

4 May 2012

BELARUS: "I'm not going to the army"

By Olga Glace, Forum 18 (<https://www.forum18.org>)

On 17 April Jehovah Witness Aleksandr Belous was told criminal charges for refusing military service on grounds of religious conscience had been dropped, but that he is being called up yet again for compulsory military service. "I'll have to start from scratch, but I'm not going to the army," he told Forum 18 News Service. Gomel Military Commissioner Vladimir Efimchik told Forum 18 this is "standard procedure" and claimed most of the few young men who refuse military service are forced to accept after Prosecutors launch or threaten to launch criminal cases. On 2 May a pacifist from Lida, Andrei Chernousov, was confined to a psychiatric hospital to establish if his convictions which led him to refuse call-up accord with "norms of psychiatric health". Mikhail Pashkevich of For Alternative Civilian Service complained to Forum 18 that the current draft of the Alternative Civilian Service Law under consideration – which he has seen - allows only for religious conscientious objectors, not for those who hold non-religious pacifist views, and that alternative service will be twice as long as military service. Former General Prosecutor Grigory Vasilevich told Forum 18 "it's too early to talk about alternative civilian service for all ethical objectors".

Five months after Gomel [Homyel]-based Jehovah Witness Aleksandr Belous was called up again for Belarus' compulsory military service and threatened with criminal prosecution, the Investigation Committee found on 16 April that he had committed no crime in refusing military service on religious grounds, Forum 18 News Service has learnt. The following day he was summoned to the Military Conscription Office, shown the Prosecutor's decision closing his case and told he is being called up yet again. "I'll have to start from scratch, but I'm not going to the army," Belous told Forum 18 on 3 May. He insists he is ready to conduct a fully civilian alternative to military service, were one to be offered. On 2 May Andrei Chernousov, a 21-year-old man from Lida in Grodno [Hrodna] Region, was confined to a Grodno hospital for a psychiatric examination after applying for alternative service as a pacifist.

Belous argues that in seeking alternative service he has done nothing that merits prosecution. "I don't see my guilt in this as I submitted my request for alternative service last year and told the commission honestly about my views," he told Forum 18.

He confessed that for the past five years he has felt under pressure with the start of every call-up season. "I'm looking forward to October [his 27th birthday] when I will be beyond the call-up age and this nightmare will stop," he commented to Forum 18. According to the Law on Military Obligation and Military Service, the call-up age is from 18 to 27.

Belous is hoping that a new criminal case will not be brought again. He is also looking forward to the long-promised Alternative Civilian Service Law.

Although Article 57 of the country's Constitution refers to alternative service, no law to enact this has ever been adopted. Early indications are that the current draft of the Alternative Civilian Service Law under consideration will allow only for religious conscientious objectors, not for those who hold non-religious pacifist views, and that alternative service will be twice as long as the maximum military service.

International standards require that alternative service be available to all who hold conscientious objections to military service, and that the alternative service not be of punitive length.

Criminal case opened, then closed

On 22 November 2011, Belous was summoned to Gomel City Military Conscription Office to be enrolled for military service. The Military Conscription Office rejected his request for alternative civilian service in a letter the following day, seen by Forum 18. Referring to Article 36 of the Law on Military Obligation and Military Service, the letter insisted that call-up commissions should offer alternative service, but admitted that no procedures enacting such alternative service exist.

Gomel Military Commissioner Vladimir Efimchik passed Belous' case to the Prosecutor's Office, which ordered that a criminal investigation be initiated under Article 435, Part 1 of the Criminal Code. Under this Article, conscientious objectors are punished for refusing compulsory call-up to military service with a fine or imprisonment of up to two years. Belous was banned from foreign travel.

However, on 20 December 2011, the district inspector of the Zheleznodorozhny District Department of Internal Affairs in Gomel ordered the case to be cancelled. Nevertheless, District Prosecutor Denis Mikushev later annulled the cancellation and on 1 February 2012, the criminal case was reopened. However, the case was closed on 16 April when the Investigation Committee found that Belous had committed no crime. On 20 April – in a letter seen by Forum 18 – the Conscription Office told Belous that the ban on his foreign travel had been lifted.

Military Commissioner Efimchik confirmed that Belous is being called up again, despite the dropping of the criminal investigation. "This is standard procedure," he insisted to Forum 18 from Gomel on 30 April. "We call up everyone who is of military service age. If they refuse, the case will be passed to the Prosecutor and then to the Investigation Committee." He said that in most cases the few young men who refuse military service are forced to accept after Prosecutors launch or threaten to launch criminal cases.

Conscientious objector sent for psychiatric assessment

After his call-up in Lida, Chernousov informed the Conscription Commission in late April that as a pacifist he wished to do alternative civilian service in line with Article 57 of the Constitution. "However, instead of examining the content of his application, doctors of Lida District Conscription Office sent him to Grodno for further examination," the campaign group For Alternative Civilian Service reported on 2 May.

That day Chernousov went to a Grodno hospital "where he discovered he will be registered for an in-patient psychiatric examination". When he asked why, he was told they wanted to compare his convictions with "norms of psychiatric health".

Chernousov told Forum 18 from the hospital on 3 May that he is not afraid of the possible consequences of his refusal to serve in the army. He also said that in the psychiatric hospital he is constantly told that there is "nothing strange in military service".

Vyacheslav Ramanenko, head of the Lida District Military Conscription Office, told Forum 18 on 3 May that Chernousov had sent his application to the District Conscription Commission. He refused to comment on any aspect of the case, referring all questions to Commission head Anton Glavnitsky.

However, Forum 18 was unable to reach Glavnitsky on 3 May. His secretary said he was away on a work trip and would not be back in the office until at least 7 May.

For Alternative Civilian Service condemned Chernousov's treatment, complaining of the "unacceptability of discrediting those who insist on the right to conduct alternative service".

Contradictory earlier rulings

In 2009 and 2010, three young men who refused compulsory military service on grounds of conscience – Jehovah's Witness Dmitry Smyk, Messianic Jew Ivan Mikhailov and pacifist Yevhen Yakovenko - faced trial under Criminal Code Article 435, Part 1. Mikhailov (who spent three months in prison) and Smyk were eventually acquitted, while Yakovenko received a one year sentence of restricted freedom, though he was subsequently amnestied (see F18News 30 July 2010 http://www.forum18.org/Archive.php?article_id=1472).

Mikhail Pashkevich, coordinator of For Alternative Civilian Service, insisted to Forum 18 from Minsk on 10 April that Belarus urgently needs a Law on Alternative Service. He pointed out that even after being acquitted in court, conscientious objectors are not safe, as in Belarus decisions of any court except the Supreme Court can be reviewed. He also noted out that after Smyk was acquitted in 2010, Military Conscription Offices softened their position towards conscientious objectors.

Smyk told Forum 18 on 4 April that though he was acknowledged to have health problems he was never offered an alternative civilian service. "At least now I will never be a subject for a call-up commission again," Smyk added cheerfully.

Army service without oath or weapons unacceptable

Due to the lack of a legal framework for an alternative service, those who refuse military service on grounds of conscience are on occasion allowed to serve in the Military Transport Division without taking the military oath. "This option is not acceptable for me," Belous complained to Forum 18. "It is not only the oath - my religion is against learning military skills."

According to Pashkevich, the alternative of serving in the Military Transport Division without taking the military oath is the initiative of Military Conscription Offices and is not provided for by any law. "This is simply another army practice to use human resources for their own logistical purposes," he complained to Forum 18.

However, Military Commissioner Efimchik insisted to Forum 18 that this initiative was introduced by the Defence Ministry as an interim measure. He said Military Conscription Offices were given an oral directive to offer non-combat military service until the Alternative Civilian Service Law is adopted.

No alternative service

Despite Belarus' international human rights obligations, the Constitutional guarantees, a 2000 Constitutional Court ruling and President Aleksandr Lukashenko's instructions in February 2010, no mechanism for conducting alternative service has been introduced. All men between 18 and 27 (with a few exceptions or deferments due to health problems or family circumstance) are required to do 12 or 18 months' military service (see F18News 20 October 2009 http://www.forum18.org/Archive.php?article_id=1364 and 29 June 2010 http://www.forum18.org/Archive.php?article_id=1462).

After campaigns initiated by public organisations in 2009, President Lukashenko ordered the preparation of a Law on Civilian Service, which was expected to be adopted in 2010. According to Pashkevich of For Alternative Civilian Service, which has long campaigned for the Constitution's provision for an alternative service to be put into practice, a joint commission had even prepared a draft Law.

In February 2012, the Council on Issues of Legal and Judicial Activity under the President began work on a legal procedure for undergoing fully civilian alternative service. The Council is made up of representatives of courts, the General Prosecutor's Office, lawyers and university professors. It is due to meet in May to discuss the draft Law on Alternative Civilian Service. "Let's see what they propose at their next meeting in May," Pashkevich commented to Forum 18.

Pashkevich – who said he had used his "personal contacts" to gain sight of the classified text - complained to Forum 18 that the draft was draconian, "similar to one in Asia". (Forum 18 was unable to obtain the text of the draft Law.) He said it would provide only for religious conscientious objectors able to prove their religious affiliation. "And it would not appeal to many army draftees as the proposed period of alternative service is twice as long as in the army: three years instead of eighteen months."

However, both Belous and Chernousov separately told Forum 18 that they would not mind a longer term of alternative civilian service, were it to be offered. "I am all for paying my duty to my country if it is in accord with my views," Chernousov maintained. "I would have finished the alternative civilian service by now even had it lasted for three years, instead of being a subject of the Conscription Commission for many years," Belous complained to Forum 18.

Proposed law "unavailable for public discussion"

Pashkevich also lamented that the text of the draft Law was classified for internal use only. "Our main concern is that the content of the draft is unavailable for public discussion and criticism." He also complained that, at the insistence of Deputy Minister of Labour and Social Welfare Igor Starovoitov, the proposed Law on Alternative Service was not included in the list of draft laws to be considered in 2012, approved by the President.

University professor Grigory Vasilevich, a member of the Council on Issues of Legal and Judicial Activity and former General Prosecutor, confirmed that the Constitution provides for an Alternative Civilian Service Law which is vital for Belarus. "I realise that not only religious conscientious objectors should enjoy alternative service, but things should be done step by step," he told Forum 18 from Minsk on 27 April.

He explained that the decision not to include pacifists in the Law was taken after a review of the country's history. "During the Second World War, it was Belarus which formed the shield against the Nazis," he insisted. "The army is an important factor, that's why it's too early to talk about alternative civilian service for all ethical objectors."

Vasilevich said that it was too early to say when the draft Law would be submitted to Parliament. He was unable to explain why the draft is classified. (END)

For a personal commentary by Antoni Bokun, Pastor of a Pentecostal Church in Minsk, on Belarusian citizens' struggle to reclaim their history as a land of religious freedom, see F18News 22 May 2008 http://www.forum18.org/Archive.php?article_id=1131.

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=1311.

Full reports on freedom of thought, conscience and belief in Belarus can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=16>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Belarus is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Belarus>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY