

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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Questions

1. Please provide an update on the current law that applies to conscription of reservists.
2. Are Molokan Christians from the Stavropol area allowed to do alternative service or are they required to do military service as a result of the conflict in Chechnya?
3. What alternatives are available?
4. What happens to Molokan Christians who refuse or defect from military service?

RESPONSE

1. Please provide an update on the current law that applies to conscription of reservists.

Article 3 of the law states that Alternative Civil Service does not apply to those in the Reserve.

Article 3. Citizens assigned to alternative civil service

1. Citizens assigned to alternative civil service are men between 18 and 27 years old who are not in the military reserve, are entitled to performing alternative civil service as a substitute for military service, have personally submitted an application for alternative civil service as a substitute for military service by conscription to the military registration and enlistment office, and have obtained an approval of the draft commission in their respective district, city, or other municipality (hereinafter 'draft commission'), in accordance with this Federal Law. ('Federal Law On Alternative Civil Service' 2004, zivi-ru website, 1st January <http://www.linzen.gmxhome.de/mir/aktuelles/law.htm> - Accessed 9th August 2007 – Attachment 1).

2. Are Molokan Christians from the Stavropol area allowed to do alternative service or are they required to do military service as a result of the conflict in Chechnya?

In a search of the sources consulted, no evidence was located to indicate that alternative military service by conscription was not available to Molokan Christians or any other group from Stavropol.

In 2006, it was announced that the length of conscription would be reduced from 24 to 18 months in 2007 (“Russia starts call-up for 18 months’ military service” *SKRIN Newswire*, 3 May – Attachment 2).

The number of grounds for deferment would also be reduced (Novikov, I. 2006, “Duma approves law abolishing draft deferments”, *ITAR-Tass World Service*, 14 June – Attachment 3).

From 2008, conscription will be reduced to 12 months (“Russia’s Ivanov: Shorter military service won’t change draft age” 2006, *Prime-TASS News*, 29 August - Attachment 4).

Conflicting reports exist concerning the extent to which alternative service is sought, with disappearance, application for medical exemption, and bribery of military officials being commonly reported as a means of escaping conscription:

Military service has a bad reputation, with recruits complaining not just of brutality, but of under-nourishment and corporal punishment. Soldiers’ Mothers said each year hundreds of conscripts desert, and some take their own lives or are shot trying to evade arrest. In 2005, the Defense Ministry recorded the deaths of 16 conscripts through hazing incidents and 276 suicides. (Stolyarova, G. 2006, “Dodgy Firms Help Men Escape Army”, *St Petersburg Times*, 14 November - Attachment 5)

War Resisters International reported in 2006 that since the introduction of the 2004 law on 1st January 2004

About 3,500 people applied for conscientious objection. Presently, there are no statistics available how many applications have been accepted or turned down. However, about one hundred people contacted human rights organisations in Russia to ask for help because of problems with the bureaucracy, and mostly won their right to CO subsequently... However, for most young people draft avoidance – by means of ‘buying’ medical exemptions or deferments of military service – is the method of choice, and not the legally provided form of conscientious objection. (“Conscientious objection in Russia: A first impression after three years of practice” 2006, *The Broken Rifle, Newsletter of War Resisters’ International*, No. 27, November <http://www.wri-irg.org/pubs/br72-en.htm> Accessed 14 August 2007 – Attachment 6)

Elsewhere, this year the head of the conscription department of the Russian armed forces’ general staff, Yevgeniy Burdinskiy reported that “Since 2005, the number of those wishing to perform alternative service has been falling considerably. In 2005 there were 257 people, and now there are 165.” (“Russian call-up chief speaks about recruits’ health, draft dodgers” 2007, *BBC*, 12 May – Attachment 7)

This is consistent with another report which points to progressively diminishing interest in alternative civilian service since its introduction:

During the spring 2006 draft, there were 150 applications for AGS, of which 100 were approved by recruitment offices – which is not a high approval rate for a programme to which all potential conscripts have a statutory right, but still an improvement on the autumn 2004 figures of 1,500

applications and 317 approvals. Throughout the whole of 2005, 257 people successfully applied for AGS, and in Moscow a grand total of two individuals were allocated to alternative service in the first half of 2006. (Giles, K. 2006, "Where have all the Soldiers Gone?" Russia's Military Plans versus Demographic Reality", Conflict Studies Research Centre, Swindon, England, October – <http://www.defac.ac.uk/colleges/csrc/document-listings/caucasus-publications> - - Attachment 8)

3. What alternatives are available?

Please refer to Research Response RUS17614 for detailed information concerning alternative service options.

The Federal Law states that

Article 4. Placement for alternative civil service

Education, professional training and qualifications, previous work experience, health, and family situation of the conscript, and the organisations' need for human resources shall be taken into account in the determination of the occupation, profession or position as well as organisation to which citizens shall be assigned for the performance of alternative civil service. ('Federal Law On Alternative Civil Service' 2004, zivi-ru website, 1st January <http://www.linzen.gmxhome.de/mir/aktuelles/law.htm> - Accessed 9th August 2007 – Attachment 1)

As noted by War Resisters' International, in a report by the United Nations Human Rights Committee in November 2003 it was observed that the tasks to be performed by conscientious objectors were not necessarily "compatible with their convictions" and this was borne out by a visit by War Resisters' International visit to Russia in February 2007:

War Resisters International talked to a number of conscientious objectors serving in substitute service in the Kazan gunpowder factory...Not only have several objectors initially been required to serve in the gunpowder production itself – under the disguise that the gunpowder is being used for civilian fireworks – it can also be questioned if any service in this factory can be classified as "genuinely civilian", as required by international standards. ("War Resisters' International visit to Russia" 2007, *CO Update* No. 28, April <http://www.wri-irg.org/pubs/upd-0704.htm> Accessed 14 August 2007 - Attachment 9)

4. What happens to Molokan Christians who refuse or defect from military service?

The general situation for Draft evasion or desertion is:

Draft evasion and desertion are widespread, which is prompted by the fear of being sent to serve in Chechnya and poor conditions and human rights violations within the armed forces. There are several means of draft evasion. Many young men obtain false medical documents through bribery and are consequently exempt from service for health reasons. Others simply do not respond to call-up papers. According to the Ministry of Defence, there were 21,000 draft evaders in 2004 and 25,000 in 2003. According to estimates, there are approximately. 40,000 deserters at any given time in the Russian Federation.⁵⁹

3.11.5 Draft evasion and desertion are punishable under the Criminal Code. Draft evasion is punishable by a fine, arrest for three to six months or up to two years' imprisonment (Article 328). Desertion is punishable by up to seven years' imprisonment, up to ten years in case of an armed conflict or collective desertion (Article 336). Leaving a military unit is punishable by up to six years' imprisonment or up to two years' sentence in disciplinary battalions (Article 337).

Criminal prosecution may be waived if the non-authorized absence or desertion is committed for the first time or if the desertion was caused by a combination of grave circumstances (Article 338).⁶⁰

3.11.6 The Russian authorities maintain several means of monitoring draft evasion. The military and police authorities regularly conduct search operations for draft evaders and deserters. When recruitment officials fail to hand over the draft summons to draft age men they inform the police. The police then stop and detain them at home or in the streets, and hand them over to the military authorities. The majority of these conscripts are sent to military units on the same day as their detention. There are no detailed figures available on the criminal prosecution of draft evaders but because of its scale, it is probably practically impossible for the Russian authorities to prosecute all draft evaders. Even when caught some draft evaders may avoid criminal prosecution through bribery.⁶¹

3.11.7 In recent years the Russian authorities have announced several amnesties for draft evaders and deserters. The latest amnesty was announced in 2003 following the adoption of the Constitution of the Chechen Republic when the State Duma passed a series of resolutions on the amnesty of persons who 'committed socially dangerous acts'. This amnesty regulation also applied to draft evaders and deserters who reported themselves to the authorities by 1 September 2003. Despite the declared amnesty, NGOs have reported that many Russian soldiers released in Chechnya are still being held in Russia and are under criminal investigation for desertion.⁶² (UK Home Office 2006, 'Operational Guidance Note: Russian Federation', UK Home Office website, 14 November

<http://www.ind.homeoffice.gov.uk/documents/countryspecificasylumpolicyogns/russianfedogn?view=Binary> – Accessed 7 December 2006 – Attachment 10).

More generally, a recent report indicated that illegal drafting of conscripts was occurring:

Rights groups say Russia's military is taking young men from their homes, work and even hospitals and press-ganging them into the army despite the fact they are exempt from the draft... Often, the reasons young men give for not serving are bogus. For example, draftees can pay corrupt doctors to diagnose them with non-existent illnesses. But rights groups say draft boards frequently do not bother to establish if the draftee's excuse is legitimate or not and instead put them in uniform and send them to units before they have time to appeal against their call-up. A defence ministry spokesman denied that people were being drafted illegally. (Sweeney, C. and Pinchuk, D., 2007 "Russia army 'press-gangs' conscripts-campaigners", *Reuters News*, 9 July Attachment 11)

List of Sources Consulted

Internet Sources:

Government Information & Reports

Danish Immigration Service <http://www.udlst.dk/english/default.htm>

Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/index.htm>

http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UNHCR <http://www.unhcr.org> Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

European Country of Origin Information <http://www.ecoi.net/>

Human Rights Watch <http://www.hrw.org/>
Minorities at Risk Project <http://www.cidcm.umd.edu/inscr/mar/>
Minority Rights Group <http://www.minorityrights.org/>
Forum 18 Oslo <http://www.forum18.org>

International News & Politics

BBC News <http://news.bbc.co.uk>

Region Specific Links

The Moscow Times <http://www.moscowtimes.ru>
The St Petersburg Times <http://www.sptimesrussia.com/>
Transitions OnLine <http://www.tol.cz/look/TOL/home>

Search Engines

Google <http://www.google.com.au/>
Copernic <http://www.copernic.com/>
Vivisimo <http://www.vivisimo.com>

Databases:

FACTIVA (news database)
CISNET (Department of Immigration Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

List of Attachments

1. 'Federal Law On Alternative Civil Service' 2004, zivi-ru website, 1st January <http://www.linzen.gmxhome.de/mir/aktuelles/law.htm> - Accessed 9th August 2007.
2. "Russia starts call-up for 18 months' military service" 2006 *SKRIN Newswire*, 3 May. (FACTIVA)
3. Novikov, I. 2006, "Duma approves law abolishing draft deferments", *ITAR-Tass World Service*, 14 June. (FACTIVA)
4. "Russia's Ivanov: Shorter military service won't change draft age" 2006, *Prime-TASS News*, 29 August. (FACTIVA)
5. Stolyarova, G. 2006, "Dodgy Firms Help Men Escape Army", *St Petersburg Times*, 14 November. (FACTIVA)
6. "Conscientious objection in Russia: A first impression after three years of practice" 2006, *The Broken Rifle, Newsletter of War Resisters' International*, No. 27, November <http://www.wri-irg.org/pubs/br72-en.htm> - Accessed 14 August 2007.
7. "Russian call-up chief speaks about recruits' health, draft dodgers" 2007, *BBC*, 12 May. (FACTIVA)
8. Giles, K. 2006, "Where have all the Soldiers Gone?" Russia's Military Plans versus Demographic Reality", Conflict Studies Research Centre, Swindon, England, October.

9. “War Resisters’ International visit to Russia” 2007, *CO Update* No. 28, April
<http://www.wri-irg.org/pubs/upd-0704.htm>. (FACTIVA)
10. UK Home Office 2006, ‘Operational Guidance Note: Russian Federation’ UK Home Office website, 14 November
<http://www.ind.homeoffice.gov.uk/documents/countryspecificasylumpolicyogns/russianfedogn?view=Binary> – Accessed 7 December 2006.
11. Sweeney, C. and Pinchuk, D., 2007 “Russia army ‘press-gangs’ conscripts-campaigners”, *Reuters News*, 9 July. (FACTIVA)