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INFORMATION ON CONSCIENTIOUS OBJECTION TO MILITARY SERVICE INVOLVING JEHOVAH'S WITNESSES

CONTRIBUTION FOR THE OHCHR QUADRENNIAL ANALYTICAL REPORT ON CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Jehovah's Witnesses do not oppose national service per se. Their conscience simply does not allow them to participate in one form of national service—military service. As a group, Jehovah's Witnesses are, in many cases, willing to perform alternative civilian service that is not under the control or supervision of the military. In the light of worldwide experience, even in countries at war, there is ample room to reconcile a Government's imperative for public welfare and national security with the willingness of Jehovah's Witnesses to perform civilian national service.

The situation in Taiwan is an excellent example. Jehovah's Witnesses have been taking part in an alternative service programme and have been making a meaningful contribution to society for more than 20 years¹. Over the years, the Taiwanese authorities have expressed their appreciation for the effective cooperation of Jehovah's Witnesses.

Commendably, and more recently, Armenia, Belarus, the Kyrgyz Republic and the Transnistria region have amended their laws to provide an alternative civilian service option for conscientious objectors, joining the vast majority of Member States in recognizing the right of conscientious objection to military service. Georgia and Greece have also extended this provision to those on reservist duty. The courts of Ukraine recently recognized that conscientious objection to military service is a fundamental human right that merits protection even during military mobilization. It is recognized as neither a selfish evasion of duty nor a threat to national interests and security.

Despite the above developments, issues raised by conscientious objection to military service remain acute in a limited number of territories, as illustrated by the following information, which is organized by country. This document, submitted on 21 March 2022, summarizes the current situation of conscientious objectors who are Jehovah's Witnesses, as well as pending cases before the European Court of Human Rights (ECHR) and the United Nations Human Rights Committee (CCPR), including final rulings and remaining challenges.

Jehovah's Witnesses maintain a list of their adherents worldwide who are [prisoners of conscience](#).



¹ In Taiwan, the Enforcement Statute for Substitute Services (Alternative Service Law) and the revised Military Service Law were promulgated on 2 February 2000.

A Bible-Based Viewpoint

Jehovah's Witnesses respect the authority of the Governments under which they live. In obeying the Scriptural injunction to "be in subjection to the superior authorities", the Witnesses are law-abiding citizens who pay their taxes and cooperate with governmental efforts to provide for public welfare.—Romans 13:1.

Like first-century Christians, Jehovah's Witnesses today do their best "to beat their swords into plowshares" and not to "learn war anymore". (Isaiah 2:2–4) Thus, during the Second World War, the Witnesses in all nations remained neutral, and for this they paid a high price. As several historians have documented at length, Jehovah's Witnesses as an organization were made the object of an extermination order by the Nazi regime because of a peaceful yet resolute refusal to support Hitler's war effort. Moreover, in all the conflicts seen in recent decades—from Bosnia to Rwanda, and from Vietnam to the Middle East—adherents of this faith have not taken up arms.

Jehovah's Witnesses are grateful when Governments either exempt them from military service altogether or allow their conscientious believers to perform non-military civilian national service. (Romans 12:18; 14:19; 2 Corinthians 10:4; Hebrews 12:14) Furthermore, the Witnesses' neutral stand means that they do not interfere with those who choose to serve in the armed forces. Application of this simple principle makes Jehovah's Witnesses exemplary, peace-loving citizens from whom governmental authorities have nothing to fear.

I. ARMENIA

a) Current situation

On 8 June 2013, Armenia adopted amendments that brought the country's law on alternative service into harmony with European standards, and it adopted relevant enabling regulations on 25 July 2013. Since the implementation of the amendments and the subsequent release of imprisoned conscientious objectors, there are no longer any prisoners of conscience in Armenia.

Although reluctant to accept such a change for several decades, after just two years of experience and cooperation with Jehovah's Witnesses, members of the Republican Committee responsible for coordinating and reviewing applications for alternative civilian service have acknowledged that the Witnesses are providing a valuable service to the Government of Armenia and are diligently performing their assigned duties. The Committee has, indeed, been most helpful in facilitating the implementation of the programme.

In December 2016, the mayor of the city of Ejmiatsin and Yerevan Shengavit municipality awarded "Certificates of Appreciation" to six alternative civilian servants in recognition of their contribution to maintaining and improving the beauty of their city. In 2021, three young men working in alternative civilian service were awarded "Certificates of Appreciation" by the Aparan municipality for their hard work and selfless service.

As of 1 March 2022, 438 of Jehovah's Witnesses have performed alternative service. All parties, including the directors of the alternative civilian service locations, are highly satisfied with the outcome of this positive change.

b) Case(s) decided by the ECHR

- *Bayatyan v. Armenia* [Grand Chamber], No. 23459/03, 7 July 2011

- *Bukharatyan v. Armenia*, No. 37819/03, 10 January 2012
- *Tsaturyan v. Armenia*, No. 37821/03, 10 January 2012
- *Adyan and Others v. Armenia*, No. 75604/11, 12 October 2017
- *Aghanyan and Others v. Armenia*, Nos. 58070/12 and 21 others, 5 December 2019

II. AZERBAIJAN

a) Current situation

Although a signatory to the European Convention on Human Rights since 2001, Azerbaijan continues to ignore its accession commitment and ECHR judgments that recognize the right of religiously motivated conscientious objection to military service as fully protected under article 9 of the European Convention. Despite having informed the CCPR on 14 July 2016, that “alternative service is an option provided by the law”,² Azerbaijan in reality has no provision for alternative civilian service.

b) Case(s) decided by the ECHR

- *Mushfig Mammadov and Others v. Azerbaijan*, Nos. 14604/08 and 3 others, 17 October 2019
- *Emil Mehdiyev and Vahid Abilov v. Azerbaijan*, Nos. 52773/19 and 54768/19, 28 October 2021

c) Remaining challenges

Although at present none of Jehovah’s Witnesses are imprisoned as conscientious objectors in Azerbaijan, young Witnesses live in constant fear of prosecution and imprisonment. Also, young Witnesses are often subject to restrictions such as being unable to obtain a passport without a military card and, as a result, they are not able to travel outside the country. A number who possess a passport have been prevented from leaving the country because of restrictions imposed by the State. Despite its commitments to the Council of Europe, Azerbaijan currently has no provision for alternative civilian service.

III. BELARUS

a) Current situation

On 4 June 2015, a new law was adopted that permits persons with a religious objection to compulsory military service to perform alternative civilian service. The Federal Law on Alternative Service No. 276-Z entered into force on 1 July 2016. Under that law, conscientious objectors are assigned to perform community service in the fields of healthcare, social services, housing, agriculture, forestry, landscaping, construction, repair of roads and railways and emergency services. All agencies involved in alternative service are under the jurisdiction of the Ministry of Labour and Social Protection of the Republic of Belarus.

b) Remaining challenges

The term of alternative service for citizens who do not have higher education is

² CCPR/C/AZE/Q/4/Add.1 § 162

36 months and for those with higher education, 24 months. For military conscripts, these terms are 18 and 12 months respectively. Thus, applying European and international standards, the term of alternative civilian service is classified as “punitive” because it is double the length of that for compulsory military service. According to European standards, the length of alternative service should be no more than one and a half times longer than military service.³

The Law on Alternative Service provides that persons who have performed alternative civilian service under that law are exempt from reservist training. However, Belarus legislation is silent on the situation of persons who, after serving in the army, become conscientious objectors. This is illustrated by the case of Eduard Panchuk, who served in the military from 1999–2001 and became one of Jehovah’s Witnesses in 2007. In 2018, he was summoned for reservist training by the Brest Regional Military Commissariat. In response, he submitted a detailed written statement to the military commissariat, explaining the reasons why his conscience no longer permitted him to accept military training. The military commissariat rejected Mr. Panchuk’s request for exemption. His appeal to senior military authorities was also rejected. An appeal is pending with the domestic courts.

A second example is that of Dmitri Mozol from Pinsk, Brest Oblast, who was not drafted into the army because he was studying at university. During his studies, he became one of Jehovah’s Witnesses. In 2013, he applied to the military commissariat to replace military service with alternative service but at that time there was no provision for alternative service. By the time that the alternative service law was adopted, Mr. Mozol was over 27 years of age and no longer eligible for national service. In 2019, he was called up for military training and his application for exemption as a conscientious objector was denied. A criminal case was initiated for evasion of military training, and the Court of the Pinskiy District of the City of Pinsk found him guilty. He appealed to the Brest Regional Court, which denied the appeal, and then filed a complaint with the Supreme Court of the Republic of Belarus, which refused to re-examine the case. Mr. Mozol has submitted a complaint to the CCPR, which remains pending.

IV. CYPRUS

a) Current situation

The Republic of Cyprus recognizes the right of conscientious objection to military service. The National Guard Law of 2011 (articles 47–60 as amended) allows those recognized as conscientious objectors to perform alternative civilian service in posts of the public domain. The same applies to reservists who refuse to perform military reservist duty for reasons of conscience.

b) Case(s) decided by the ECHR

- *Petrou and Konstantinou v. Cyprus*, Nos. 24120/94, 25506/94, 27 November 1995

c) Remaining challenges

The Special Committee examining applications for conscientious objector status includes members of the military.

³ European Committee of Social Rights of the Council of Europe, Conclusions 2008 (Greece).

V. ERITREA

a) Current situation

Since Eritrea became an independent country in 1993, the Government has repeatedly imprisoned, tortured, harassed and intimidated Jehovah's Witnesses. In a Presidential Decree dated 25 October 1994, President Isaias Afewerki declared that Jehovah's Witnesses who are Eritrean by birth have revoked their citizenship "by their refusal to take part in the referendum, and have reconfirmed their position by refusing to take part in the National Service, thus deciding to revoke their citizenship", effectively rendering Jehovah's Witnesses stateless, contrary to international law.

Eritrea currently has no regulations or provisions for conscientious objection in its national military service requirement. Since its independence, Eritrea has imprisoned more than 55 of Jehovah's Witnesses. Of these, 16 are known to have been imprisoned primarily for their conscientious objection to military service. Three spent 26 years in detention without any charges being filed against them or any hearing in court. Other Witnesses have similarly been imprisoned for many years without charge. Even though a number have recently been released from prison, contrary to international law their release is conditional, extrajudicial and subject to bail terms requiring their production to the State by a guarantor indefinitely and on demand.

b) Case(s) decided or pending

There are no enforceable legal remedies because the domestic legal system of Eritrea is dysfunctional. Although Eritrea ratified the African Charter on Human and Peoples' Rights in 1999 and the International Covenant on Civil and Political Rights in 2002, it has not signed any protocols for enforcement of the obligations in these international instruments.

A Communication has been filed and is pending before the African Commission on Human and Peoples' Rights on behalf of number of prisoners held unlawfully by the State (Communication 716/19 *Three Jehovah's Witnesses v. State of Eritrea*).

c) Remaining challenges

To avoid arrest by the ever-present security police, who patrol the streets, most male Jehovah's Witnesses between the ages of 18 and 40 live in hiding. The security police, without warrant or cause, extrajudicially detain those whom they find and forcibly take them to a military camp. When the men express their conscientious objection, they are detained indefinitely in inhuman conditions (the longest period of detention to date is 26 years), either in a camp in the desert or in a prison, and typically tortured and required to perform slave labour for State-run enterprises. Some men of military age have fled the country to avoid such treatment; others have been detained while attempting to flee.

Prior to enforcing conscription, the authorities in Eritrea provided for a genuine alternative civilian service. Many of Jehovah's Witnesses took part in such service. The authorities systematically issued "Certificates of Completed National Service" and often praised the participants for their work (see example below).

<p>መንግስት ኤርትራ ሚኒስትር ምክልካል ማእከል ሃገራዊ አገልግሎት አገልግሎት ናይ ዝወድኡ ክርድ ስም: <u>ክብረ ገሰ</u> ባህሪ: <u>ወንጌ</u> ተወልዖ: <u>1972</u> ዓ.ዓ. <u>1972</u></p>	<p>الحكومة الاثريية وزارة الدفاع مركز الخدمة الوطنية بطاقة اكمال الخدمة رقم بطاقة: <u>AS92/07570</u> الاسم: <u>كبروم تسفازيون</u> الجنس: <u>ذكر</u> تاريخ الميلاد: <u>1972</u> الوحدة التي وجه اليها</p>	<p>Government of Eritrea ministry of Defense Department of National Service Certificate for those who have finished service ID . # AS92/07570 Name: Kibrom Tsegay Tesfazion Sex: male Birthdate: 1972 Date Service Started: 01/10/92 Location: #271 Date Sevice Completed: 01/04/94 Signature:</p>
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The situation of Jehovah’s Witnesses who are [prisoners of conscience in Eritrea](#) is described in an online report.



VI. GEORGIA

a) Current situation

Alternative civilian service is available to conscientious objectors who are called for military service. Formerly, such service was not possible for those called for reservist duty. However, on 20 September 2012, the Supreme Court of Georgia handed down a decision that made alternative civilian service available to such ones. Commendably, Georgia has implemented this Supreme Court decision. Jehovah’s Witnesses who are called up for reservist duty may opt to perform alternative civilian service.

VII. GREECE

a) Current situation

Legislation allows conscientious objectors to perform alternative civilian service in lieu of military service. Law No. 3883/2010, which amended the already existing law on alternative civilian service, entered into force on 22 September 2010, and resolved the remaining issue for reservist duty. Paragraphs 3 and 4 were added to article 65 and provide:

- “3. Those who have served their draft military obligation in arms and refuse to fulfil their reserve obligations for reasons of conscience, shall, to the extent that they have been recognized as conscientious objectors, be exempted from call-ups for enlistment and shall be deleted from the reserve list of the Armed Forces by virtue of the decision stipulated in paragraph 1 of Article 62 of the present law.
4. With regard to the procedure and requirements for recognition in the case of the persons mentioned in the previous paragraph, the provisions of Articles 59 to 64 of this law shall proportionally apply.”

b) Case(s) decided by the ECHR

- *Georgiadis v. Greece*, 29 May 1997, *Reports of Judgments and Decisions* 1997-III
- *Tsirlis and Kouloumpas v. Greece*, 29 May 1997, *Reports of Judgments and Decisions* 1997-III

- *Thlimmenos v. Greece* [GC], No. 34369/97, ECHR 2000-IV
- *Papavasiliakis v. Greece*, No. 66899/14, 15 September 2016

VIII. REPUBLIC OF KOREA

a) Current situation

On 28 June 2018, the Constitutional Court of South Korea declared a section of the Military Service Act (MSA) of Korea unconstitutional because it did not provide alternative service for conscientious objectors. On 27 December 2019, the National Assembly enacted the Act on the Assignment and Performance of Alternative Service (ASA) and a partial amendment to the MSA. An alternative service system was implemented from 1 January 2020.

Conscientious objectors in South Korea now have the option of performing alternative service. Conscientious objectors who decide to accept this provision are placed in correctional facilities and live in communal dormitories for 36 months.

Admission to the alternative service training centre began on 26 October 2020, and as of 1 March 2022, 749 of Jehovah's Witnesses have been assigned to 17 correctional facilities. Nevertheless, as of 1 March 2022, two conscientious objectors who are Jehovah's Witnesses remain in prison because the court did not acknowledge the sincerity of their objection and sentenced them to 18 months' imprisonment.

On 1 November 2018, the Supreme Court of Korea, relying on the Constitutional Court decision above, ruled that conscientious objection to military service does not constitute a crime. The decision meant that the lower courts should render not-guilty verdicts on all cases pending before them.

Additional Information

1. A Punitive Alternative Service / Duration and Severity

According to the ASA and associated regulations, alternative service personnel serve in a correctional facility for 36 months, twice the length of military service, accommodated in a dormitory and under severe restrictions akin to imprisonment:

- After completing their 36-month alternative service, alternative service personnel are automatically called up as "members of service alternative to reserve forces" and are liable to perform alternative service in the reserve forces for eight years.
- Alternative service personnel are limited to working in correctional facilities as the only available option. They perform the same tasks as were convicted conscientious objectors to military service, who were imprisoned for approximately 18 months. Therefore, the perception that conscientious objectors are imprisoned remains, contributing to the punitive nature of alternative service, and acting as a deterrent for those who consider choosing this service.
- The tasks performed by these alternative service personnel could be done by commuting from private accommodation. The legislative bodies acknowledge that the only grounds for insisting that alternative service personnel perform their service from dormitories within a correctional facility is to impose punitive restrictions and to control the personnel in a barracks-like environment.

- The conditions for alternative service personnel ignore personal health status. Others in national service who have received a level-4 health classification owing to physical or psychological reasons are permitted to perform their service by commuting to various facilities. Alternative service personnel with level-4 health classification undergo considerable pain and suffering as a result of performing their service from communal dormitories within correctional facilities.
- Those in national service who are not alternative service personnel are guaranteed their right to provide for their children by being allowed to commute. However, alternative service personnel have to perform the 36-month service in dormitories within correctional facilities and are not able to support their children during this period. This is contrary to the obligation of the Republic of Korea as a signatory to the United Nations Convention on the Rights of the Child.
- During the first month of service, alternative service personnel are not allowed to leave the facility in any circumstances, even after working hours. No exceptions are permitted.
- After the first month, a maximum of just 50 per cent of the alternative service personnel may leave the correctional facility from time to time for a few hours, with the permission from the head of the facility. When permitted to leave, personnel must return by 9.30 p.m., unreasonably curtailing social, educational and religious activities.
- The alternative service personnel must wear a uniform similar to that of prison officials and are under the constant strict scrutiny of a managing officer. The uniform creates a military-like environment for alternative service.
- Personal communication devices are locked away on weekdays during working hours and from 9 p.m. to 7 a.m. the following day. At the weekend and on public holidays, all communication devices must be turned in at 9.30 p.m. on the final day. During these hours, families cannot communicate directly with the alternative service personnel, even in an emergency. There is no objective justification for this restriction.
- Privacy rights are abrogated to the extent that the alternative service personnel cannot even consult a doctor without a prison official being present.
- Because alternative service is restricted to correctional facilities, only 1,600 of the approximately 3,200 applicants can be accommodated by 2023. The delay for others seriously affects their family life and career development.
- The law provides that in time of war or public disturbance, or in the event that an order for military force mobilization is issued, procedures for assignment to alternative service shall be suspended.

Enclosed is a special report produced by the Asia-Pacific Association of Jehovah's Witnesses, *Alternative Civilian Service in South Korea – March 2022*, which succinctly highlights the aforementioned restrictions. Comparisons are made with countries whose alternative service systems have been implemented in line with international standards and have successfully benefited both conscientious objectors and the community.

2. Reservist Duty

From 28 January 2021, the Supreme Court began to recognize that objection to reserve forces training based on conscience is not a crime. Since then, 45 cases of objection to reserve forces training due to religious beliefs have resulted in acquittal. In the meantime, on February 25, 2021, the Constitutional Court rejected a pending request for adjudication because each court should rule on justifiable grounds for refusing reserve forces training. Since the ACS has been implemented, no new criminal cases have been initiated.

b) **Case(s) pending before the CCPR**

There is one complaint pending before the CCPR from Jehovah's Witnesses who are conscientious objectors. This complaint is identified as:

- *Dong Hyuk Shin v. Republic of Korea*, filed on 22 June 2016, communication not yet registered

c) **Case(s) decided by the CCPR (not implemented)**

- *Yeo-Bum and Mr. Myung-Jin Choi v. Republic of Korea*, Communications Nos. 1321/2004 and 1322/2004, UN Doc. CCPR/C/88/D/1321-1322/2004 (**Number of authors: 2** / Alternative civilian service has been implemented, but the authors have not been compensated.
- *Min-Kyu Jeong et al. v. Republic of Korea*, Communications Nos. 1642-1741/2007, UN Doc. CCPR/C/101/D/1642-1741/2007 / **Number of authors: 100** / *Jong-nam Kim et al. v. Republic of Korea*, Communication No. 1786/2008, and UN Doc. CCPR/C/106/D/1786 / **Number of authors: 388** / Alternative civilian service has been implemented, but the authors have not been compensated, and their criminal records have not been expunged.*
- *Young-kwan Kim et al. v. Republic of Korea*, Communication No. 2179/2012, UN Doc. CCPR/C/112/D/2179/2012 / **Number of authors: 50** / Alternative civilian service has been implemented, but the authors have not been compensated, and their criminal records have not been expunged.*
- *Jong-bum Bae et al. v. Republic of Korea*, Communication No. 2846/2016 / **Number of authors: 31**. The CCPR released its views on May 13, 2020, UN Doc. CCPR/C/128/D/2846/2016. Alternative civilian service has been implemented, but the authors have not been compensated, and their criminal records have not been expunged.*

* The State party has not implemented the CCPR's recommendations as to expunging the criminal records of the authors of communications. However, according to the Act on the Lapse of Criminal Sentences, the effects of the legal restrictions due to the criminal record automatically lapse after five years from the day the sentence has been completed. Therefore, since it has already been more than five years since the sentences of the above authors have been completed, their criminal records have lapsed, and it can be considered that their criminal records have been expunged.

Note: The above five cases represent a total of 571 conscientious objectors.

d) Remaining challenges

The CCPR has clearly stated that “alternative service must not be of punitive nature”. On 28 November 2019, the United Nations Special Rapporteur stated regarding the alternative service bill of Korea: “The [ASA] bill proposes that alternative service should be 36 months ... There does not seem to be any objective justification for this distinction ... The failure to provide such a justification is not only contrary to Article 26 of the [ICCPR], but also considered a punitive measure.” However, the Government of Korea adopted the bill and implemented the alternative service system without taking into account those recommendations based on international standards.

In the current alternative service system, correctional facilities are the only designated service institution. In addition to the long service period of 36 months, alternative service also entails enrolment in alternative service reserves for eight years, strict control and restrictions on freedom in military dorm-style life.

Limiting the service to correctional facilities functions as an “alternative punishment” and acts as a deterrent to the choice of alternative service. Forcing alternative service personnel who suffer from physical or mental difficulties to serve 36 months in correctional facilities violates their freedom of conscience and other fundamental rights. The current system also seriously infringes on the rights of alternative service personnel to support their family. As of 1 March 2022, 44 constitutional complaints about such human rights violations have already been filed with the Constitutional Court, even though the alternative service system has only been in force for one year. In addition, seven complaints have been submitted to the National Human Rights Commission and are now under review.

Currently, there are ten pending court cases of Jehovah’s Witnesses who conscientiously object to military service and face imprisonment if convicted. As for those who refuse reserve forces training because of their religious beliefs, there are 20 pending cases at various court levels.

In October 2021, the Asia-Pacific Association of Jehovah’s Witnesses prepared a special report on the ACS in South Korea (SPECIAL REPORT: *Alternative Civilian Service in South Korea – Annex No. 1*). It discusses the ACS as it was first implemented in South Korea. Furthermore, an online version is available and reflects the ACS as currently implemented. (**Annex No. 2 – [SPECIAL REPORT: Alternative Civilian Service in South Korea | JW.ORG Legal News](#)**)

IX. KYRGYZSTAN

a) Current situation

The Law on the Universal Duty of Citizens of the Republic of Kyrgyzstan on Military and Alternative Service of Kyrgyzstan formerly required those who choose alternative service to make payments for support of the military to the Ministry of Defence. This requirement violated the conscience of Jehovah’s Witnesses who are conscientious objectors, making it an unacceptable alternative to military service.

On 19 November 2013, the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic held that the programme of alternative service of Kyrgyzstan was

unconstitutional. On 7 August 2015, amendments were made to article 32, paragraph 4 of the Law of the Kyrgyz Republic “On the universal military duty of citizens of the Kyrgyz Republic, on military and alternative services,” dated 9 February 2009, No. 43. It was specified that alternative service is for citizens who are members of a registered religious organization whose doctrine does not allow the use of weapons and service in the armed forces. Thus, Jehovah’s Witnesses have been provided with the possibility of performing socially useful work. This requires: (1) performance of community service lasting 108 hours for the entire period of service; and (2) making a monetary contribution in the amount of 250 calculated indicators (=25,000 Kyrgyzstani som, that is about EUR 215) to the republican budget.

After the completion of alternative service and the payment of the entire amount, a citizen, *except* for a member of a registered religious organization whose doctrine does not allow the use of weapons and service in the armed forces, is credited to the reserve.

X. LITHUANIA

a) Current situation

Despite being a signatory to the European Convention on Human Rights since 1995, Lithuania has failed to implement a truly civilian alternative to military service as provided for in article 9 of the Convention in the light of related ECHR jurisprudence (e.g. *Bayatyan v. Armenia*, *Aryan and Others v. Armenia*, *Mushfig Mammadov and Others v. Azerbaijan*).

To date, only two options are available to conscripts: military service or national defence service (which is in fact a form of military service). Temporary deferment is possible if one can prove that he is involved in pastoral activities as a religious minister. Some young Jehovah’s Witnesses fit into this category, but the vast majority subject to military conscription do not. No genuinely civilian alternatives are available to conscientious objectors.

b) Case(s) pending before the ECHR

The following cases involving Jehovah’s Witnesses are pending before the ECHR.

- *Teliatnikov v. Lithuania*, No. 51914/19
- *Rutkauskas v. Lithuania*, No. 15816/20

c) Remaining challenges

It has been held by the CCPR regarding Lithuania (CCPR review dated 29 August 2018, §25) that “the alternative national defence service does not provide for alternative civil service independent of military control and supervision and the institutions of the national defence system”.

Currently, the Government neither exempts Jehovah’s Witnesses on the basis of their conscientious objection nor provides them with a civilian alternative. Rather, the Government is postponing their military call until a solution can be found.

XI. RUSSIA

a) Current situation

After the liquidation of all legal entities of Jehovah’s Witnesses in 2017, the situation

has become somewhat ambiguous regarding alternative civilian service for Jehovah's Witnesses.

On the one hand the Russian Supreme Court decision did not prohibit practising the religion of Jehovah's Witnesses. On the other hand, members of draft commissions claim that the religion of Jehovah's Witnesses is prohibited, refuse to grant alternative service and threaten young recruits with criminal prosecution for identifying themselves as such. When Witnesses appeal the refusals, the courts frequently reject their appeals, deeming that professing their religion is not a basis for providing alternative civilian service. For example, the Irkutsk Regional Court stated in its appellate ruling No. 33a-4627/2021 of 16 June 2021, in the case of conscript I.O. Kuzan that "the beliefs of this religious organization [Jehovah's Witnesses] cannot serve as grounds for replacing military service with alternative civilian service".

Fearing to speak openly about their religious affiliation, some conscripts request that the draft commission replace military service with alternative civilian service simply on the grounds of having beliefs that conflict with military service. This creates significant difficulties in proving their entitlement.

On 17 January 2022, the Nevelskiy District Court of the Sakhalin Region imposed a fine of 120,000 Russian roubles for allegedly evading military service (article 328(1) of the Russian Criminal Code) on Yevgeniy Kulakov, a 20-year-old Witness. Earlier, in 2019 and 2020, Kulakov was officially denied alternative civilian service for allegedly missing the deadline for submitting the relevant application and, in the opinion of the military commissariat, for failing to prove that "performing military service conflicts with his beliefs and religion". On appeal these refusals were unsuccessful. As a result, Kulakov refused to report for military service. A criminal case was initiated against him and a conviction was rendered.

XII. SINGAPORE

a) Current situation

Since 1972, the Singaporean authorities have imprisoned Jehovah's Witnesses for their conscientious objection to military service. The Government enforces compulsory national service and does not recognize the right of conscientious objection. Jehovah's Witnesses who conscientiously object to military service are subjected to two consecutive prison terms for a total of 30 months.

Non-military national service exists in Singapore. The Singapore Police Force and the Singapore Civil Defence Force, both under the Ministry of Home Affairs, have accepted enlistees as part of the full-time national service programme since 1975 and 1981 respectively. Jehovah's Witnesses have repeatedly indicated their willingness to perform national service of a non-military nature. However, rather than allow these young men to undergo non-military national service and contribute in a positive way to the nation, Singapore continues to imprison them for their conscientious objection to military service.

At 18 years of age, Jehovah's Witnesses, like all other Singaporean males, are required to enlist for national service. If they refuse military service for reasons of conscience, they are detained for 12 months in a military detention barracks. They are then released and immediately ordered to don a military uniform and participate in military training. If they again

decline to do so, they are subject to a second court martial and a term of 18 months' imprisonment.

The Government of Singapore also requires men who have completed their full-time national service to report for reservist duty. Those who have become conscientious objectors after completing national service are not exempted. If they refuse to perform military reservist duties, they are imprisoned for 40 days for a first "offence". Thereafter, they can be repeatedly sentenced to imprisonment for refusing to perform military reservist duties. Subsequent sentences range from a few months to one year.

b) Case(s) decided or pending

No legal remedies can be pursued because Singapore has not accepted any international instruments for the protection of human rights.

c) Remaining challenges

There are currently 17 of Jehovah's Witnesses imprisoned in Singapore. On 14 January 2019, Jehovah's Witnesses submitted a paper to the Government of Singapore respectfully requesting that the Government reconsider its position and outlining a possible framework for the implementation of alternative civilian service. To date, no response has been received beyond a simple acknowledgement of receipt. Jehovah's Witnesses continue to report for national service enlistment as they have done for more than half a century.

The situation of Jehovah's Witnesses who are [prisoners of conscience in Singapore](#) is described in an online report.



XIII. TAJIKISTAN

a) Current situation

On 29 January 2021, Tajikistan issued a new Law "On Military Duty and Military Service". The law does not contain a provision for alternative service. However, it introduces the concept of a "mobilization conscription reserve". Also, on 30 July 2021, the Government of the Republic of Tajikistan adopted Decree No. 299 "On the Procedure for Passing Military Service as Part of a Mobilization Conscription Reserve", which explains how this new concept shall be applied. As an alternative to the regular 24 months of military service, a person can pay a certain amount to the special bank account of the Ministry of Defence (Army) and undergo one-month military training.

In the case of Daniil Islamov (Optional No. 43/2017) the Working Group on Arbitrary Detention (WGAD) found that the prosecution and imprisonment of Mr. Islamov, one of Jehovah's Witnesses, "being in contravention of articles 9, 18 and 26 of the International Covenant on Civil and Political rights and is arbitrary and falls within categories I, II, III and IV" of the WGAD's categories of arbitrary detention. In reaching that conclusion, the WGAD found that the "right to conscientious objection is well established in international law" and that the "Government of Tajikistan has already been made fully aware of this by the Human Rights Committee, which has specifically recommended that Tajikistan provide for alternatives to military service in such cases (see CCPR/C/TJK/CO/2, para. 21)". It further found that

imprisoning Mr. Islamov on the grounds of his religious beliefs “in violation of international law” was discriminatory. The case *Islamov v. Tajikistan*, (conscientious objector) is pending before the CCPR (No. 3716/2020, filed on 23 January 2019).

Two of Jehovah’s Witnesses were convicted as conscientious objectors during 2019–2021:

- On 4 October 2019, military officers in the city of Khujand forcibly took 19-year-old Jovidon Bobojonov from his home to an enlistment office and placed him in custody. Two days later, he was put on a train against his will and taken to different military units. In one of these units, Mr. Bobojonov was physically abused and repeatedly put under intense emotional pressure in an effort to make him wear a military uniform and to take the military oath of allegiance. In mid-November 2019, Mr. Bobojonov was transferred to Military unit 13003, which allegedly is “not military” but specializes in construction work. Mr. Bobojonov decided that this did not constitute genuine civilian service. He declined to accept a military uniform or to take the military oath. There he also was interrogated and subjected to daily emotional pressure. Because of this extreme situation, on 22 January 2020, he absconded from the military unit and went to the prosecutor’s office to ask for either alternative civilian service or for the prosecutor to initiate trial proceedings. After a few hours, he was arrested and returned to the unit, where he was again subjected to further brutal attacks. On 28 January 2020, a criminal case was initiated against Mr. Bobojonov under article 376 (2) of the Criminal Code of Tajikistan for evading military service. On 2 April 2020, he was sentenced to two years in prison. All appeals were rejected. On 1 November 2020, Mr. Bobojonov was released from prison after serving nine months of his two-year sentence, based on a pardon decree issued by the President of Tajikistan.
- On 1 October 2020, 21-year-old Rustamjon Norov was entrapped and detained at a military conscription office in Dushanbe (the capital). On 3 October 2020, he was forcibly transferred to different military units. On 16 October 2020, a criminal case under article 376 (2) of the Criminal Code of Tajikistan was initiated against him for “evading military service by deception for the purpose of complete exemption from the performance of military duties”. On 17 October 2020, Mr. Norov was interrogated and taken into pretrial detention. After almost three months in custody, on 7 January 2021, he was sentenced to three and a half years’ imprisonment. All appeals were rejected. On 21 September 2021, Mr. Norov was released from prison after serving 11 months of his three-and-a-half-year sentence, based on a pardon decree issued by the President of Tajikistan.

b) Case(s) pending before the CCPR

- *Islamov v. Tajikistan*, No. 3716/2020, filed on 23 January 2019

c) Remaining challenges

Since January 2021, when the new Law “On Military Duty and Military Service” was enacted, none of Jehovah’s Witnesses have been called to the military, taken by force or convicted. However, the newly introduced so-called “alternative option” to regular military service is conscientiously unacceptable to Jehovah’s Witnesses because it is not a truly civilian programme but is carried out as part of the expedited military training programme. In addition, payment for enrolment in the mobilization conscription reserve directly sponsors the armed

forces. Hence, since neither the new “Law “On Military Duty and Military Service” nor the Constitution of Tajikistan provides any opportunity to undertake a bona fide alternative civilian form of service, Jehovah’s Witnesses remain under the threat of persecution for their beliefs as conscientious objectors.

XIV. TURKEY

a) Current situation

As of 1 March 2022, 47 of Jehovah’s Witnesses are being prosecuted for conscientious objection to military service. Conscientious objectors are repeatedly fined and prosecuted as draft evaders. The process ends only if the person completes his military obligations. If the conscientious objectors do not complete their military obligations, they will be prosecuted until declared unfit for service or to the end of their life.

Despite the Grand Chamber of the ECHR judgment in *Bayatyan v. Armenia* on 7 July 2011, Turkey continues to prosecute and punish conscientious objectors who are Jehovah’s Witnesses. Three subsequent decisions by the ECHR confirm that Turkey violated article 9 of the European Convention in this regard. The CCPR has also found violations of article 18 of the [ICCPR]. Although currently there are no Witnesses in prison, Turkey continues to subject Witness conscientious objectors to unending call-ups for military duty, repeated fines and threats of imprisonment, thus forcing them into a situation that has been described as “civil death”.

Each adverse decision of the Turkish courts has been appealed, resulting in many fines being cancelled. Fines that have not been cancelled have been appealed to the Constitutional Court. Petitions have been submitted to the Military Administration asking for alternative service, but these have all been denied. Twenty-six additional young men will soon be of military age and will then be subject to prosecution.

By way of example, in July 2021, 50-year-old Atilla Soyluoğlu was sentenced to two years and one month in prison. The sentence has not been converted into a judicial fine, and he is subject to incarceration if it is upheld. In February 2022, Mehmet Can Ekin, 36 years old and married with two children, received a prison sentence of 11 months and 20 days, which was converted to performing public welfare work for a period of five months and 25 days.

There are currently 25 cases pending before the Constitutional Court of Turkey. The first application was filed on 1 July 2013, and to date no action has been taken. Those who have filed appeals with the Constitutional Court continue to be fined and prosecuted.

b) Case(s) pending before the ECHR

There are no applications pending before the ECHR or the CCPR.

c) Case(s) decided by the ECHR or CCPR (*not implemented*)

- *Erçep v. Turkey*, No. 43965/04, 22 November 2011
- *Feti Demirtaş v. Turkey*, No. 5260/07, 17 January 2012
- *Buldu & Others v. Turkey*, No. 14017/08, 3 June 2014
- *Cenk Atasoy and Arda Sarkut v. Turkey*, Communications Nos. 1853/2008 and 1854/2008, UN Doc. CCPR/C/104/D/1853-1854/2008

d) Remaining challenges

Despite the ECHR rulings in their favour, Yunus Erçep and Ersin Ölgün are still under obligation to perform military service. This means that they are “wanted” by the authorities and that legal action could be taken against them at any time. Following his ECHR ruling, Ersin Ölgün received four administrative fines and two prosecutions were commenced against him. Although the fines were later annulled and the prosecutions ended in acquittal, constantly dealing with court proceedings constitutes a heavy economic burden, emotional stress and moral damage. The other ECHR applicants, Feti Demirtaş, Çağlar Buldu, Barış Görmez and Nevzat Umdu, have been discharged from military service, but in the following circumstances:

- Feti Demirtaş has been declared unfit for military service because he sustained an adjustment disorder as a result of the pressure to which he was subjected.
- Nevzat Umdu has been declared unfit for military service because he was diagnosed with obesity.
- Barış Görmez was discharged after spending years in prison. His time in prison was longer than the sentences imposed on him, and the authorities counted his time in prison as time served in the army.
- Çağlar Buldu has been discharged from the army, and the authorities treat him as if he has completed his military service.

The situation with the successful CCPR applicants is similar. They are still under obligation to perform military service. One of the applicants, Arda Sarkut, has left Turkey to escape from the constant pressure from authorities.

None of Jehovah’s Witnesses are currently in prison in Turkey. However, Turkey ignores ECHR and CCPR decisions and continues to subject Witness conscientious objectors to unending call-ups for military duty, repeated fines and threats of imprisonment.

XV. TURKMENISTAN

a) Current situation

Turkmenistan does not recognize the right of conscientious objection to military service. There is no law allowing for alternative civilian service. In its Views on the communication of *Zafar Abdullayev v. Turkmenistan*, the CCPR held that Mr. Abdullayev had been tortured by prison officials and concluded that his conditions of imprisonment violated his right to be “treated with humanity and with respect for the inherent dignity of the human person”. The CCPR directed that Turkmenistan expunge Mr. Abdullayev’s criminal record to prevent similar violations in the future and adopt legislation “guaranteeing the right to conscientious objection”.

b) Case(s) pending before the CCPR

There are three complaints from Jehovah’s Witnesses pending before the CCPR:

- *Juma Nazarov et al. v. Turkmenistan*, Communication No. 2302/2013
- *Arslan Dawletow v. Turkmenistan*, Communication No. 2316/2013
- *Arslan Begenchov v. Turkmenistan*, Communication No. 3272/2018

c) Case(s) decided by the CCPR (not implemented)

- *Zafar Abdullayev v. Turkmenistan*, Communications No. 2218/2012, UN Doc. CCPR/C/113/D/2218/2012
- *Navruz Nasyrlyayev v. Turkmenistan*, Communications No. 2219/2012, UN Doc. CCPR/C/117/D/2219/2012
- *Mamatkarim Aminov v. Turkmenistan*, Communications No. 2220/2012, UN Doc. CCPR/C/117/D/2220/2012
- *Mahmud Hudaybergenov v. Turkmenistan*, Communications No. 2221/2012, UN Doc. CCPR/C/115/D/2221/2012
- *Ahmet Hudaybergenov v. Turkmenistan*, Communications No. 2222/2012, UN Doc. CCPR/C/115/D/2222/2012
- *Sunnet Japparow v. Turkmenistan*, Communications No. 2223/2012, UN Doc. CCPR/C/115/D/2223/2012
- *Dovran Matyakubov v. Turkmenistan*, Communications No. 2224/2012, UN Doc. CCPR/C/117/D/2224/2012
- *Akmurad Nurjanov v. Turkmenistan*, Communications No. 2225/2012, UN Doc. CCPR/C/117/D/2225/2012
- *Shandurdy Uchetov v. Turkmenistan*, Communications No. 2226/2012, UN Doc. CCPR/C/117/D/2226/2012
- *Akmurat Yegendurdyev v. Turkmenistan*, Communications No. 2227/2012, UN Doc. CCPR/C/117/D/2227/2012

d) Remaining challenges

Turkmenistan has not adopted legislation to guarantee the right to conscientious objection. During the period 2019 to 2021, there were 32 criminal cases against conscientious objectors to military service who were Jehovah's Witnesses. In 11 of the cases, the Witness was convicted for a second time. In May 2021, 16 imprisoned Witnesses were released by presidential pardon. As of March 2022, none of Jehovah's Witnesses are imprisoned in Turkmenistan. However, owing to the lack of an alternative civilian service, conscientious objectors remain under the threat of persecution for their beliefs.

XVI. UKRAINE

a) Current situation

In Ukraine, the issue of conscientious objection during mobilization was resolved by the 2015 case of Vitaliy Shalaiko, one of Jehovah's Witnesses. Mr. Shalaiko had been accused of evading military service because he requested alternative service when summoned for conscription during mobilization.

The lower courts ruled in favour of Mr. Shalaiko and upheld the right to conscientious objection to military service during the mobilization period even though this was not specifically provided for by law. The prosecutor's office appealed the case to the High Specialized Court for Civil and Criminal Cases of Ukraine.

In its 23 June 2015 judgment, the High Specialized Court affirmed that "the trial court was fully justified in referring to the corresponding provisions of the European Convention on

Human Rights and the judgments of the European Court of Human Rights”. The High Specialized Court also agreed with the trial court that the judgment of the Grand Chamber of the ECHR in *Bayatyan v. Armenia* must be applied. In the case of Vitaliy Shalaiko, the High Specialized Court made clear that the rights of conscientious objectors are protected even if a country mobilizes for armed conflict and not just when there are routine call-ups for military service. That decision is final, with no further appeal available.

XVII. OTHER REGIONS

1. Nagorno-Karabakh

a) Current situation

Nagorno-Karabakh does not have a law allowing for alternative civilian service. Therefore, Jehovah’s Witnesses of military age risk imprisonment when they decline to perform military service.

On 28 December 2011, Karen Harutyunyan was convicted and imprisoned for 30 months.

On 30 September 2014, Artur Avanesyan was convicted and sentenced to 30 months’ imprisonment for conscientious objection to military service. Mr. Avanesyan, who had lived in Nagorno-Karabakh and was also a citizen of Armenia, was detained by Armenian police in Yerevan and handed over to police from Nagorno-Karabakh, where he was subsequently charged, convicted and imprisoned. Owing to the involvement of the Armenian authorities, an application was filed with the ECHR. Mr. Avanesyan was released on 6 September 2016, following a general amnesty declared by the authorities.

b) Case(s) decided by the ECHR or CCPR

- *Avanesyan v. Armenia (Nagorno-Karabakh)*, No. 12999/15, 20 July 2021

c) Remaining challenges

Nagorno-Karabakh has not enacted legislation recognizing conscientious objection to military service.

2. Northern Cyprus

a) Current situation

The Turkish Republic of Northern Cyprus (TRNC) does not have a law allowing for alternative service. Therefore, conscientious objectors of military age risk imprisonment when they refuse to perform military service on the grounds of their religious conscience.

On 10 December 2021, the High Administrative Court of TRNC heard the case of Polat Adaçaylı, who asked to be either exempted from military service as a sincere conscientious objector or allowed to perform truly civilian alternative service under a newly set law. The case stands postponed indefinitely for the writing of the judgment.

3. Transnistria

a) Current situation

On 12 February 2014, a new law concerning alternative civilian service went into effect. This law allows Jehovah's Witnesses to refuse military service. On 28 February 2018, the Universal Military Service Law was amended so as to require Moldovan conscientious objectors who visit Transnistria to perform military service, even though they no longer live in Transnistria. On 30 December 2019, the Transnistrian law on Alternative Civilian Service was amended. The amendment allows for the personnel needs of the Ministry of Defence to be given priority.

Since this law came into effect, three of Jehovah's Witnesses have been called for military service: Iury Emelyanov, Vladimir Cotovschi and Mihail Eremeev. Currently, they are not permitted to leave the territory of Transnistria. On 25 May 2019, each filed a complaint at the court with jurisdiction at his place of residence, contesting the decision of the Military Enrolment Committee. On 22 November 2019, the Military Enrolment Committee agreed not to seek the enrolment of Mr. Emelyanov owing to his removal from the military eligibility register. Accordingly, on 18 December 2019, the Tiraspol City Court closed the case of *Iury Emelyanov v. Military Enrolment Committee*. On 5 April 2021, the Military Enrolment Committee also agreed not to seek the enrolment of Mr. Eremeev owing to his removal from the military eligibility register. On 3 June 2021, the Tiraspol City Court closed the case of *Mihail Eremeev v. Military Enrolment Committee*. The case of Mr. Cotovschi is ongoing.

b) Case(s) pending before the ECHR

- *Aslonian v. Moldova and Russia*, No. 74433/11, 13 July 2021

c) Case(s) decided by the ECHR or CCPR

There are no decided conscientious objection cases from the ECHR or the CCPR concerning this region.

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