

RUSSIAN FEDERATION Vitaliy Vladimirovich Gushchin, 22

Vitaliy Vladimirovich Gushchin, a 22-year-old Jehovah's Witness from Kurchatovo, Kursk Region, is currently serving a one and a half year prison sentence for refusing to carry out military service, because of his religious beliefs. Amnesty International considers him to be a prisoner of conscience.

On 10 November 1997 Gushchin was sentenced by the Kurchatovo City Court to one and a half years' imprisonment. Following an appeal, his sentence was upheld by Kursk Regional Court on 25 December 1997.

Despite the fact that Gushchin repeatedly stated before the court that his refusal to do military service is based on his religious convictions, the court ruled that he does not have the right to do this. According to Russian legislation, "*religious beliefs are not included in the list of grounds for exemption from military service*". The Kursk Regional Court also ruled that Vitaliy Gushchin is a member of a "sect" and that his claims to religious beliefs therefore are "groundless".

Amnesty International is concerned that the court failed to respect Article 59 of the Russian Constitution, which gives all Russian citizens the right to serve a civilian alternative to military service if their beliefs, religious or otherwise, preclude them from joining the army.

The Russian authorities' refusal to recognize Gushchin's membership of Jehovah's Witnesses as legitimate is also in direct contravention of the Russian Constitution and international law, both of which uphold the principle of equality of religions before the law.

BACKGROUND INFORMATION

Military service is compulsory in Russia for men aged between 18 and 27. Although some Russian courts now uphold individuals' rights to serve an alternative to military service, most conscientious objectors continue to be imprisoned. Some have effectively been kidnapped by the military authorities and forcibly recruited into the army.

A number of reports received by Amnesty International suggest a pattern of persecution of members of various religious groups, including Jehovah's Witnesses, which are considered non-legitimate by the Russian authorities. In September 1997, president Boris Yeltsin signed a law on freedom of conscience and religion. This law contains provisions which ban members of all religions which have not formally existed in the Russian Federation for 15 years from actively seeking converts. Amnesty International is concerned that these provisions are now being used by the authorities to legitimize acts of religious persecution and ill-treatment of members of various religious groups.

Conscientious objection to military service is recognized by the United Nations Commission on Human Rights as a legitimate exercise of the right to freedom of thought, conscience and religion, a right guaranteed under Article 18 of the International Covenant on Civil and Political Rights. Although this right was included in the Russian Constitution in April 1992, parliament has still not introduced the necessary enabling legislation, or amended the Criminal Code to reflect this constitutional provision. Young men therefore continue to risk imprisonment for refusing military service on conscientious grounds. The accession of the Russian Federation to the Council of Europe in February 1996 also requires Russia to work towards that body's Recommendation No. R (87)8, Regarding Conscientious Objection to Compulsory Military Service.

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

- calling for the immediate and unconditional release of Vitaliy Vladimirovich Gushchin on the grounds that he is currently imprisoned simply because of the peaceful exercise of his religious beliefs;
- urging that Russian citizens' constitutional right to conscientious objection should be guaranteed by introducing legislation which will create alternative civilian service of non-punitive length.
- reminding the President that in the absence of such a law, the right to alternative civilian service could be introduced through a presidential decree; - expressing concern over the restrictive provisions of the new law on conscience and religion, as it allows for the ill-treatment and persecution of members of banned religious confessions and for the imprisonment of conscientious objectors, and which contravene both the Russian Constitution and international law.

APPEALS TO:

Chief Military Procurator of the Russian Federation Lt. Gen DEMIN, Yuriy
Rossiyskaya Federatsiya, 103760 g. Moskva K-31, Kuznetsky most, 13
Prokuratura Rossiyskoy Federatsii, Glavnomu voyennomu prokuroru
Gen-Leit. DEMINU

Telegrams: Chief Military Procurator, Moscow, Russia

Salutation: Dear Chief Military Procurator

Minister of Defence, Marshal SERGEYEV, Igor
Rossiyskaya Federatsiya, 103175 Moskva, ul. Myasnitskaya, 37
Ministerstvo oborony, Ministru Marsh. SERGEYEVU

Telegrams: Rossiya, 103175 Moskva, Ministru oborony

Faxes: + 7095 293 93 98

Salutation: Dear Minister

President of the Russian Federation, YELTSIN, Boris Nikolayevich
Rossiyskaya Federatsiya, g. Moskva, Kreml
Presidentu Rossiyskoy Federatsii Yeltsinu B.N.

Faxes: + 7095 206 51 73

Telegrams: President Yeltsin, Moscow, Russia

Salutation: Dear President

Chairman of the Kursk Regional Court

Rossiyskaya Federatsiya, Kurskaya oblast, g. Kurchatovo
ul. Naberezhnaya, d.13 kv. 8, Predsedatelyu Kurskovo oblastnovo suda

Telegrams: Rossiya, Kurskaya oblast, Kurchatovo, Predsedatelyu Kurskovo oblastnovo suda

Salutation: Dear Chairman/Your Honour

COPIES TO:

Procurator General of the Russian Federation, SKURATOV, Yuriy
Rossiyskaya Federatsiya, 103793 g. Moskva K-31, ul. Dimitrovka, 15a
Prokuratura Rossiyskoy Federatsii, Generalnogo prokurora Skuratovu Yu.

Fax: + 7095 292 88 48

Chairman of the Security Council of the Russian Federation, RYBKIN, Ivan
Rossiyskaya Federatsiya, g. Moskva
administratsiya Prezidenta Rossiyskoy Federatsii
Predsedatelyu Soveta bezopasnosti

and to diplomatic representatives of Russian Federation accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 May 1998.