of-the-evangelical-church-of-yerevan-after-archimandrite-komitas%E2%80%99s-statements/>

New legal amendments to end conscientious objector jailings?

Forum 18 (06.06.2013) - Nine and a half years, and about 275 prisoners of conscience, after Armenia should have by January 2004 introduced a civilian alternative to

compulsory military service, human rights defenders and conscientious objectors are hoping this Council of Europe commitment will finally be met. The change comes in new amendments to the 2003 Alternative Service Law and to the 2003 Law on Implementing the Criminal Code. "Our main concern was that alternative civilian service should not be under military control," Jehovah's Witness lawyer Artur Ispiryan told Forum 18 News Service from the Armenian capital Yerevan on 5 June. "This appears to have been resolved."

But both he and human rights defenders Stepan Danielyan of Collaboration for Democracy and Avetik Ishkhanyan of the Armenian Helsinki Committee point to other possible concerns. These include the Defence Ministry's role in decisions on applications for alternative service, unclear wording of some articles, and the length of alternative service.

All three stress that how the legal changes are implemented will be crucial. "All will depend on where young conscientious objectors are sent to serve, and how they will react to the provisions on offer," Ishkhanyan told Forum 18 from Yerevan on 5 June.

"This will need close monitoring."

The amendments to the Law on Implementing the Criminal Code should allow the 33 young men imprisoned for refusing military service, the six more who have been convicted and await imprisonment, the further six whose trials have begun and the 29 young men who are being investigated for prosecution to apply to be transferred to alternative civilian service, Forum 18 notes.

What are the changes?

The main changes introduced by the amendments to the Alternative Service Law and the Law on Implementing the Criminal Code are:

- Two types of alternative service

The Alternative Service Law in Article 5, as previously, allows two types of alternative service. Both apply only to young men:

a.) "Alternative military service" for 30 months which is not connected with bearing, keeping, maintaining or using weapons;

and b.) "Alternative labour service" for 36 months not connected with the armed forces.

Article 3.1 makes alternative labour service open to all young men with a conscientious objection to military service, whether they are religious or not, Ishkhanyan of the Armenian Helsinki Committee told Forum 18.

Armenia previously required all young men to perform two years' military service. Since the Alternative Service Law entered into force in 2004, those called up could instead apply for alternative service under military control, which lasted up to 42 months. This did not meet Council of Europe commitments or satisfy many conscientious objectors.

The reduction in length from 42 months of alternative service under military control to the 36 months of alternative labour service is welcomed by Danielyan of Collaboration for Democracy, Ishkhanyan of the Armenian Helsinki Committee and Ispiryan of the Jehovah's Witnesses. But they note that this is 50 per cent longer than military service. "I believe this should be at most six months more than military service," Ishkhanyan told Forum 18.

- Applications

To apply for alternative service, an applicant must in person go to their local Military Commissariat and submit a written application within a specified time period. Within 30 days of the application being registered, the Regional Military Commissariat shall ascertain under the Conscription Law whether the applicant can be either exempted from military service or given deferred military service. If not, the application must be sent to the Republican Committee.

Article 3.2, as previously, does not allow individuals once they are performing either military or alternative service to change their minds and transfer to the other. "We haven't had such a case of an individual performing military service changing their views and wanting to transfer to alternative service," Jehovah's Witness lawyer Ispiryan told Forum 18. "But this could be an issue."

- Decisions

Decisions on alternative service applications are made by the "Republican Committee". Under Article 4 this is a standing committee made up of one representative each from: the Territorial Administration Ministry; the Healthcare Ministry; the Labour and Social Affairs Ministry; the Education and Science Ministry; the Police; the Defence Ministry; and the Department for Ethnic Minorities and Religious Affairs.

Danielyan of Collaboration for Democracy, Ishkhanyan of the Armenian Helsinki Committee and Ispiryan of the Jehovah's Witnesses raise questions over the composition of the Republican Committee and the vagueness over the way it is supposed to operate. "What if the Defence Ministry representative ends up having the decisive voice?" Danielyan pointed out.

Article 8 states that applicants must be notified in advance of the time and location of the meeting at which their application will be decided on, and they can attend this meeting. The Republican Committee can require the applicant to be present.

"Religious studies experts, psychologists and other professionals, representatives of the locations where alternative service is performed, religious and social organisations, and others persons can", under Article 18.2, "be invited to the Republican Committee's meeting." However, there is no indication of the basis on which such invitations shall be issued. For example, Article 18.2 might allow a religious leader of one faith to have an input into a decision on the application of someone from a different faith. "The role of such individuals and what input they might give remains unclear," Ispiryan notes.

Applications must under Article 8.1 be decided upon by the Republican Committee within one month. Decisions are valid if voted for by two thirds of participating members, if more than half of the seven Committee members are present. Such decisions must be sent to the applicant and the relevant Regional Military Commissariat within 10 days.

The Republican Committee also decides on the type of alternative labour service to be performed by successful applicants. Possible types of work are decided on by the government, but no indication is given of which part of the government makes this decision.

- Grounds for decisions

The Republican Committee can under Article 9 reject alternative service applications if:

- 1) The citizen who applied for alternative service has been invited twice to the meeting of the Regional Conscription Committee and failed to appear for unjustifiable reasons, or;
- 2) The applicant has submitted false information;

3) The application is obviously groundless."

"It remains unclear on what basis the Republican Committee will take its decisions," Danielyan of Collaboration for Democracy told Forum 18. "It is difficult to foresee how this provision will be applied," Jehovah's Witness lawyer Ispiryan told Forum 18. "Conscientious convictions are hard to prove."

- Appeals

The amendments to the Alternative Service Law do not lay down any appeal procedure or conditions. They merely state in Article 8.1.4 that "if the Republican Committee makes a decision to reject the application, it must state the basis for doing so and the procedure for appealing against the decision".

- Alternative labour service conditions

Article 14 states that alternative labour service is performed in state agencies, Article 14.3 stating that there will be "no military supervision", Article 14.2 indicating that "supervision of the performance and organisation of alternative labour service is carried out by state agencies".

Jehovah's Witness lawyer Ispiryan particularly welcomes the declaration that there can be no military supervision of alternative labour service, which was introduced into the Alternative Service Law amendments between the first and second readings.

However, Article 17.1 states that under Article 13 alternative labour service workers "appear before the Military Commissariat to depart for alternative service", travelling to the alternative service location at their own expense. The location of this should, under Article 17.4, be no more than 30 kilometres (19 miles) away or expenses will be reimbursed.

But Article 14.2 states that "the head of the organisation where the alternative labour service is carried out .. decides his type of work, the regulations and conditions, and within three days notifies this in writing to the Military Commissariat". Article 14.3 states that "an alternative labour worker can be transferred to another organisation or another place of service upon agreement or initiative of the Republican Committee".

Article 18.1 lays down that: "the Director of the place of alternative labour service familiarises the worker with the rules of internal discipline of the organisation and the details of the work to be performed". Article 18.2 requires the Director "to ensure the same working conditions for the alternative labour worker, as they would be required to provide for a contracted or employed worker who does the same kind of work."

Article 21.3 states that: "Alternative labour workers shall be held responsible for unauthorised leave of absence from the place of service in the same way prescribed by law for compulsory military service servicemen".

- Current prisoners of conscience allowed to apply for transfer
Changes to the Law on Implementing the Criminal Code allow people convicted of conscientious objection who are serving their sentence, or have been paroled, or whose sentence was not applied conditionally, to apply before 1 August 2013 to perform alternative service. If this is granted their criminal records will be removed.

Prisoners must apply to the administration of their prison. Time they have already served counts towards the total required length of alternative service. "The prison administration tells them within seven days if the transfer is approved or not," Jehovah's Witness lawyer Ispiryan told Forum 18. "But it does not make clear who takes the decision."

He also notes that a prisoner nearing the end of a two-year sentence might choose not to apply for alternative service, as they would then have to conduct just over a year of alternative civilian service to reach the new specified length of such service of three years.

"It is a bit unfair that prison time counts exactly the same as alternative service time," Ispiryan told Forum 18. "But each individual will decide for themselves whether to apply for a transfer. This is of course a personal decision."

- Past criminal records removed

The amendments to the Law on Implementing the Criminal Code allow individuals convicted for conscientious objection to military service to apply to have their criminal records expunged.

Compensation?

The amendments do not address the issue of compensation for conscientious objectors who have been imprisoned. Twenty former imprisoned conscientious objectors have gained compensation from the government, though only after securing findings in their favour in four separate cases at the European Court of Human Rights (ECtHR) in Strasbourg (see below).

A further 26 Jehovah's Witness conscientious objectors – 23 of them still in prison – lodged their own cases to the ECtHR between December 2011 and December 2012, Jehovah's Witnesses told Forum 18.

Amendments approved

After delaying since joining the Council of Europe in January 2001, Armenia's Justice Ministry finally prepared amendments to provide alternative civilian service in 2012. These were then presented to Parliament. Justice Minister Hrair Tovmasyan presented the two sets of amendments to Parliament on 27 February 2013. On 18 March, deputies approved both in the first reading with 103 in favour and just one (Deputy Shushan Petrosyan of the ruling Republican Party) against. In the second (and final) reading on 2 May, 65 deputies voted in favour and two against, the parliamentary website notes.

The amendments were signed into law by President Serzh Sarkisyan on 21 May. Both amendments enter into legal force on 8 June, the government's legal database notes.

Alternative civilian service unavailable – up till now

Although Armenia committed itself on joining the Council of Europe to introduce a civilian, non-military alternative service by January 2004, it failed to do so. It also pledged to release all those imprisoned for refusing military service in the interim, but continued with a policy of imprisonment.

A total of 33 Jehovah's Witnesses are currently serving prison terms under Criminal Code Article 327, Part 1 of between two and three years' imprisonment. The longest serving prisoner is Harutyun Mnatsakanyan, given a three-year prison sentence in August 2010. All are being held in prisons in Kosh, Nubarashen or Erebuni.

Of the approximately 275 young men who have been convicted and imprisoned to punish them for their conscientious objection to military service in the past decade, all but one have been Jehovah's Witnesses, Ishkhanyan notes. The other - Pavel Karavanov - was a Molokan, a member of an early Russian Protestant-style Christian community.

"In the Soviet period Seventh-day Adventists, Molokans and Pentecostals often opposed military service," Danielyan told Forum 18. "After independence in 1991, some of these were forcibly conscripted. But now these communities don't object to military service, though some individuals within them might choose alternative civilian service."

Of all the former Soviet republics which still punish those who cannot serve in the armed forces on grounds of conscience, Armenia has had by far the highest rate of imprisonment for objectors. Turkmenistan, Azerbaijan and Belarus – as well as the unrecognised entity of Nagorno-Karabakh in the south Caucasus - have all imprisoned conscientious objectors in recent years. Council of Europe member Turkey also imprisons conscientious objectors, in defiance of ECtHR judgments.

Strasbourg compensation

In four separate cases, the ECtHR in Strasbourg has found the Armenian government to have violated the rights of conscientious objectors. In a landmark case, the court ruled in July 2011 in favour of former conscientious objector prisoner Vahan Bayatyan. The ECtHR handed down two similar judgments against Armenia – in cases brought by Hayk Bukharatyan and Ashot Tsaturyan - in January 2012.

In November 2012, the ECtHR – in its fourth decision against Armenia in conscientious objector cases – found that Armenia had violated the rights of 17 Jehovah's Witness conscientious objectors. For the first time in such cases, Armenia's European Court Judge, Alvina Gyulumyan, did not dissent from the judgment.

The November 2012 judgment awarded compensation of 6,000 Euros to each of the 17 conscientious objectors. The government was also required to pay a total of 10,000 Euros in costs for all the applicants.

This judgment became final on 27 February 2013, with compensation payable by 27 May. The government allocated the funds to meet the 112,000 Euro total at its 8 May meeting. It paid the compensation in mid-May, the Justice Ministry and Jehovah's Witnesses both confirmed to Forum 18.

Strasbourg cases to continue?

The 26 conscientious objectors who lodged further cases at the ECtHR in Strasbourg have not been approached by any government official in the wake of the two sets of amendments approved in May, Jehovah's Witness lawyer Ispiryan told Forum 18.

"All 26 were convicted after the court's judgment in the Bayatyan case," he added. "Government officials have made them no offers over reaching a friendly settlement. So the cases are likely to continue."

17 conscientious objectors win their case against Armenia in Strasbourg

RIA Novosti (08.05.2013) – The Armenian government on Wednesday allocated €112,000 (\$145,226) to the Ministry of Justice to pay damages and legal fees to 17 conscientious objectors in compliance with a 2012 ruling by the European Court of Human Rights, the government press service said.

In 2004, 17 young male Armenian Jehovah's Witnesses began performing alternative civilian service. After a year, they refused to continue, saying they could no longer serve under the control and supervision of the military in good conscience.

The members of the international religious organization were arrested and prosecuted. Some were held in pretrial detention for several months, and 11 were eventually sentenced to prison terms from two to three years.

The European court ruled that the criminal prosecutions and detentions were illegal because in 2005, there was no law in Armenia that made it a crime to abandon alternative civilian service.

The court held that Armenia violated the men's right to liberty and security as protected under Article 5 of the European Convention on Human Rights.

Although the government later dropped the criminal charges against the 17 men, Armenia refused to compensate them for the unlawful criminal prosecutions and detentions. The court therefore ordered Armenia to pay compensation for moral damages and legal fees.
