

ARMENIA – AZERBAIJAN/ NAGORNO KARABAKH: Nagorno-Karabakh unjustly imprisons conscientious objector

JW.ORG (10.08.2016) – <http://bit.ly/2bGxTkG> – Twenty-year-old Artur Avanesyan is serving a 30-month sentence in the Shushi prison colony of Nagorno-Karabakh despite his willingness to perform alternative civilian service. The courts of Nagorno-Karabakh, on all levels, have denied his fundamental right of conscientious objection to military service.

Mr. Avanesyan, one of Jehovah's Witnesses, explains his strong moral convictions: "My conscience doesn't permit me to perform military service. I love my neighbor, and I do not want to take up arms or even learn to harm anyone." He further states: "I am not trying to evade my civic duty. I pursued the matter of performing alternative civilian service instead of military service, but I was not allowed."

Efforts to perform alternative service thwarted

On January 29, 2014, Mr. Avanesyan received a summons to report to the Askeran City Military Commissariat in Nagorno-Karabakh. The following day, he filed an application explaining his conscientious objection to military service and expressing his willingness to perform alternative civilian service. He also sought the help of an attorney, knowing that Nagorno-Karabakh has no provision in place for alternative civilian service.

Since Mr. Avanesyan holds an Armenian passport, his attorney met with officials in Armenia as well as in Nagorno-Karabakh, and it appeared that Mr. Avanesyan would be allowed to carry out his alternative service in Armenia. Working toward this

solution, Mr. Avanesyan moved to Armenia. On February 13, 2014, he submitted his application for alternative service to the Republic of Armenia Masis Military Commissariat.

Armenia's alternative service board never called Mr. Avanesyan, but on July 14, 2014, the police in Yerevan, Armenia, summoned him to the central police station, where Nagorno-Karabakh police officers were waiting for him. They quickly arrested him and escorted him against his will from Yerevan to Askeran, Nagorno-Karabakh—a de facto extradition without hearing, court order, or other formalities.

Detention and trial

- Avanesyan, only 18 years old at the time, spent his first night in jail on July 14, 2014. At his arraignment the following day, he learned that the Nagorno-Karabakh First Instance Court had earlier issued a warrant for his arrest and ordered his pretrial detention. The court affirmed its earlier ruling and placed Mr. Avanesyan in the Shushi prison colony. All appeals against his pretrial detention were rejected.
- On September 30, 2014, Judge Spartak Grigoryan of the Nagorno-Karabakh First Instance Court sentenced Mr. Avanesyan to a 30-month prison term on the charge of evasion of military service. *Avanesyan appealed the decision, but both the Court of Appeal and the Supreme Court of Nagorno-Karabakh upheld his conviction. He will remain imprisoned until January 2017.

Undeterred despite injustice

- Shane Brady, one of his attorneys, states: “Mr. Avanesyan was detained, arrested, prosecuted, and convicted because of his deeply held religious beliefs. Despite being unjustly imprisoned, he remains resolved to hold firmly to his conscientious stand.” Mr. Brady

reports that prison officials now allow Mr. Avanesyan to have his Bible and Bible study aids, and they also permit family members to visit him.

Having exhausted all domestic legal remedies, Mr. Avanesyan submitted an application to the European Court of Human Rights (ECHR). He anticipates a positive resolution (though it will likely be issued months after his release) because the ECHR has repeatedly upheld the right of conscientious objection. In *Bayatyan v. Armenia*, the Grand Chamber of the ECHR ruled that conscientious objection to military service is protected by the right to freedom of thought, conscience, and religion. Subsequent judgments of the ECHR have reiterated this determination. *

The ECHR judgments have led to increased respect for the fundamental right of conscientious objection—even in times of instability and war. In June 2015, for example, a Ukraine high court affirmed the right of conscientious objectors to perform alternative service during military mobilization.