

**RUSSIAN FEDERATION**Nikolay Moschukhin

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Nikolay Moschukhin, a conscientious objector to military service, was taken by force to an army base on 30 June 1997 in Nekouz district of the Yaroslavl Region, despite having had his right to serve an alternative service upheld by the courts. Amnesty International is concerned that Nikolay Moschukhin is still being required to carry out military service, and urges that his right to serve an alternative civilian service, recognized by the court, should immediately be respected.

According to the information available to Amnesty International, Nikolay Moschukhin was summoned to the military recruitment committee of the Nekouz district on 20 November 1996, where he stated his conscientious objection to military service and expressed his wish to serve an alternative service. This request was reportedly refused by the recruitment committee, who said he was to be drafted.

Nikolay Moschukhin appealed this decision in the Nekouz District Court, who ruled on 25 November 1996 that he had the right to serve an alternative service, as enshrined in Article 59 of the Russian Constitution.

On 30 June 1997, Nikolay Moschukhin was reportedly summoned to the military recruitment committee in order to verify the legitimacy of his papers. On arrival, he was forcibly taken to an army base in Ryabinsk, Yaroslavl Region and told he was to perform military service.

Nikolay Moschukhin was able to contact local human rights organizations on 11 July and to submit a complaint to the Military Procurator's office.

**BACKGROUND :**

Amnesty International is highly concerned at the increasing number of cases where young men, who have expressed their conscientious objection to military service, are nevertheless taken by force to army units.

On 25 December 1996 Sergey Rozhkov, a Jehovah's Witness who had expressed his wish to serve an alternative service, was arrested in the middle of a school maths class and taken to a military base to begin his service.

A report from 13 June 1997 in the newspaper *Express-Khronika* claims that in Chelyabinsk Region young men were recruited for military service by being summoned to receive 650,000 roubles (about US \$65) at the post office. On arriving with their passports to collect the money, they were given their draft papers and the money was confiscated.

Military service is currently compulsory in Russia for men aged between 18 and 27. There is as yet no law on a civilian alternative to military service, which places any conscientious objector under the threat of imprisonment.

Conscientious objection to military service is recognized by the United Nations Commission on Human Rights (Resolution 1989/59, and reaffirmed in Resolution 1993/84 of 10 March 1993) 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.

This right is also recognized in the Russian Constitution, where it has been enshrined since April 1992. Article 59 states *"A citizen of the Russian Federation whose convictions or faith preclude the performance of military service...has the right to substitute it for an alternative civilian service"*. However, five years on, parliament has still not introduced the necessary enabling legislation, or amended the Criminal Code to reflect this constitutional provision, and young men continue to risk persecution and imprisonment for refusing military service on conscientious grounds. However, a law could be implemented by Presidential decree. The accession of Russia to the Council of Europe in February 1996 means that Russia should be working 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 Russian or your own language:**

- calling for the immediate release of Nikolay Moschukhov from military duties, and his constitutional right to serve an alternative service to be respected;
- urging that the constitutional right to conscientious objection should be realized by enacting legislation creating alternative civilian service of non-punitive length;
- reminding the President that in the absence of a law, the right to alternative military service could be introduced through a Presidential decree.

**APPEALS TO:**

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

**Telegrams: Chief Military Procurator, Moscow, Russia**

**Salutation: Dear Chief Military Procurator**

Military Procurator of the Moscow military okrug, Mikhail Kislitsyn  
 Rossiyskaya Federatsiya  
 Prokuroru Moskovskogo Voiennogo okruga  
 Kislitsynu M.

**Telegrams: Rossiya, Prokuroru Moskovskogo Voyennogo Okruga**

**FAX: (7 095) 296 62 64**

**Salutation: Dear Military Procurator**

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

**Telegrams: Rossiya, 103175 Moskva, Ministru oborony**

**Faxes: (7095) 296 08 64**

**Salutation: Dear Minister**

**COPIES TO:**

Procurator General of the Russian Federation, Yury Skuratov

Rossiyskaya Federatsiya  
103793 g.Moskva K-31  
ul. Dimitrovka, 15a  
Prokuratura Rossiyskoy Federatsii  
Generalnomu prokuroru Skuratovu Yu.

**Faxes: (7095) 292 88 48**

Chairman of the State Duma Committee for public associations and religious organizations, Viktor Zorkaltsev.

Rossiyskaya Federatsiya  
103009 g. Moskva  
Okhotny ryad, 1  
Gosudarstvennaya Duma Rossiyskoy Federatsii  
Komitet po delam obschestvennikh obedinenii i religioznikh organizatsii  
Predsedatelyu Zorkaltsevu V.

**FAX: (7 095) 292 53 12**

Chairman of the State Duma Committee for Defence, Lev Rokhlin

Rossiyskaya Federatsiya  
103009 g. Moskva  
Okhotny ryad, 1  
Gosudarstvennaya Duma Rossiyskoy Federatsii  
Komitet po delam oborony  
Predsedatelyu Rokhlinu L.

**FAX: (7 095) 292 95 77**

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 5 September 1997.