

EXTERNAL

AI Index: EUR 46/34/96

UA 184/96 Prisoner of conscience / Conscientious objection 23 July 1996

RUSSIAN FEDERATION Uvanchaa Dozur-ool Mongushevich, 22, novice at a Buddhist monastery

Uvanchaa Dozur-ool Mongushevich, 22-year-old novice monk at the Religious Buddhist community "Kuntsechoinei Datsan" at the Gelugpa Buddhist Church in St Petersburg, may face up to seven years' imprisonment as a prisoner of conscience unless the Russian authorities recognize his right to conscientiously object to military service. His trial is believed to be imminent.

Uvanchaa Dozur-ool Mongushevich, an ethnic national of the Republic of Tuva, was drafted into the army in 1995, despite the fact that he was preparing to be initiated as a monk. He was sent to serve in the military unit in the village of Pereyaslavka, Khabarovsk region. There he was allegedly ill-treated by his fellow soldiers, and as a result of severe beatings, he was reportedly hospitalized with both legs broken. After treatment he was taken home by his parents. Soon afterwards he returned to the Buddhist monastery, where he was arrested on 26 May 1996 by the military authorities. He was charged on 13 June under Article 246 of the Russian Criminal Code with "voluntary desertion of his army unit", for which he could receive a sentence from three to seven years' imprisonment. He is currently held in a pre-trial detention centre (SIZO) in St Petersburg.

Uvanchaa Dozur-ool Mongushevich has reportedly stated his conscientious objection to compulsory military service, based on his religious beliefs and religious affiliation, all along -- when he was drafted into the army; when he left the army unit after his alleged ill-treatment; at the time of his arrest and during the investigation concerning his current criminal charges. His spiritual teacher, Lama Djampa Donyod Badmaev, has received a letter dated 28 June from the Office of the Chief Military Procurator of the Russian Federation, which acknowledged the fact that Uvanchaa Dozur-ool Mongushevich has stated his objection based on his religious beliefs.

BACKGROUND INFORMATION

Military service is currently compulsory in Russia for men aged between 18 and 27. There is 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 in 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, four 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 imprisonment for refusing military service on conscientious grounds. An attempt on 8 December 1995 to pass a law on alternative service resulted in the majority of deputies

in the State Duma voting against it. 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/telexes/faxes/express/airmail letters in Russian or your own language:

- calling for the immediate and unconditional release of Uvanchaa Dozur-ool Mongushevich as a prisoner of conscience, detained for refusing to serve in the army on the grounds of his non-violent religious and conscientious beliefs;

- 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 Valentin PANICHEV
 Rossiyskaya Federatsiya
 103760 g. Moskva K-31
 Kuznetsky most, 13
 Prokuratura Rossiyskoy Federatsii
 Glavnomu voyennomu prokuroru
 PANICHEVU V.

Telegrams: Chief Military Procurator, Moscow, Russia
Salutation: Dear Chief Military Procurator

Military Procurator of St. Petersburg Garrison
 Rossiyskaya Federatsiya
 191 194, S. Peterburg,
 ul. "Shpalernaya", d.24
 voyennomu prokuroru
 Sankt-Peterburgskogo Garnizona

Telegrams: Rossiya, Sankt-Peterburg, Voenny Prokuror, Sankt-Peterburgskogo Garnizona,
Salutation: Dear Military Procurator

Minister of Defence, Col.Gen. Igor Rodionov
 Rossiyskaya Federatsiya
 103175 Moskva
 ul. Myasnitskaya, 37
 Ministerstvo oborony
 Ministru GRACHEVU P.S.

Telegrams: Rossiya, 103175 Moskva, Ministru oborony
Faxes: (7095) 296 08 64
Salutation: Dear Minister

President of the Russian Federation, Yeltsin, Boris Nikolayevich
 Rossiyskaya Federatsiya
 g. Moskva
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Presidentu Rossiyskoy Federatsii Yeltsinu B.N.
Faxes: (7095) 206 5173
Telegrams: President Yeltsin, Moscow, Russia

Salutation: Dear President

COPIES TO:

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Predsedatelyu Soveta bezopasnosti
LEBEDU A.I.

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 September 1996.