

Urgent Action: conscientious objector sentenced

02. Februar 2010

Belarusian conscientious objector, Ivan Mikhailau, was sentenced to three months' imprisonment on 1 February 2010. Amnesty International considers him to be a prisoner of conscience and is calling for his immediate and unconditional release.

On 1 February, the Minsk District Court sentenced 21-year-old Ivan Mikhailau to three months in prison, after he refused to perform military service.

Ivan Mikhailau was arrested on 15 December 2009 in the town of Salihorsk, south of the capital, Minsk. He has been in detention in Zhodino, a town north-east of Minsk, since shortly after his arrest. His detention since 15 December counts towards his three-month sentence. He remains in the same pre-trial detention centre.

Ivan Mikhailau's lawyer informed Amnesty International that his family intends to appeal against the verdict.

Ivan Mikhailau had been summoned to military service in December 2008. He had refused military service because bearing arms contradicts his religious beliefs as an active member of the Messianic Jewish community. His requests to perform an alternative civilian service or serve in the reserves instead were denied. While the Belarusian Constitution incorporates the right of every citizen to an alternative service, in practice this alternative to military service is not provided.

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

- * calling on the authorities to release Ivan Mikhailau immediately and unconditionally;
- * calling on the authorities to ensure that Ivan Mikhailau and other conscientious objectors are either absolved from military service or permitted to wait until an alternative service is in place;
- * urging the authorities to adopt a law that provides for a genuine civilian alternative to military service that is not punitive in length as enshrined in the Belarusian Constitution;
- * reminding the authorities 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 15 MARCH 2010 TO:

President

Alyaksandr Lukashenka

Ul. Karla Marxa 38

220016 Minsk

Belarus

Fax: +375 17 226 06 10

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

Salutation: Dear President

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.

ADDITIONAL INFORMATION

Military service is compulsory in Belarus for all males 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 in practice.

According to his lawyer, after being summoned for military service in December 2008, Ivan Mikhailau informed the Minsk

district military that he refused to carry out military service for religious reasons and instead requested to take part in civilian service as an alternative to military service. In January 2009 the authorities denied his request on the grounds that an alternative civilian service does 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. The hearing, initially scheduled for 29 January, was adjourned until 1 February.

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 Republic of Korea for their refusal to perform compulsory military service had breached Article 18 of the ICCPR as no civilian alternative was available (Communication nos. 1321/2004 and 1322/2004).

Amnesty International considers a conscientious objector to be 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.

This is the first update of UA: 23/10 Index: EUR 49/001/2010. For more information:
<http://www.amnesty.org/en/library/info/EUR49/001/2010/en>