

EXTERNAL (for general distribution)

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Legal Concern

13 May 1993

RUSSIA:

Aleksandr Sergeyevich CHIZHIKOV

(in cyrillic _____)

Amnesty International is appealing for the immediate and unconditional release of Aleksandr Chizhikov, a conscientious objector who was sentenced to one year's imprisonment by a Moscow court on 21 April 1993 for refusing his call-up papers. The organization is concerned that he has been sentenced in spite of constitutional provisions for a civilian alternative to military service, and that his prosecution may pave the way for further such trials of conscientious objectors. An appeal hearing is scheduled to take place in some two weeks. If Aleksandr Chizhikov's sentence is overturned, the verdict may prevent other such prosecutions proceeding.

Article 45 of the Russian Constitution, amended in April 1992, states that "Each citizen of the Russian Federation whose convictions preclude carrying out military service has the right to replace it with alternative civilian duties according to the procedure laid down by law". However, the necessary enabling legislation has yet to be passed, and conscription remains obligatory for every able-bodied male aged between 18 and 27.

Aleksandr Chizhikov, aged 20, is a pacifist and has stated his willingness to perform a civilian alternative service. He first quoted Article 45 in support of his refusal to respond to his call-up papers to the military enlistment authorities, then to the procuracy after a criminal charge was brought against him, and finally to the judge at Kuybyshev District Court during his trial. All, however, refused to recognize the article's validity in the absence of a law on alternative service, and Aleksandr Chizhikov was convicted under Article 80 of the Criminal Code ("evasion of regular call-up to active military service"). He is awaiting the appeal hearing in Matrosskaya Tishina investigation-isolation prison in Moscow.

This is the first case known to Amnesty International of a conscientious objector being imprisoned in Russia since the constitution was amended last year. According to unofficial sources several similar prosecutions had not proceeded after a defendant with conscientious objections had cited Article 45, and Amnesty International fears that the imprisonment of Aleksandr Chizhikov, if upheld on appeal, could lead to further such prosecutions.

Conscientious objection to military service is recognized by the United Nations as a legitimate exercise of the right to freedom of thought, conscience and religion.

Amnesty International regards Aleksandr Chizhikov as a prisoner of conscience, and is calling for his immediate and unconditional release.

Amnesty International believes the Russian authorities will be swayed by the international public outcry against this violation of a fundamental human right,

and that this outcry will help prevent other such prosecutions.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in Russian, English or in your own language:

- urging the immediate and unconditional release of Aleksandr Chizhikov on the grounds that he is a prisoner of conscience, imprisoned in violation of both the Russian Constitution and the International Covenant on Civil and Political Rights for the peaceful exercise of his right to freedom of conscience;

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- urging that no other people be prosecuted and imprisoned for refusing to perform military service on grounds of conscience;

- urging the introduction without delay of a law providing for a civilian alternative service, in line with Article 45 of the Russian Constitution.

APPEALS TO

1) General Valentin Georgievich Stepankov
Procurator-General of the Russian Federation
Kuznetsky most, 13
103760 g. Moskva K-31, Russia

Telegrams: Rossiya, 103760 Moskva, Generalnomu prokuroru Stepankovu V.G.

Faxes: + 095 292 8898 (please add the country code for Russia from your country)

Salutation: Dear Procurator-General

2) Chairperson of Moscow City Court
ul. Kalanchevskaya, 43
129010 g. Moskva, Russia

Telegrams: Rossiya, 129010 Moskva, Mosgorsud, Predsedatelyu

Salutation: Dear Chairperson

3) Gennady Ponomarev
Procurator of Moscow City
ul. Novokuznetskaya, 23a
113184 g. Moskva, Russia

Telegrams: Rossiya, 113184 Moskva, Gor. Prokuroru Ponomarevu G.

Salutation: Dear Procurator

COPIES OF YOUR APPEALS TO:

1) Vladimir Zorkin
Chairman of the Russian Federation
Constitutional Court
Moscow, Russia

Prospekt Mira, 49a
129110 g. Moskva, Russia

Faxes: + 095 230 24 08 (please add the country code for Russia from your country)

2) Andrey Vladimirovich Kozyrev
Minister of Foreign Affairs of
the Russian Federation

3) Sergey Adamovich Kovalyov
Chairman of the Parliamentary
Human Rights Committee
Krasnopresnenskaya nab. 2
103274 g. Moskva
Russia

4) Minister of Justice of the Russian
Federation
ul. Yermolovoy, 10a
103051 g. Moskva
Russia

and to diplomatic representatives of Russia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 June 1993.