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Armenia: Update to AMN39473.E of 23 August 2002 on compulsory military service in Armenia, the length of service, possibility of conscientious objection and grounds for exemption; consequences for draft evaders whose conscientious objection is not recognized by the authorities; any other information (August 2002-January 2005)

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Compulsory military service in Armenia

A number of sources confirm that Armenian authorities continued to arrest and imprison conscientious objectors in 2003 and 2004 (AI 1 Sept. 2004; IHFHR 15 Sept. 2004; War Resisters' International 21 Oct. 2004). For a detailed description of compulsory military service and grounds for detention, consult AMN39473.E, dated 23 August 2002.

Imprisonments in 2003-2004

The International Helsinki Federation for Human Rights (IHFHR) states that as of 31 December 2003, 38 conscientious objectors were in prison and 13 others were awaiting trial (15 Sept. 2004). In its 2004 annual report, Amnesty International (AI) specified that, in December 2003, "prison sentences of between one and two years had been imposed on at least 27 men, all Jehovah's Witnesses, for conscientious objection. Five more had been arrested and were awaiting trial. A further two had been released on parole" (2004). In its 2004 report, Freedom House stated that 23 Jehovah's Witnesses were imprisoned for conscientious objection (15 Sept. 2004).

According to Forum 18 News, on 24 September 2004, eight Jehovah's Witnesses were in prison, five were awaiting trial and three were under house arrest, also awaiting trial (12 Oct. 2004).

Possibility of conscientious objection, grounds for exemption

a) Adoption of the alternative civilian service law

Despite the delays in adopting the alternative civilian service law (HRW 2003), Amnesty International states that in December 2003, a law was adopted to provide for unarmed military service or alternative civilian service for those whose conscientious objection was based on their religious beliefs (1 Sept.

2004). The IHFHR confirmed that the new law was in fact passed on 17 December 2003, but points out that it only offers alternative civilian service to those who object solely on the grounds of "religious belief and convictions," which falls short of European standards (15 Sept. 2004).

Although the alternative civilian service law came into force on 1 July 2004, prison terms were still imposed on six Jehovah's Witnesses in October 2004 (Forum 18 News 19 Oct. 2004). The authorities claimed that the men had been called up before the new law came into force (*ibid.*). Five of them were sentenced to two years in prison, which is the maximum allowed under the Armenian criminal code (*ibid.*).

However, the Armenian National Assembly vice-president said in June 2004 that all imprisoned conscientious objectors would be freed on 1 July, when the alternative civilian service law came into effect (*ibid.*; RFE/RL 22 Oct. 2004).

In 2003, War Resisters' International (WRI) noted that the new law would only apply to members of registered religious organizations and that the Jehovah's Witnesses have been refused registration in Armenia (9 July 2003). Armenian government officials expressed the same opinion (RFE/RL 22 Oct. 2004), but more recent information shows that, after many failed attempts, Jehovah's Witnesses were registered as an official religion on 11 October 2004 (Forum 18 News 12 Oct. 2004; RFE/RL 22 Oct. 2004).

In a 3 August 2004 article, Forum 18 News stated that "[a]n alternative service law is theoretically in force, but in practice cannot yet be applied." A lawyer defending some of the imprisoned Jehovah's Witnesses told Forum 18 News that there is no mechanism for doing alternative service yet and that when the law does come in, there is no guarantee that it will be genuinely civilian (19 Oct. 2004).

A 21 December 2004 article in *Noyan Tapan* stated that in the first group called up after the alternative civilian service law came into force, 20 conscripts opted for alternative labour service and one chose alternative military service. The on-line version of *Yerkir* stated that "only about twenty" chose alternative military service (29 Oct. 2004). According to the Armenian National Assembly vice-president, fears that the law might weaken the military were not justified (29 Oct. 2004). He added that amendments to the alternative service law were being drafted to "specify the rights and obligations of those choosing alternative service" (29 Oct. 2004). According to *Yerkir*, by government decree, those who opt for alternative civilian service are sent to work in mental hospitals, orphanages and clinics (29 Oct. 2004).

The alternative civilian service law provides two options: 3 years of unarmed military service or 36 months of alternative civilian service under the department of defence (AI 2004; IHFHR 15 Sept. 2004). Normal military service is for a period of 24 months (*ibid.*).

b) Students

Human Rights Watch (HRW) points out that "many young men [are] emigrating or extending their studies, often to avoid conscription" (2003). In its report published in 2003, HRW drew attention to the adoption of a law setting cash fees for draft deferments or waivers (2003). *Noyan Tapan* reported on the

Armenian Defence Minister's statements from early 2004 that the lack of women graduate students (90 to 95 per cent are men) proved the existence of corruption in the education system (*Noyan Tapan* 7 Feb, 2004). He also mentioned a new draft law on military service that would require graduate students to perform their military service after they graduate (*ibid.*).

However, a few weeks later, on 26 February 2004, a Mediamax article stated that the government had committed to withdrawing the military service bill in order to consider the proposals put forth by universities and students.

Consequences of conscientious objection

In addition to the prison sentences already mentioned, conscientious objectors must sometimes pay a fine, as did the Jehovah's Witness who had to pay approximately US\$580 on 29 March 2004 for refusing military service (Forum 18 12 Oct. 2004). Under Article 327 part I of the criminal code, draft evaders will incur a fine of 300 to 500 times the minimum monthly wage (*ibid.* 19 Oct. 2004). Prison sentences can vary from two months to two years (*ibid.*).

Forum 18 News reports that in June 2004, a Jehovah's Witness conscientious objector was forcibly taken to a military unit in Nagorno-Karabakh and humiliated in front of 1,800 soldiers; allegedly, another objector, a Baptist, was beaten and is currently been held at an unknown location (6 Jan. 2005).

Amnesty International points out that the authorities do not return passports or other identity documents to conscientious objectors released from Armenian prisons (1 Sept. 2004). Forum 18 News states that identity documents are being refused to some conscientious objectors who did not have identification before being called up for military service because their local military commissariat would not issue a certificate (3 Aug. 2004). Larisa Alaverdyan, Armenian human rights ombudsperson, reportedly told Forum 18 News that "[i]f those being released are not getting passports they have put themselves in that situation" (Forum 18 News 3 Aug. 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Internet sites, including: *Aravot*, Armenia Globe, Armenpress, Eurasianet.org, Government of the Republic of Armenia, National Assembly of the Republic of Armenia, UNHCR.

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