**Information on Conscientious Objection to Military Service involving Jehovah’s Witnesses**

Jehovah’s Witnesses are not against national service. Their conscience simply does not allow them to participate in one form of national service—military service. As a group, Jehovah’s Witnesses are willing to perform alternative civilian service. In the light of worldwide experience, even in countries at war, there is ample room to conciliate the government’s wishes for public welfare and national security with the willingness of Jehovah’s Witnesses to perform national service solely of a civilian nature.

The situation in Taiwan is an excellent example. Jehovah’s Witnesses have been taking part in an alternative service program and have been making a meaningful contribution for more than 15 years[[1]](#footnote-1). Taiwanese authorities have expressed their appreciation over the years for the effective cooperation of Jehovah’s Witnesses.

Commendably, and more recently, Armenia, Belarus, the Kyrgyz Republic, and the Transnistria region have amended their laws to provide an alternative civilian service option for conscientious objectors, joining the majority of member States in recognizing the right to conscientious objection. Georgia and Greece have also extended this provision to those on reservist duty. Ukraine recently recognized that conscientious objection to military service is a fundamental human right that merits protection even during military mobilization. It is neither a selfish evasion of duty nor a threat to national interests and security.

Despite the above-mentioned developments, the issue raised by conscientious objection to military service remains acute in some places as illustrated by the following information, which is organized by countries. This document submitted on February 13, 2017, summarizes the current situation of conscientious objectors who are Jehovah’s Witnesses as well as pending cases before the European Court of Human Rights (ECHR) and the UN Human Rights Committee (CCPR), including final rulings and remaining challenges.

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| Jehovah’s Witnesses maintain a list of their members worldwide who are [prisoners of conscience](https://www.jw.org/en/news/legal/by-region/world/jehovahs-witnesses-in-prison-2/). |  |

***A Bible-based Viewpoint***

Jehovah’s Witnesses respect the authority of the governments under which they live. In obeying the Scriptural injunction to “be in subjection to the superior authorities,” the Witnesses are law-abiding citizens who pay their taxes and cooperate with governmental eﬀorts to provide for the public welfare. (Romans 13:1)

Like first-century Christians, the Witnesses today do their best “to beat their swords into plowshares” and not to “learn war anymore.” (Isaiah 2:2-4) Thus, during the Second World War, the Witnesses in all nations remained neutral, and for this they paid a high price. As several historians have documented at length, Jehovah’s Witnesses as an organization were made the object of an extermination order by the Nazi regime because of a peaceful refusal to support Hitler’s war effort. Moreover, in all the conflicts seen in recent decades—from Bosnia to Rwanda, and from Vietnam to the Middle East—no Witness of Jehovah has taken up arms.

Jehovah’s Witnesses are grateful when governments exempt them from military service altogether or allow conscientious young men and women to perform nonmilitary civilian national service. (Romans 12:18; 14:19; 2 Corinthians 10:4; Hebrews 12:14) Furthermore, the Witnesses’ neutral stand means that they do not interfere with those who choose to serve in the armed forces. Application of this simple principle makes Jehovah’s Witnesses exemplary, peace-loving citizens from whom governmental authorities have nothing to fear.

1. **ARMENIA**

# Current situation

On June 8, 2013, Armenia adopted amendments that brought Armenia’s law on alternative service into harmony with European standards and adopted enabling regulations on July 25, 2013. Since the implementation of the amendments and the subsequent release of imprisoned conscientious objectors, there are no longer any prisoners of conscience in Armenia.

Although very reluctant to accept such a change for several decades, after only two years of experience and cooperation with Jehovah’s Witnesses, members of the Republican Committee have acknowledged that the Witnesses are providing a valuable service to the Armenian government and are diligently performing their duties. In December 2016, the mayor of the city of Ejmiadzin and Yerevan Shengavit municipality awarded “Certificates of Appreciation” to six alternative civilian servants in recognition of their contribution to maintaining and improving the beauty of their city.

The Republican Committee responsible for coordinating and reviewing applications for alternative civilian service has been very cooperative in smoothing the implementation of the program.

As of December 7, 2018, 303 young men who are Jehovah’s Witnesses have served in alternative service. All parties, including the directors of the alternative civilian service locations, are highly satisfied with the outcome of this positive change.

# Case(s) decided by the ECHR

* *Bayatyan v. Armenia* [GC], no. 23459/03, July 7, 2011
* *Bukharatyan v. Armenia*, no. 37819/03, January 10, 2012
* *Tsaturyan v. Armenia*, no. 37821/03, January 10, 2012
* *Adyan and Others v. Armenia,* no. 75604/11, October 12, 1017
1. **AZERBAIJAN**

# Current situation

Although being a signatory to the European Convention on Human Rights (since 2001), Azerbaijan has failed to implement the ECHR Grand Chamber’s judgment in *Bayatyan v. Armenia* and the subsequent ECHR judgments in the cases of other conscientious objectors in *Erçep v. Turkey; Buldu and Others v. Turkey;* *Feti Demirtaş v. Turkey; Bukharatyan v. Armenia;* and *Tsaturyan v. Armenia*, all of which recognized the right of conscientious objection to military service as fully protected under Article 9 of the European Convention. Despite having informed the CCPR on July 14, 2016, that “alternative service is an option provided by the law,”[[2]](#footnote-2) Azerbaijan has no provision for alternative civilian service.

# Case(s) pending before the ECHR or CCPR

The following cases involving Jehovah’s Witnesses are pending before the ECHR. All four applications have been processed by the ECHR and the parties have filed their observations. The cases are now awaiting judgement

* *Mammadov & Huseynov v. Azerbaijan*, no. 14604/08, March 7, 2008
* *Mammadov v. Azerbaijan,* no. 45823/11, July 18, 2011
* *Mirzayev v. Azerbaijan*, no. 76127/13, December 3, 2013
* *Kamran Mirzayev v. Azerbaijan*, no. 41792/15, August 21, 2015

There are no cases before the CCPR.

# Case(s) decided by the ECHR

There are no judgments at present decided against Azerbaijan involving Jehovah’s Witnesses on this issue.

# Remaining challenges

Although at present there are no Jehovah’s Witnesses imprisoned in Azerbaijan as conscientious objectors, young Witnesses are in constant fear of being prosecuted and imprisoned. Despite its commitments to the Council of Europe, Azerbaijan has no provision for alternative civilian service. Recently, two young Witnesses – Emil Mehdiyev and Vahid Abilov – were criminally convicted for their conscientious objection. Each is serving a one-year probationary sentence. Their criminal convictions are under appeal in the domestic courts.

1. **BELARUS**
	1. **Current situation**

On June 4, 2015, a new law was adopted which permits persons with a religious objection to compulsory military service to perform alternative civilian service. The Federal Law on Alternative Service No. 276-Z entered into force on July 1, 2016. Under that law, conscientious objectors will be assigned to perform community service in the fields of health care, social services, housing, agriculture, forestry, landscaping, construction, repair of roads and railways, and emergency services. All agencies involved in alternative service are under the jurisdiction of the Ministry of Labor and Social Protection of the Republic of Belarus.

* 1. **Remaining challenges**

The term of alternative service for citizens who do not have higher education is 36 months, and for those with higher education, 24 months. For ordinary soldiers, these terms are 18 and 12 months respectively. Thus, applying European and international standards, the term for alternative civilian service is “punitive” because it is double the length of that for compulsory military service. According to European standards, the length of alternative service should be no more than one and a half times longer.

The Law on Alternative Service provides that persons who have performed alternative civilian service under that law are exempted from the call up for reservists training. However, Belarus legislation is silent on the situation of persons who after serving in the army become conscientious objectors. This is illustrated by the case of Eduard Panchuk. He served in the military from 1999-2001. He became one of Jehovah’s Witnesses in 2007. In 2018 he was summoned for reservists training by the Brest Regional Military Commissariat. In response, he submitted to the military commissariat a detailed written statement explaining the reasons his conscience no longer permitted him to accept military training. The military commissariat rejected his request for an exemption. His appeal to senior military authorities was also rejected. An appeal will be filed to the domestic courts.

1. **ERITREA**

# Current situation

The Eritrean government has repeatedly imprisoned, tortured, harassed, and intimidated Jehovah’s Witnesses since it became an independent country in 1993. In a Presidential Decree dated October 25, 1994, President Afewerki declared that Jehovah’s Witnesses who are Eritrean by birth have revoked their citizenship “by their refusal to take part in the referendum, and have reconfirmed their position by refusing to take part in the National Service, thus deciding to revoke their citizenship.”

There are 53 Witnesses currently imprisoned in Eritrea. Of these, 16 are known to be imprisoned for their conscientious objection to military service. The government has imprisoned Paulos Eyassu, Isaac Mogos, and Negede Teklemariam in the Sawa prison since September 24, 1994, because of their conscientious objection to military service. In the intervening 22 years, authorities have neither filed charges against them nor given them a hearing in court. Other male Witnesses have been imprisoned under the same circumstances for many years for their conscientious objection to military service. Aron Abraha has been in prison since 2001; Mussie Fessehaye, since 2003; Ambakom Tsegezab, since 2004; and three others, since 2005.

# Case(s) decided or pending

There are no legal remedies to be pursued because Eritrea has not signed any international agreements for the protection of human rights.

# Remaining challenges

The national military service requirement has no regulations or provisions for conscientious objection. To avoid being arrested by the military police that patrol the streets, most Witnesses between the ages of 18 and 40 are in hiding. The police arrest those whom they find and take them to a military camp. Once they express their conscientious objection to military service, the men are detained and usually tortured. Some of those of military age have fled the country to avoid persecution; others have been caught while fleeing.

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| The situation of Jehovah’s Witnesses who are [prisoners of conscience in Eritrea](https://www.jw.org/en/news/legal/by-region/eritrea/jehovahs-witnesses-in-prison/) is described in an online report. |  |

1. **GEORGIA**
	1. **Current situation**

Alternative civilian service was available to those conscientious objectors who were called up for military service, but not to those called up for reservist duty. However, on September 20, 2012, the Supreme Court of Georgia handed down a decision that made alternative civilian service available to those called up for reservist duty.

Commendably, Georgia has implemented the September 20, 2012, decision of the Supreme Court of Georgia. Jehovah’s Witnesses who are called up for reservist duty may opt to perform alternative civilian service.

1. **GREECE**

# Current situation

Legislation allows conscientious objectors to perform alternative civilian service in lieu of military service. The Law No. 3883/2010 amended the already existing law on alternative civilian service. It entered into force on September 22, 2010, and solved the remaining issue for reservist duty. Paragraphs 3 and 4 were added to Article 65 as follows:

“3. Those who have served their draft military obligation in arms and refuse to fulfill their reserve obligations for reasons of conscience, shall, to the extent that they have been recognized as conscientious objectors, be exempted from call-ups for enlistment and shall be deleted from the reserve list of the Armed Forces by virtue of the decision stipulated in paragraph 1 of Article 62 of the present law.

4. With regard to the procedure and requirements for recognition in the case of the persons mentioned in the previous paragraph, the provisions of Articles 59 to 64 of this law shall proportionally apply.”

# Case(s) pending before the ECHR or CCPR

There are no pending cases regarding Jehovah’s Witnesses on this issue.

# Case(s) decided by the ECHR

* + - *Georgiadis v. Greece*, May 29, 1997, *Reports of Judgments and Decisions* 1997-III
		- *Tsirlis and Kouloumpas v. Greece*, May 29, 1997, *Reports of Judgments and Decisions* 1997-III
		- *Thlimmenos v. Greece* [GC], no. 34369/97, ECHR 2000-IV
		- *Papavasilakis v. Greece*, no. 66899/14, 15 September 2016

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1. **REPUBLIC OF KOREA**

# Current situation

Since 1950, 19,350 of Jehovah’s Witnesses in the Republic of Korea have been sentenced to a combined total of 36,824 years in prison. As of December 2018, there are eight young Witnesses in Korean prisons.

On June 28, 2018, the Constitutional Court of South Korea ruled that a section of Korea’s Military Service Act (MSA) was unconstitutional, because it did not provide alternative service for conscientious objectors. The government was given until December 31, 2019, to implement an alternative civilian service for conscientious objectors. This decision provided constitutional protection to the rights of conscientious objectors.

On November 1, 2018, the Supreme Court of Korea, relying on the recognition by the Constitutional Court of the rights of conscientious objectors, ruled that conscientious objection to military service does not constitute a crime. In doing so, the Supreme Court reversed South Korea’s decades-long stance of criminalizing conscientious objectors and sentencing them to prison. The decision will have an effect on more than 900 pending cases in the lower courts, all of which should receive not-guilty verdicts.

On November 30, 2018, 57 conscientious objectors, who are Jehovah’s Witnesses, were pardoned after serving six months of their sentence and released from prison. There are currently eight conscientious objectors still in prions.

***Reservist duty***

Conscientious objectors who are called up as reservists face multiple prosecutions and repeated punishments over an eight-year period. A reservist is not exempt from being repeatedly called up for the very training that he failed to perform. Even after paying fines or serving a prison term, he is then summoned for supplementary training in addition to basic training. If he refuses the basic and supplemental training, he is criminally prosecuted. He will continue to be prosecuted each time he refuses either training and is thus subject to “multiple jeopardy.”

Dong-hyuk Shin, who served in the military before becoming one of Jehovah’s Witnesses, was first summoned for reserve-forces military training in 2006. As a conscientious objector, he refused to serve, and through 2011, he was summoned at least 118 times and prosecuted and convicted 49 times. Mr. Shin was compelled to appear in court 69 times, received a total of 35 court verdicts, and was fined over USD 13,000. During this period, he had to change employment seven times because of frequent absences from work.

Over 50 Witnesses are currently caught in the cycle of repeated prosecutions, fines, and possible prison terms. The fines vary according to jurisdiction and timing, but they are generally 200,000 won (approximately USD 180) for the first conviction, 300,000 won (approximately USD 270) for the second conviction, 500,000 won (approximately USD 450) for the third conviction, and so on. Fines have been issued for as much as 3,000,000 won (approximately USD 2,700). In October 2014, the maximum fine was increased to 10,000,000 won (approximately USD 9,000) for a violation.

The burden of many prosecutions for an ever-increasing number of summonses means that many conscientious objectors are unable to pay the fines, which could amount to thousands of dollars each year. As a result, some are now registered as “wanted” criminals. Others have chosen to undertake labor in a “workhouse” (lock-up facilities inside a prison) instead of paying the fines. The length of such labor arrangements varies from one day to three years, depending on the amount of the unpaid fine [usually calculated at one day’s labor for 50,000 won (approximately USD 50)]. Those who can pay their fine often jeopardize their employment because of the repeated time away from work to attend court proceedings.

The April 28, 2018 decision by the Constitutional Court and the November 1, 2018 decision by the Supreme Court have not yet been applied to reservists. The Supreme Court has yet to rule on 28 appeals filed by conscientious objectors who were called up as reservists

# Case(s) pending before the CCPR

There are 32 complaints pending before the CCPR from Jehovah’s Witnesses who are conscientious objectors. These complaints are identified as:

* + - *Dong Hyuk Shin v. Republic of Korea*, filed on 22 June 2016, communication not yet registered
		- *Jong-bum Bae et al. v. Republic of Korea*, Communication no. 2846/2016

# Case(s) decided by the CCPR *(not implemented)*

* + - *Yeo-Bum and Mr. Myung-Jin Choi v. Republic of Korea,* Communications nos. 1321/2004 and 1322/2004, UN Doc. CCPR/C/88/D/1321-1322/2004
		- *Min-Kyu Jeong et al. v. Republic of Korea,* Communications nos. 1642- 1741/2007, UN Doc. CCPR/C/101/D/1642-1741/2007*Jong-nam Kim et al. v. Republic of Korea,* Communication no. 1786/2008, and UN Doc. CCPR/C/106/D/1786/2008
		- *Young-kwan Kim et al. v. Republic of Korea, Communication no. 2179/2012,* UN Doc. CCPR/C/112/D/2179/2012

*Note: The above four cases represent a total of 490 conscientious objectors.*

# Remaining challenges

The Republic of Korea must adopt a law implementing alternative civilian service by the end of 2019. If the alternative service implemented by the government meets international standards of not being under the control or supervision of the military, of being in a civilian setting and of not being punitive, conscientious objectors will no longer need to be prosecuted and sentenced to prison terms when exercising their right to refuse to join the military.

Meanwhile, the CCPR has called for the Republic of Korea to “provide the authors with an effective remedy, including expunging their criminal records and providing them with adequate compensation.” (*Young-kwan Kim et al. v. Republic of Korea*, cited above, § 9) However, the Government has yet to introduce effective remedies to expunge the criminal records of conscientious objectors who have been convicted and imprisoned in the past.

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| The situation of Jehovah’s Witnesses who are [prisoners of conscience in Korea](https://www.jw.org/en/news/legal/by-region/south-korea/jehovahs-witnesses-in-prison/) is described in an online report. |  |

1. **KYRGYZSTAN**
	1. **Current situation**

Kyrgyzstan’s Law on the Universal Duty of Citizens of the Republic of Kyrgyzstan on Military and Alternative Service required those who choose alternative service to make payments to the Ministry of Defense for support of the military. This requirement violated the consciences of Jehovah’s Witnesses who are conscientious objectors, making it an unacceptable alternative to military service.

On November 19, 2013, the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic held that Kyrgyzstan’s program of alternative service was unconstitutional. Kyrgyzstan courts have applied the decision of the Constitutional Chamber and acquitted 12 Witnesses who were convicted under the former law.

* 1. **Case(s) pending before the CCPR**

There are no pending cases before the CCPR.

1. **Singapore**

# Current situation

The government of Singapore enforces compulsory military service and does not recognize the right of conscientious objection. Young men among Jehovah’s Witnesses who conscientiously object to military service are subjected to two consecutive prison terms for a total of 39 months of imprisonment.

When a young man turns 18 years of age, he is required to enter Singapore’s military. If he refuses for reasons of conscience, he is detained for 15 months in a military camp. At the expiration of his term, he is released and then immediately ordered to don a military uniform and participate in military training. If he again declines to do so, he is subject to a second court martial with a term of 24 months.

# Case(s) decided or pending

There are no legal remedies to be pursued because Singapore has not signed any international agreements for the protection of human rights.

# Remaining challenges

They are currently nine Witnesses imprisoned in Singapore. Singapore needs to take necessary measures in order to respect the rights of conscientious objectors.

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| The situation of Jehovah’s Witnesses who are [prisoners of conscience in Singapore](https://www.jw.org/en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/) is described in an online report. |  |

1. **Tajikistan**

# Current situation

Tajikistan’s military service law formally recognises the right to alternative civilian service. However, to date, the Tajik authorities have not enacted legislation prescribing alternative civilian service. As a result, conscientious objectors are subject to criminal prosecution and imprisonment. In the case of Daniil Islamov (Optional No 43/2017) the Working Group on Arbitrary Detention (WGAD) found that the prosecution and imprisonment of Mr Islamov, one of Jehovah’s Witnesses, “being in contravention of articles 9, 18 and 26 of the International Covenant on Civil and Political rights and is arbitrary and falls within categories I, II, III and IV” of the Working Group’s categories of arbitrary detention. In reaching that conclusion, the WGAD found that the “right to conscientious objection is well established in international law” and that the “Government of Tajikistan has already been made fully aware of this by the Human Rights Committee, which has specifically recommended that Tajikistan provide for alternatives to military service in such cases (see CCPR/C/TJK/CO/2, para. 21)”. It further found that imprisoning Mr Islamov on the grounds of his religious beliefs “in violation of international law” was discriminatory.

# Remaining challenges

Although the military service law formally recognizes the right to alternative civilian service, no enabling legislation has been enacted setting out a program of alternative service. As a result, State officials criminally prosecute conscientious objectors.

1. **TURKEY**

# Current situation

Despite the judgment by the Grand Chamber of the ECHR in *Bayatyan v. Armenia* on July 7, 2011, Turkey continues to prosecute and imprison Jehovah’s Witnesses who are conscientious objectors. Three subsequent decisions by the ECHR (*Erçep v. Turkey, Buldu and Others v. Turkey*, and *Feti Demirtaş v. Turkey*) also confirm that Turkey violated Article 9 of the European Convention in this regard.

As of December 2018, there are 40 young men who are being prosecuted and who have received 52 administrative fines. Each case has been appealed resulting in most of the fines being cancelled. The fines that have not been cancelled have been appealed to the Constitutional Court. Petitions have been submitted to the Military Administration asking for alternative service but these have all been denied. There are 26 more young men who will soon be of military age and will then be prosecuted as well.

There are currently nine cases pending before the Constitutional Court. The first application to the court was filed on July 1, 2013, and to date no action has been taken.  This applies to the other eight pending cases as well.  Those who have filed appeals with the Constitution Court continue to be fined and prosecuted.

# Case(s) pending before the ECHR

There are no applications pending before the ECHR or the CCPR.

# Case(s) decided by the ECHR or CCPR *(not implemented)*

* *Erçep v. Turkey*, no. 43965/04, November 22, 2011
* *Feti Demirtaş v. Turkey*, no. 5260/07, January 17, 2012
* *Buldu & Others v. Turkey,* no. 14017/08, June 3, 2014
* *Cenk Atasoy and Arda Sarkut v. Turkey*, Communications nos. 1853/2008 and 1854/2008, UN Doc CCPR/C/104/D/1853-1854/2008

# Remaining challenges

There are no Witnesses currently in prison. However, Turkey has ignored ECHR and CCPR decisions and continues to subject Witness conscientious objectors to unending call-ups for military duty, repeated fines, and threats of imprisonment.

1. **TURKMENISTAN**

# Current situation

Turkmenistan does not recognize the right of conscientious objectors to military service. There is no law allowing for alternative civilian service. In ruling on the CCPR complaint of *Zafar Abdullayev v. Turkmenistan*, the CCPR held that Mr. Abdullayev had been tortured by prison officials. The CCPR concluded that the deplorable conditions of his imprisonment violated his right to be “treated with humanity and with respect for the inherent dignity of the human person.” The CCPR directed that Turkmenistan expunge Mr. Abdullayev’s criminal record to prevent similar violations in the future and that they adopt legislation “guaranteeing the right to conscientious objection.”

# Case(s) pending before the CCPR

There are 3 complaints pending before the CCPR from Jehovah’s Witnesses:

* + - *Juma Nazarov et al. v. Turkmenistan,* Communication no. 2302/2013
		- *Arslan Dawletow v. Turkmenistan,* Communication no. 2316/2013
		- *Arslan Begenchov v. Turkmenistan,* Communication no. 3272/2018

# Case(s) decided by the CCPR *(not implemented)*

* + - *Zafar Abdullayev v. Turkmenistan*, Communications no. 2218/2012,

UN Doc. CCPR/C/113/D/2218/2012

* + - *Navruz Nasyrlayev v. Turkmenistan*, Communications no. 2219/2012,

UN Doc. CCPR/C/117/D/2219/2012

* + - *Mamatkarim Aminov v. Turkmenistan*, Communications no. 2220/2012,

UN Doc. CCPR/C/117/D/2220/2012

* + - *Mahmud Hudaybergenov v. Turkmenistan*, Communications no. 2221/2012, UN Doc. CCPR/C/115/D/2221/2012
		- *Ahmet Hudaybergenov v. Turkmenistan*, Communications no. 2222/2012,

 UN Doc. CCPR/C/115/D/2222/2012

* + - *Sunnet Japparow v. Turkmenistan*, Communications no. 2223/2012,

UN Doc. CCPR/C/115/D/2223/2012

* + - *Dovran Matyakubov v. Turkmenistan*, Communications no. 2224/2012,

UN Doc. CCPR/C/117/D/2224/2012

* + - *Akmurad Nurjanov v. Turkmenistan*, Communications no. 2225/2012,

UN Doc. CCPR/C/117/D/2225/2012

* + - *Shandurdy Uchetov v. Turkmenistan*, Communications no. 2226/2012,

UN Doc. CCPR/C/117/D/2226/2012

* + - *Akmurat Yegendurdyyev v. Turkmenistan*, Communications no. 2227/2012, UN Doc. CCPR/C/117/D/2227/2012

# Remaining challenges

Turkmenistan has not adopted legislation to guarantee the right to conscientious objection. Since the above-noted decisions by the CCPR, Turkmenistan continues to prosecute and convict conscientious objectors. In 2018 alone, eleven Jehovah’s Witnesses who are conscientious objectors were ordered imprisoned (for terms of one to two years) in disregard of the above jurisprudence of the CCPR.

1. **UKRAINE**
2. **Current situation**

The issue of conscientious objection during mobilization was recently resolved in Ukraine in the case of Vitaliy Shalaiko, one of Jehovah’s Witnesses. Mr. Shalaiko had been accused of evading military service because he requested alternative service when summoned for conscription during mobilization.

The lower courts ruled in favor of Mr. Shalaiko and upheld the right to conscientious objection to military service during the mobilization period even though this was not specifically provided for by law. The prosecutor’s office appealed the case to Ukraine’s High Specialized Court for Civil and Criminal Cases.

In a judgment dated June 23, 2015, the High Specialized Court affirmed that “the trial court was fully justified in referring to the corresponding provisions of the European Convention on Human Rights and the judgments of the European Court of Human Rights.” The High Court also agreed with the trial court that the judgment of the Grand Chamber of the ECHR in *Bayatyan v. Armenia* must be applied. In the case of Vitaliy Shalaiko, Ukraine’s High Specialized Court made clear that the rights of conscientious objectors are protected even if a country mobilizes for armed conflict and not just when there are routine call-ups for military service. That decision is final, with no further appeal available.

1. **OTHER REGIONS**
2. **Nagorno-Karabakh**
3. **Current situation**

Nagorno-Karabakh does not have a law allowing for alternative civilian service. Therefore, young Witnesses of military age risk imprisonment when they refuse to perform military service.

On December 28, 2011, Karen Harutyunyan was convicted and imprisoned for 30 months.

On September 30, 2014, Artur Avanesyan was convicted and sentenced to 30 months in prison for conscientious objection to military service. Mr. Avanesyan, who had lived in Nagorno-Karabakh and was also a citizen of Armenia, was detained by Armenian police in Yerevan and handed over to police from Nagorno-Karabakh, where he was subsequently charged, convicted, and imprisoned. Due to the involvement of the Armenian authorities, an application was filed with the ECHR. He was released on September 6, 2016, following a general amnesty declared by the authorities.

1. **Case(s) pending before the ECHR or CCPR**
* *Avanesyan v. Armenia (Nagorno-Karabakh)*, no. 12999/15, March 12,  2015
1. **Case(s) decided by the ECHR or CCPR**

There are no cases from the ECHR or the CCPR against this region.

1. **Remaining challenges**

Nagorno-Karabakh has not enacted legislation recognizing conscientious objection to military service.

1. **Northern Cyprus**
2. **Current situation**

Northern Cyprus does not have a law allowing for alternative service. Therefore, conscientious objectors of military age risk imprisonment when they refuse to perform military service on the grounds of their religious conscience.

1. **Transnistria**
2. **Current situation**

On February 12, 2014, a new law concerning alternative civilian service went into effect. This law allows Jehovah’s Witnesses to refuse military service.

1. **Case(s) pending before the ECHR**
	* *Aslonian v. Moldova and Russia,* no. 74433/11, November 28, 2011
2. **Case(s) decided by the ECHR or CCPR**

There are no cases at present decided from the ECHR or the CCPR against this region.

1. In Taiwan, the Alternative Service Law and the revised Military Service Law were enacted on January 15, 2000. [↑](#footnote-ref-1)
2. CCPR/C/AZE/Q/4/Add.1 § 162 [↑](#footnote-ref-2)