

URGENT ACTION

NEW TRIAL ON SAME CHARGES

Belarusian conscientious objector Ivan Mikhailau was released on bail on 10 March and is now facing a new trial on the same charges.

Ivan Mikhailau had been sentenced to three months' imprisonment by Minsk District Court on 1 February. The conviction was overturned on appeal by the Minsk Regional Court on 9 March and Ivan Mikhailau was released on bail the following day. The Minsk Regional Court concluded that there had been procedural violations during the initial investigations, and called for a new trial to be held on the same charge of "evasion of conscription measures". The court has ordered Ivan Mikhailau not to leave Minsk before the new trial, but set no date for it.

If he is convicted after this second trial, Ivan Mikhailau cannot be sentenced to anything more than the three months' imprisonment he received on 1 February. The time he has already served will be set against any new sentence: this means that the maximum further time he could spend in prison is six days.

PLEASE WRITE IMMEDIATELY in Belarusian, Russian, English or your own language:

- calling on the authorities to drop all charges against Ivan Mikhailau;
- calling on them to ensure that Ivan Mikhailau and other conscientious objectors are excused from military service;
- urging them to adopt a law that provides for a genuine civilian alternative to military service, as required by the Belarusian Constitution;
- reminding them that Belarus is a state party to the International Covenant on Civil Political Rights, and is therefore obliged to recognize the right to conscientious objection.

PLEASE SEND APPEALS BEFORE 29 APRIL 2010 TO:

President

Alyaksandr Lukashenka
Ul. Karla Marxa 38
220016 Minsk
Belarus

Fax: +375 17 226 06 10

Email via website:

<http://www.president.gov.by/en/press10650.html>

**Salutation: Dear President
Lukashenka**

Minister of Defence

Yurii Zhadobin
Kommunisticheskaya str. 1
220034 Minsk
Belarus

Fax: +375 17 297 15 36

Email: mod@mod.mil.by

Salutation: Dear Minister

And copies to:

Prosecutor General

Grigory Alekseevich
Ul. Internatsionalnaya 22
220050 g. Minsk
Belarus

Fax: +375 17 226 42 52

Salutation: Dear Prosecutor

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 23/10. Further information: www.amnesty.org/en/library/info/EUR49/0001/2010/en

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ADDITIONAL INFORMATION

According to his lawyer, after being summoned for military service in December 2008, Ivan Mikhailau told the Minsk district military that he refused to carry out military service because bearing arms contradicted his religious beliefs as an active member of the Messianic Jewish religious movement. He asked to instead take part in civilian service as an alternative to military service. In January 2009 the authorities denied this request on the grounds that an alternative civilian service did not exist. Ivan Mikhailau approached the military authorities again, asking if he could substitute military service with service in the reserves. His request was denied a second time in June 2009 and the authorities then assigned Ivan Mikhailau to full-time military service.

Ivan Mikhailau was arrested on 15 December 2009 and sentenced to three months' imprisonment on 1 February 2010 by Minsk District Court.

Military service is compulsory in Belarus for all men between the ages of 18 and 27. Even though Article 57 of the Belarusian Constitution states that citizens have a right to alternative civilian service, no such option is provided.

The right to refuse military service for reasons of conscience is inherent in the right to freedom of thought, conscience and religion as laid down in the International Covenant on Civil and Political Rights (ICCPR), to which Belarus is a party. The body responsible for monitoring the ICCPR, the Human Rights Committee, ruled in November 2006 that the prosecution and conviction of two conscientious objectors by the authorities in Korea, for their refusal to perform compulsory military service, had breached Article 18 of the ICCPR as no civilian alternative was available.

A conscientious objector is any person who, for reasons of conscience or profound conviction, refuses to perform service in the armed forces, or any other direct or indirect participation in wars or armed conflicts. This can include refusal to participate in a war because one disagrees with its aims or the manner in which it is being waged, even if one does not oppose taking part in all wars. Amnesty International considers a person to be a prisoner of conscience when they are detained or imprisoned solely because they have been denied their right to register an objection or to perform a genuinely civilian alternative service. They would also be prisoners of conscience if imprisoned for leaving the armed forces without authorization for reasons of conscience, if they have taken reasonable steps to secure release from military obligations.

Further information on UA: 23/10 Index: EUR 49/003/2010 Issue Date: 18 March 2010

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