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Report on the fact-finding mission to Armenia

Concerning deserters, compulsory military service and the situation of ethnic minorities

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1. Introduction and assignment

By letter of 16 October 1997 the Immigration Service instructed the immigration attachés at the Ankara Embassy to pay a visit to Armenia, with the following assignment:

1. Investigate penalties for deserters:
 - (a) What penalties are handed down and are they imposed?
 - (b) Are certain deserters exempt from penalties, and if so why?
2. Investigate penalties, including enforced service, on no-shows for three months' repeat service.
3. Survey the situation of ethnic minorities in Armenia. The following are required:
 - (a) An overview of ethnic groups in Armenia, their size and geographical distribution and their religious affiliation (e.g. Assyrians, Yezidi Kurds and Muslim Kurds).
 - (b) A description of the social situation of those groups.
 - (c) An overview and description of those groups' representation and relations with public authorities, as well as their status as citizens.
 - (d) A description of any discrimination compared with the majority society, and any persecution or protection from the authorities.
 - (e) A description of any discrimination against and/or tolerance of mixed marriages, including those between Armenians and Azeris.

The immigration attachés visited Armenia from 14 to 21 November 1997.

Points 1 and 2 of the assignment were discussed with Armenia's chief military prosecutor, Gakik Ihangirvan, the head of the Armenian draft board, Major-General Arkadye Ter-Taterosian, Major Sedrakyan from the Legal Service of the Armenian Ministry of Defence, Armen Kharazian, Director in the Security and Arms Control Department of the Armenian Ministry of Foreign Affairs, and Ara Badalian, Head of Section in the same Department.

The assignment was also discussed with Greta Mizzoyan, Chair of the Committee of Soldiers' Mothers and Vladimir Karmirshalian, Director of the Centre for Democracy and Human Rights (CDHR).

Finally, the assignment was discussed with representatives of the UNHCR, the IOM and the ICRC in Yerevan.

Point 3 of the assignment was discussed with representatives of the Armenian Ministry of Foreign Affairs, the UNHCR, the IOM, the head of the Yezidi-Kurdish community in Armenia, who is also editor-in-chief of the Yezidi Kurds' newspaper, Ria-Taza (New Line), the head of the Yezidi-Kurdish section of the Armenian society of authors, leaders and ordinary members of the Jewish community in Armenia, and the Director of the Centre for Democracy and Human Rights in Armenia (CDHR).

2. Penalties for deserters

A. What penalties are handed down and are they imposed?

The Armenian authorities' replies to questions 1a and 1b of the assignment were generally consistent. The authorities emphasised the clear difference in treatment between draft evaders, i.e. those failing to respond to a call to attend the draft board, call-up for military service or recall for muster exercises, and deserters, i.e. persons who have begun military service and then go absent without leave to avoid it. The authorities said that the first and second failures to respond to call-up or to report to the military authorities were punished with a fine that currently amounted to 500 drams, corresponding to 1 US dollar. Not until the third offence is the matter referred to the criminal courts, which normally sentence the person concerned to a term of imprisonment of from one to three years. Once the sentence has been served the person is expected to begin military service.

The authorities added that deserters who do not return voluntarily are, when caught, normally sentenced within the military system. The basic penalty is extra service of up to three years in a special military unit.

No-one from the authorities wished to use the expression "disciplinary unit" or "special unit", as they did not consider the unit to be particularly different from ordinary military service. Neither did they particularly wish to describe conditions in the special unit. It was however stated that the unit serves in a barracks area near Lake Sevan in north eastern Armenia. According to the authorities that barracks area is more heavily guarded than ordinary barracks. Food, accommodation and heating are claimed to be very similar to those in ordinary military camps. However, deserters do not receive weapons training but spend most of their time on building work. In addition there is apparently a certain amount of instruction in military regulations. Deserters are not allowed to take leave and they work one to two hours more each day than those doing ordinary military service.

For various reasons, no-one from the authorities wished to provide statistics on the number of deserters sentenced and the individual sentences. The chief military prosecutor estimated that between 40 and 60 people were currently serving in the special unit.

With regard to allegations that the special unit was employed in clearing minefields, the authorities confirmed that there were minefields in certain areas of the border between Armenia and Azerbaijan. However, the authorities stated that these minefields were a useful part of Armenia's defence arrangements and that there were no plans to scale them down until the Karabakh problem was satisfactorily resolved. The authorities therefore categorically denied that the special unit, or any other unit, was engaged in mine clearance in Armenia.

The authorities stated that there was a possibility of remission for good conduct after one year's service in the special unit. Unlike ordinary prison sentences, service in the special unit is not entered in the criminal record. Upon completion of service in the special unit the remaining period of ordinary military service has to be completed before the military service obligation is finally discharged.

If desertion involves other criminal circumstances the case is judged by the criminal courts and the sentence will, according to the authorities, be a prison sentence instead of service in the special unit.

B. Are certain deserters exempt from penalties, and if so why?

All those from the authorities were insistent that no draft evaders or deserters who reported voluntarily to the military authorities would be subject to criminal prosecution or in any other way persecuted. If the Danish authorities so wished, the military prosecutor was willing to give his word that no draft evader or deserter sent back from Denmark would be subject to criminal prosecution or in any way persecuted upon return to Armenia, provided that, before that person's return, the military prosecutor received a list of his personal details. If the persons concerned were over the age of 27, had a university degree or were sole providers they were not obliged to do military service and so were of no concern to the military system.

The Committee of Soldiers' Mothers, in the person of Greta Mizzoyan, said that the Committee had no statistics on deserters and draft evaders. It estimated that in recent years about 200 deserters had returned to Armenia from Poland, Russia and Germany without being punished, inasmuch as they returned voluntarily to their military units.

For 1997, the Committee knew of five cases of deserters who were given prison sentences instead of serving in the special unit because, in addition to deserting, they had committed criminal offences such as theft of weapons, rape, murder or drug dealing.

The Committee emphasised that draft evaders and deserters who returned voluntarily to their military units were not punished, and pointed out that every year the Armenian Parliament adopted an amnesty law for them.

The Committee highlighted the fact that, as a hang-over from the Soviet period, the form of address used by officers and sergeants to the men under the Armenian military system was still somewhat crude, which undoubtedly came as a shock to new recruits. This was apparently the main reason for desertion.

The Committee confirmed that the military authorities were not interested in people over the age of 27. It also confirmed that service in the special unit was not entered in a person's criminal record, and was therefore preferable to an ordinary prison sentence.

The Centre for Democracy and Human Rights (CDHR), in the person of Vladimir Karmirshalian, pointed out first of all that the Centre had tried in vain to obtain statistics from the Armenian Ministry of Defence on the number of military prosecutions and the outcome of the cases etc. The CDHR emphasised that the Armenian authorities observed the regular amnesties for draft evaders and deserters.

The CDHR had the impression that draft evaders received prison sentences, while deserters were sentenced within the military system. In practice this normally meant service in the special disciplinary unit.

In general the CDHR considered conditions in the Armenian army to be unsatisfactory. Many officers were poorly educated, and their attitude towards the men could be very harsh. Moreover, there was no civilian alternative to military service in Armenia.

The local offices of the UNHCR, the IOM and the ICRC in Yerevan all said that they had been unable to obtain statistics from the Armenian authorities on sentencing practice with regard to deserters.

The UNHCR and the IOM had heard of the special disciplinary unit in which deserters served their sentences, but had no specific information on conditions there.

One of the organisations knew of cases of Armenian soldiers who had deserted to the Azerbaijani side and who had been sentenced to six months' imprisonment upon return to Armenia. Another organisation thought it likely that deserters were punished within the military system, namely with service in the special disciplinary unit.

3. Investigate penalties, including enforced service, on no-shows for three months' repeat service

According to the military prosecutor, failure to respond to recall or desertion from repeat service is not a problem, in that recall and muster exercises in principle only concern officers and men with special functions. This group is normally eager for recall and punishments are therefore rare. The military prosecutor claimed he could not remember a single case of punishment for failure to respond to recall. None of the other Armenian authorities consulted had any comments on the question of those recalled to the colours.

4. Survey the situation of ethnic minorities in Armenia

According to the CDHR (Centre for Democracy and Human Rights) the following ethnic minorities are currently found in Armenia ⁽¹⁾:

Yezidi Kurds 34 000
Russians 20 000
Muslim Kurds 16 000
Assyrians 7 500
Greeks 6 500
Molokans 6 000
Ukrainians 3 000
Jews 1 000

⁽¹⁾ By comparison, there are 3,28 million ethnic Armenians, representing 93,3% of the total population. *Eastern Europe and the Commonwealth of Independent States 1997, Third Edition, London 1997.*

In addition there are small groups of ethnic Germans, Georgians, Poles, Moldovars, Ossetians, Uzbeks, Tatars, Estonians and Italians, plus an unknown number of Azerbaijanis.

The **Molokans** are the descendants of a Slavic people who migrated to Armenia from Russia and Ukraine in the 17th century.

The leaders of the **Assyrian community** were away at the time of the mission, so it was not possible to glean their views on the situation of the Assyrians in Armenia.

The **Russian community** consists mainly of pensioners. Most Russians of working age left Armenia upon the break-up of the Soviet Union.

There has been a considerable reduction in the **Jewish community** in recent years, as many are emigrating to Israel because of the poor economic conditions in Armenia. Representatives of the Jewish community in Armenia say that they do not feel persecuted or discriminated against. It was not however possible to buy kosher food in Yerevan.

With regard to the number of **Kurds**, the leader of the **Yezidi-Kurdish** community put the number of Yezidi Kurds at 60 000 and the number of Muslim Kurds at 2 000.

With regard to the Yezidi-Kurdish community in Armenia, its leader and the leader of the Yezidi-Kurdish section of the Armenian society of authors stated that the Yezidi Kurds were not discriminated against, let alone persecuted, by the Armenian authorities.

The Yezidi Kurds live mainly in 22 villages in Armenia. They have had their own newspaper since 1930. They currently have a 45-minute radio programme every day. Yezidi culture and the Yezidi language can be studied at Yerevan university. Yezidi Kurds in Armenian schools receive two hours' schooling a week in the Yezidi language.

With regard to Yezidi culture and religion, the abovementioned representatives said that the Yezidis had a monotheistic religion centred on sun-worship. For this reason religious rites always take place in the open air and often in the morning at sunrise. The Yezidi have no temples or churches. They fast for six days of the year, split between a period in December and a period in February. The peacock is regarded as a sacred beast.

The UNHCR in Yerevan added the information that it had been in touch with a rival Yezidi organisation whose leader had stated that although the Armenian authorities did not persecute Yezidi Kurds there was a certain amount of discrimination against Yezidis locally and in the army.

He also pointed out that Yezidis were not Kurds.

The **Muslim Kurds** are mainly Sunni Muslims. When the Azerbaijanis, who are also Muslims, left Armenia the various mosques were closed. There is currently no mosque operating in Armenia. The chief mosque in Yerevan is in the process of being repaired, with Iranian help. The Muslim Kurds live mainly in the Abovian region. According to the CDHR and international relief organisations, they are not persecuted by the Armenian authorities. Local discrimination cannot however be ruled out.

With regard to **mixed marriages** between Azerbaijanis and Armenians, the Armenian Ministry of Foreign Affairs stated that approximately 165 000 Armenian citizens of Azerbaijani origin left Armenia in the early 1990s because of the strife between Armenia and Azerbaijan. Conversely,

more than 300 000 Azerbaijani citizens of Armenian origin apparently returned to Armenia in the same period. An unknown but probably small number of Azerbaijanis continues to live in Armenia, chiefly in mixed marriages. According to the UNHCR and the CDHR, the authorities do not interfere in mixed marriages. However, harassment by neighbours in cases where the husband is of Azerbaijani origin cannot be ruled out.

All in all, the UNHCR, the IOM and the CDHR, along with the representatives of the Jewish and Yezidi-Kurdish communities and the Armenian Ministry of Foreign Affairs report that there is no persecution of people on grounds of their ethnic origin in Armenia. Discrimination at local level or in the army cannot be ruled out. Where the CDHR investigated allegations of discrimination on ethnic grounds, the allegations turned out to be groundless. Sources were unanimous that the economic situation in Armenia is difficult and that many wish to leave the country for that reason.