

**PUBLIC**

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## **BELARUS**

### **Conscientious objector Valentin Gulai**

#### **Amnesty International's concerns**

Amnesty International is concerned that there is no alternative civilian service available in Belarus to men liable for compulsory conscription, who refuse to undertake military service for reasons of conscience. The recent case of 21-year-old Valentin Gulai from the south-eastern town of Rechitza highlights the difficulties which conscientious objectors face if they refuse to perform military service. Amnesty International has been informed that as a practising Jehovah's Witness Valentin Gulai felt that serving in the Belarusian army would conflict with his conscientiously held beliefs. On 23 March 2000 Rechitza regional court gave Valentin Gulai a suspended 18 month prison sentence for refusing to perform military service, made conditional on the basis that he spends the 18-months working on state construction projects. While Amnesty International welcomes the decision of the Belarusian authorities not to imprison Valentin Gulai, the organization fears that the absence of any alternative civilian service to compulsory military conscription in Belarus may in the future result in conscientious objectors being imprisoned for their conscientiously held beliefs. The state prosecutor involved in Valentin Gulai's case had reportedly made the recommendation to Rechitza regional court that he be given a prison sentence of three years. Amnesty International is also concerned that conscientious objectors like Valentin Gulai, even if they are not sentenced to terms in prison, may spend periods of time in pre-trial detention and may acquire a criminal record solely for their conscientious objections to performing military service.

#### **Background on the case of Valentin Gulai**

Amnesty International is informed that Valentin Gulai made his conscientious objection known to the military authorities shortly after being called up to undertake military duties. Military service is compulsory in Belarus for all males between the age of 18 and 27 and there is no alternative civilian service. Valentin Gulai reportedly asked both the military authorities responsible for conscription in the town of Rechitza and Gomel oblast and the local state prosecutor's office that he be allowed to undertake an alternative form of civilian service. The authorities reportedly rejected his request on the grounds that due to the absence of an alternative civilian service his claim could not be considered.

On 23 February 2000 Valentin Gulai was arrested in Rechitza on the orders of the local state prosecutor's office after being called to an interview by an official investigating his case. Amnesty International has learned that Valentin Gulai had regularly reported to the relevant military authorities and had never attempted to unlawfully evade military service or go into hiding. Nevertheless, the authorities placed him in a pre-trial detention centre in the nearby town of Gomel until the start of his court hearing at Rechitza regional court on 22 March. The court's decision to suspend a possible prison sentence on the condition Valentin Gulai works on state construction projects for a period of 18 months was taken the next day.

### **Belarusian law on conscientious objection**

Military service is compulsory for all males between the age of 18 and 27. It lasts 18 months, except for university graduates, who serve 12 months. Military service can be postponed for social reasons, such as family matters, being the breadwinner of the family, having small children or for educational reasons, such as attending university. Educational reasons can only be used to postpone military service once. Should a young man want to enroll at another university or begin another period of study, he must do the compulsory military service first.

There is no alternative service at present for conscientious objectors to military service. According to reports, the Ministry of Defence was inclined to broaden the concept of military service to include a wide range of options for alternative service similar to the German model. However, no progress has been made towards this goal since that time. In the absence of an alternative civilian service in Belarus young men who state their conscientious objection to military service continue to face prosecution by the military authorities, conviction on criminal charges for evading the service and imprisonment.

### **Belarus and international standards on conscientious objection**

The right to conscientious objection is a basic component of the right to freedom of thought, conscience and religion - as articulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. It has been recognized as such in resolutions and recommendations adopted by the United Nations Commission on Human Rights, the United Nations Human Rights Committee, the Committee of Ministers of the Council of Europe and the European Parliament.

While Amnesty International recognizes that Belarus is not a state party to the European Convention for the Protection of Human Rights and Fundamental Freedoms or a member of the Council of Europe or represented in the European Parliament, it is a state party to the International Covenant on Civil and Political Rights and committed to the principles of the Universal Declaration of Human Rights, both of whose Articles 18 make explicit the notion of freedom of thought, conscience and religion. Amnesty International is concerned that, although the right to conscientious objection is supported by these articles, Belarus has not introduced the relevant legal framework to provide for a genuine alternative civilian service.

Amnesty International is urging Belarus to take steps to introduce an alternative civilian service and in doing so fulfil its various international obligations. An alternative civilian service of non-punitive length should be provided for conscientious objectors in Belarus who base their objection on profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar motives. Amnesty International recommends that, until an alternative civilian service is implemented, conscientious objectors, such as Valentin Gulai, should either be excluded from military service altogether or permitted to wait until an alternative service is in place. Amnesty International will adopt as a prisoner of conscience anyone who is imprisoned for refusing to bear arms on grounds of conscience, provided they have not had access to an alternative civil service that is not punitive in length and that is of purely civilian character and under civilian control.