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CONSCRIPTION THROUGH DETENTION IN RUSSIA'S ARMED FORCES

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RUSSIA

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EXECUTIVE SUMMARY

Each year, hundreds of young men in Moscow, St. Petersburg, and several other large cities are detained and sent, often the same day, to military bases. Because military officials have been unable to serve them with draft summonses, they consider these young men potential draft dodgers and put their names on lists that they turn over to the police. Police then detain and forcibly take them to the military recruitment office. Once there, officials quickly process the men, by-passing established conscription procedures and often refusing to consider legitimate grounds for deferral or exemption from military service. The draft board almost always issues a conscription order and then typically denies the conscript any opportunity to inform his family of his whereabouts and imminent departure, or to exercise his right to appeal the conscription order. Instead, the majority are sent immediately to military bases, where they often face violent hazing, systematic malnutrition and inadequate medical care, and other human rights abuses that are endemic to the Russian military.¹

Young men in Russia have a duty under law to perform military service. Under international law, conscription is viewed as an exercise of a state's sovereignty, and no provisions of international human rights law prohibit it. The Russian armed forces' reputation for serious abuses motivates many young men to try actively to avoid the draft. Often, they do so by avoiding being served draft summonses, which under law must be physically handed to them for signature.² Military officials justify detention for the purpose of conscription as a legitimate method of dealing with this problem.

The practice of conscription through detention makes headlines in the Russian media each year during conscription periods because of the dramatic sight of hundreds of young men being carted off to military bases without as much as a phone call home. It has been one of many factors generating resentment among the Russian public toward compulsory military service and contributing to public debate on reform of the conscription system and the possible introduction of a professional army.

This report does not take a position on this important debate but addresses the legal rights of men detained for conscription. It examines the discriminatory treatment they receive at draft boards, which prejudicially view them as though they had been convicted of draft evasion. The accelerated conscription procedure denies potential conscripts a thorough medical examination and the benefit of medical or other exemptions and deferrals that are clearly provided for in the law. By sending conscripts to their assigned military units the very day they are detained and preventing them from having contact with their families or advocacy groups, officials also effectively deny them their right, under Russian law, to appeal the conscription. Moreover, Russian law does not specifically authorize police to detain young men who have not been successfully served with a draft summons, thereby raising a more general concern that such detentions may be arbitrary.

To research this report, Human Rights Watch interviewed fourteen young men detained for conscription in Moscow and St. Petersburg between 2000 and 2002; they had either fled from recruitment offices or military bases, or were later decommissioned for health reasons. Human Rights Watch researchers also analyzed more than fifty complaints about conscription through detention sent throughout the last two years to the Union of Committees of Soldiers' Mothers of Russia in Moscow and the Soldiers' Mothers of St. Petersburg.

Human Rights Watch calls on the Russian government to take steps to end the violations that occur as a result of the practice of conscription through detention. First and foremost, the Russian government should address the widespread abuses in the armed forces that make so many young men anxious to avoid military service. Russia may decide that the introduction of a professional army is the most appropriate way to address this problem. In the meantime, the Russian government and legislature should take the following steps:

¹ This report is the first in a planned series of Human Rights Watch reports addressing abuses in the Russian armed forces.

² Young men who have signed and returned draft summonses but then, without valid reason, fail to appear for conscription proceedings may face criminal proceedings under article 328 of the Russian criminal code and imprisonment of up to two years.

- **Abolish the “accelerated” conscription procedure.** Russian law on conscription does not provide for an alternative procedure for potential draft dodgers but establishes one procedure applicable to all Russian men of conscription age. The Ministry of Defense should take steps to end the use of the accelerated conscription procedure with respect to perceived draft dodgers. It should carefully monitor the conscription process to ensure that existing legal provisions are fully observed in all cases.
- **Instruct police officials not to detain, but to physically serve potential conscripts with their draft summonses, obtain their signature, and inform them of the consequences of failure to appear at conscription proceedings.** The State Duma and government should introduce this interpretation in the text of the law and regulation on military service respectively.
- **Specify a minimum time period between receiving a conscription order and the day of departure to a military base that allows young men a realistic opportunity to exercise their right to appeal.** Current legislation indicates that a potential recruit must be allowed time to go home after a draft board has decided to draft him, but does not specify a minimum time period. Recruitment officials have used this gap in the law to justify sending potential draft dodgers to military bases immediately after the draft board has made a decision. The State Duma and the government should introduce a minimum time period in the law and the government regulation on conscription. This minimum time period must be long enough to provide for a realistic opportunity to exercise the right to appeal.

BACKGROUND ON CONSCRIPTION IN RUSSIA

The Russian Federation has had a conscription army since 1918.³ In recent years, approximately 400,000 young men between the ages of eighteen and twenty-seven are drafted each year to serve in the regular army, the Ministry of Internal Affairs forces, border troops, and other branches of Russia's vast armed forces.⁴ During the Soviet period conscription was a fact of life that was not open to public discussion. But after perestroika, Russians were able to voice their objections to conscription, and it became increasingly unpopular with the Russian public. Combined with reports about the disastrous state of the Russian military, these objections spurred many debates about transition to a professional army.

The immense public antipathy toward conscription is closely linked to numerous exposés about endemic abuses in the armed forces. Among the first was Yuri Poliakov's 1987 novel, *One Hundred Days Until the Order*, which gave the Soviet public the first opportunity to read a frank account of violent hazing of conscripts during their first year of service.⁵ In subsequent years, especially after the break-up of the Soviet Union, the media continued to expose the appalling conditions in the armed forces, including severe malnutrition and poor medical care that sometimes led to death and permanent injury of conscripts. Journalists also provided vivid descriptions of conscripts' desperation that too often led to suicide, frequent attempts to desert, and a pattern of deserters going on shooting sprees or committing suicide in order to avoid having to return to their military unit.⁶

As young men of conscription age and their parents became increasingly wary about the perils of military service, many of them started looking for ways, both legal and illegal, to avoid it.⁷ A network of soldiers' mothers' organizations emerged throughout the Russian Federation dedicated to helping young men and their parents find legal ways of avoiding conscription. For more than ten years, these groups—one of Russia's most widespread and effective grassroots movements—have helped thousands of young men avoid being drafted arbitrarily when they had legitimate grounds not to serve. They have also helped defend the rights of numerous conscripts who fled their units due to ill-treatment, malnutrition, and other abuse.

Popular discontent with the treatment of conscripts reached new heights in the mid-1990s, when Russia's military leadership sent poorly prepared conscripts to fight in the war in Chechnya. Thousands of conscripts died.⁸ By

³ Conscript and contract soldiers make up rank-and-file soldiers and sergeants in the Russian armed forces; in peacetime, conscript soldiers far outnumber contract soldiers. Higher ranks are made up of professional soldiers.

⁴ Article 2 of the Law on the Conscription Obligation and Military Service of March 28, 1998 contains a full list of all branches where conscripts may serve:

Military service is a special kind of federal state service, which citizens perform in the Armed Forces of the Russian Federation, as well as in the border troops of the Russian Federation, the interior troops of the Ministry of Interior of the Russian Federation, the railway troops of the Russian Federation, troops of the federal agency for government communication and information under the president of the Russian Federation, civil defense troops (hereinafter—other troops), engineering-technical and road construction military formations of federal executive organs (hereinafter—military formations), the foreign intelligence service of the Russian Federation, the organs of the Federal Security Service of the Russian Federation, the organs of the Federal Border Service of the Russian Federation, the federal organs for government communication and information, the federal organs of state security (in Russian: *gosudarstvennoi okhrany*), the federal organ for ensuring mobilization preparedness of the organs of state power of the Russian Federation (hereinafter—the organs) and in special formations created for time of war.

⁵ Yuri Poliakov, *Sto Dnei do Prikaza*, (Moscow: Molodaia Gvardia), 2001.

⁶ Vladimir Mukhin, "Minoborony: po Rossii guliaet dva batal'ona desertirov," (Defense Ministry: Two Battalions of Deserters are Wandering around Russia), Strana.ru, July 11, 2002. See: <http://www.strana.ru/stories/01/08/23/1053/152459.html> (Accessed September 3, 2002).

⁷ Throughout Russia it is overwhelmingly the mothers of recruitment-age males who actively seek to prevent their conscription.

⁸ Official figures for the number of soldiers (including conscripts, contract soldiers, and officers) who died during the first Chechnya war vary from almost 4,000 to 5,500 (official figures cited in the newspaper *Kommersant* respectively on August 4, 2000 and September 21, 2000). Unofficial estimates are higher: journalist and Chechnya expert Viacheslav Ismailov

1996, conscription was so unpopular that, as part of a desperate effort to boost his ratings during the election campaign, then-President Boris Yeltsin promised to abolish it after he was reelected. Yeltsin abandoned his promise. Today, with Russia's second Chechen war entering its fourth year, young men of conscription age continue to fear being sent to Chechnya to fight, although public protests against the war have not reached 1996 levels.

In November 2001, Defense Minister Sergei Ivanov announced plans for a long-term and sweeping overhaul of the armed forces. The plan envisages significantly downsized armed forces made up only of well-paid professionals and equipped with updated military hardware by 2010. It calls for the gradual abolishment of conscription, starting in 2004.⁹ In March 2002, Ivanov announced that the Ministry of Defense would start by transforming one paratrooper division in mid-2002, an experiment he said would allow officials to plan for the subsequent transition of the rest of the armed forces.¹⁰ Although many Ministry of Defense officials seemed skeptical about the transition to a professional army, few challenged the view that reforms were necessary.

The Conscription Process

Russian law gives detailed guidelines for the various stages of the conscription process. These guidelines, found in the 1998 law on military service and a 1999 implementing regulation, are applicable without exception to all young men of conscription age.¹¹

In the year he turns seventeen, a male citizen is entered into the military registry (in Russian: *voinskii uchet*). At this time, a preliminary determination is made as to whether he is fit for military service or has grounds for a non-medical exemption.¹²

When he turns eighteen, a Russian male receives a summons to appear at his local draft board for conscription proceedings. According to the regulation on conscription, he must be directly handed the summons and must sign it.¹³ If a young man is handed a draft summons and signs but subsequently does not appear for conscription proceedings, he is considered to be a draft dodger and is prosecuted under the criminal code.¹⁴ If officials are unable to physically hand a young man a summons, the military recruitment office may request the local police precinct in writing to help "ensure" his presence at conscription proceedings.¹⁵ Human Rights Watch did not find any cases in which a man delivered with a summons refused to sign, and it is unclear what consequences ensue in such cases.

Conscription proceedings ordinarily consist of a medical exam by physicians to determine a candidate's fitness for military service,¹⁶ and a determination by the draft board (in Russian, *prizyvnaia komissia*) as to whether he

estimated about 8,000 military servicemen had died (*Novaia gazeta*, [The New Gazette], April 10, 2000) and *Kommersant* cited the Union of Committees of Soldiers' Mothers as saying the figure was around 14,000. At least half, and possibly many more, of the deceased military servicemen were conscript soldiers.

⁹ Megan Twohey and Kevin O'Flynn, "Putin Moves to Make Good on Yeltsin Pledge," *The Moscow Times*, November 23, 2001.

¹⁰ Jon Boyle, "Elite Russian Paratroopers to Try Out Army Reform," Reuters news agency, March 5, 2002.

¹¹ Law on the Conscription Obligation and Military Service of March 28, 1998 (hereinafter—the law on military service). Decision of the Government of the Russian Federation "On the Confirmation of the Regulation regarding Conscription for Military Service of Citizens of the Russian Federation" (hereinafter—the regulation on conscription) of June 1, 1999, No. 587.

¹² Article 9 of the law on military service.

¹³ Article 7 of the regulation on conscription and article 31(2) of the law on military service.

¹⁴ Article 28(2) and 31(4) of the law on military service. This report does not cover such cases.

¹⁵ Article 31(2) of the law on military service and article 10 of the regulation on conscription. Officials authorized to deliver a draft summons include officials of the military recruitment office, supervisors at work or at educational institutions, and officials of the local authorities and other organizations responsible for work related to compulsory military service (see: article 7 of the regulation on conscription and article 31(2) of the law on military service).

¹⁶ Russian law contains a long list of medical grounds that exempt an individual from performing military service temporarily or permanently. The law on military service establishes five categories of fitness of conscript candidates: A – fully fit for military service; B – fit for military service with minor restrictions; C – partially fit for military service; D – temporarily unfit

should be exempted from military service, given a deferral, placed in reserve, drafted, or sent to perform alternative service.¹⁷ It also assigns the candidate to a specific branch of service.¹⁸

Once the draft board has reached a decision to conscript, it informs the draftee, who is entitled to a copy of the conscription order upon request.¹⁹ The draft board then allows him to go home to await a service summons to appear at the collection point (in Russian, *sbornyi punkt*) from which he is to depart to his military base.²⁰ This waiting period typically lasts from one day to about three months. During this time, the young man may appeal the draft board's decision.²¹ At the collection point, the municipal or province draft board reviews the decisions of the local commission, and a panel of medical doctors once again examines his fitness. After these procedures, representatives of military units meet the new conscripts and arrange for their departure.²²

Draft Quota Problems

Due in part to conscription's unpopularity and in part to the deteriorating health of Russia's youth, recruitment authorities in many cities throughout Russia cannot meet draft quotas, and many of those drafted have been described as in poor health.²³

Many young men of conscription age do not want to serve in the armed forces. They are worried about endemic hazing, being sent to Chechnya, or simply see spending two years in the army as a waste of their time and career opportunities. Some are conscientious objectors who have no options for real alternative civilian service.²⁴ Many temporarily or permanently avoid military service by enrolling in educational programs, or finding government jobs that allow them to defer service, or by having a doctor document legitimate health problems that disqualify them for service.²⁵ Other young men use illegitimate means to avoid being conscripted by, for example, paying bribes to members of draft boards, doctors, or other officials.

for military service; and E – unfit for military service. Conscript candidates who are classified in category A and B are considered fit for military service, although category B excludes service in certain types of units. People classified in category C do not have to serve in peacetime but may be drafted in time of war. The fitness of conscript candidates in category D is re-examined within a year (Article 24 (1a) of the law on military service). Those placed in category E cannot be drafted even in time of war. An appendix to the Regulation on the Military Medical Examination (confirmed by Decision No. 390 of the government of the Russian Federation of April 20, 1995) contains a list of medical conditions and the relevant categories. The appendix can be found at: <http://www.hro.org/docs/rlex/milexp/index.htm> (accessed on August 23, 2002).

¹⁷ Articles 23 and 24 of the law on military service provide for a complex set of non-medical exemption and deferral grounds. For example, a candidate may claim exemption if he has performed military service in a different state, or if his father or brother died while performing military service or as a result of injuries sustained during military service. A candidate has a right to deferral for certain types of studies, if he has a child under three, is a single father, if he is the only person obliged by law to care for an immediate relative in need of constant care, if he works as a medical doctor in an agricultural environment, or under other circumstances. See: <http://www.hro.org/docs/rlex/newzvovs/razdel4.htm#24> (accessed on August 23, 2002).

¹⁸ Article 14 of the regulation on conscription.

¹⁹ Article 28(6) of the law on military service.

²⁰ Article 16 of the regulation on conscription. The draft board may also deliver the summons to appear at the collection point while the recruit is still at the recruitment office.

²¹ The law on military service does not specify a fixed statutory period for appeal of a draft board decision. However, the 1993 Law on Court Appeals against Decisions and Actions that Violate the Rights and Freedoms of Citizens establishes that court appeals against decisions by state and other agencies must be launched within three months of the moment the plaintiff became aware of the violation of his right (Article 5)

²² Article 28 of the regulation on conscription.

²³ Valentina Melnikova of the Union of Committees of Soldiers' Mothers of Russia told Human Rights Watch that military officials set inflated draft quotas. She explained that quotas are based on information from local military registries, which do not accurately reflect the health conditions of many of the young men, as medical examinations conducted when they are entered into the registry are often cursory.

²⁴ After years of delays in parliament, in July 2002, Russia adopted a law regulating conscientious objection. The law will enter into force only on January 1, 2004. It sets out a 3.5-year period of alternative service, and a three-year period for those willing to perform alternative service on military bases.

²⁵ Certain types of jobs at the Ministry of Internal Affairs, the tax police, the customs services, and other government agencies entitle their holders to defer military service. See article 24(1g-h) of the law on military service. Medical commissions attached to draft boards frequently perform only a superficial medical examination. Soldiers' mothers' groups therefore

Others simply avoid recruitment officials. They refuse to open the door when officials come to their homes to hand them draft summonses, do not live where they are registered, and ignore the summonses that are dropped into their mailboxes.²⁶ According to the General Staff of the Armed Forces, every year 30,000 young men ignore draft summonses and fail to appear for conscription proceedings.²⁷ This figure appears to include both young men to whom officials served summonses but who failed to appear for conscription proceedings, and young men who ignored summonses that had not been properly served and are thus invalid under the law. In July 2002, the Russian media reported that in Nizhnii Novgorod the number of people the military recruitment office considered such draft evaders outnumbered those actually drafted during that conscription period.²⁸

Military officials have found it particularly difficult to conscript young men in Moscow, likely a consequence of better access to information, greater career opportunities, and the higher level of wealth Moscow's youth enjoy compared to their peers elsewhere in Russia. The conscription quota set for Moscow is low compared to other regions, but recruitment officials still have difficulty meeting it. In the fall of 2001, only about 3 percent of all conscripts were drafted from Moscow, whereas young men of draft age in Russia's largest city make up almost 6 percent of the total number of young men of draft age in Russia.²⁹ Official statistics for the 2001 fall conscription period show that between 50 and 60 percent of all young men processed by Moscow draft boards had an education-related right to deferral, 30 percent were declared unfit for military service, and 2 percent received a deferral based on their family situation.³⁰ It is unclear what percentage of Muscovites of conscription age simply ignored draft summonses, served properly or not, in the fall of 2001, but according to official statistics about 10,000 Muscovites failed to appear at military recruitment offices for conscription proceedings.³¹ According to the Soldiers' Mothers of St. Petersburg, a similar situation exists in St. Petersburg.³²

The deteriorating health of Russia's youths has compounded the conscription crisis. Poor health has disqualified about 50 percent of Russia's young men for military service each year in recent years. A Ministry of Defense official told a press conference in April 2002 that in 2001, doctors on draft boards found no less than 54 percent

recommend that men be examined by specialists and present their reports to the doctors at the military recruitment office to force them to pay serious attention to health problems.

²⁶ The law on military service requires recruitment or other officials to hand summonses directly to the young men, who must sign the summons in acknowledgement. A summons that is simply left in a mailbox does not have legal force. See article 7 of the regulation on conscription.

²⁷ Akhmed Tagirov and Alla Tuchkova, "Moskva – stolitsa ukлонistov" (Moscow – the capital of draft dodgers), *Nezavisimaia gazeta* (Independent Newspaper), December 7, 2001.

²⁸ Sergei Anisimov, "Kolonka informatsionnykh soobshchenii" [Brief News Column], *Nezavisimaia gazeta*, July 12, 2002.

²⁹ Six thousand of a total of almost 200,000 conscripts (about 3 percent) were drafted from Moscow. "Na voennuiu sluzhbu prizvani 6 tysiach Moskvichei" [Six thousand Muscovites were drafted for military service], *Utro* [Morning], January 24, 2002. See: <http://www.utro.ru/articles/2002012413310658093.shtml> (Accessed on September 3, 2002). Official statistics show there were about ten million draft age men in Russia in 2001 (Demographic Yearbook of Russia for 2001, published by the State Committee of the Russian Federation on Statistics, Moscow 2001). According to information received from the Moscow city statistics committee, there were 592 682 men of draft age registered in Moscow as of early 2002.

³⁰ Leonid Smirnov, "Prizyvnikov lovili na stantsiakh metro" [Conscripts caught at metro stations], *Izvestiia*, [The News], January 27, 2002.

³¹ Akhmed Tagirov and Alla Tuchkova, "Moskva – stolitsa ukлонistov." In February 2002, recruitment officials stated that some 3,000 young men were then believed to be ignoring summonses. This figure apparently includes both summonses properly served and those left in mailboxes. "Ot sluzhby v armii otklonilis 3 tys moskvichei" [Three thousand Muscovites evaded military service], *Utro*, February 1, 2002. See: <http://www.utro.ru/news/2002020115394059600.shtml> (Accessed on September 3, 2002).

³² Telephone interview with Elena Vilenskaia, co-chair of the St. Petersburg Soldiers' Mothers, October 22, 2002.

of the young men tested unfit for military service.³³ Another official said that for the 400,000 young men drafted some 600,000 young men are declared unfit each year.³⁴

Because Russia's youth is wracked with poor health, and because many of Russia's most healthy and educated young men successfully manage to avoid military service, recruitment officials are often left to select conscripts from a group of young men with low education levels and sometimes serious health problems. An unidentified Russian lawmaker told *The Moscow Times* that, in a speech to the State Duma, Defense Minister Sergei Ivanov said the young men drafted in the fall of 2001 were a "pathetic lot, afflicted with drug addiction, psychological problems and malnutrition."³⁵ Ministry of Defense statistics indicate that every second conscript had an alcohol problem prior to entering service, and that every fourth had been a drug user.³⁶ In October 2001, Moscow's acting military commissioner Viktor Beznosikov also complained at a press conference about the decreasing level of education among new conscripts and the increasing number of new conscripts with a criminal record.³⁷ A July 2002 edition of the web publication Grani.ru described the average conscript as a "young man who has not completed high school" who, prior to being drafted, "did not study or work and indulged in vodka and narcotics." It concluded that the "absolute majority of conscripts come from poor and socially disadvantaged families that do not have the means to enroll the young man in paid education or buy them a false certificate for deferral."³⁸

In response to the conscription crisis, officials have recently slashed conscription quotas; whereas traditionally about 200,000 people were conscripted during each of the two conscription periods, in the spring of 2002 the quota was set for just over 160,000.³⁹ The Ministry of Defense is also developing legislation that would cut the list of deferral grounds and enable recruitment officials to draft tens of thousands of additional young men who currently work for government agencies.⁴⁰ It remains unclear if and when this legislation will enter into force. Finally, in a number of large cities, including Moscow and St. Petersburg, recruitment officials have reverted to detaining perceived draft dodgers for conscription.⁴¹

CONSCRIPTION THROUGH DETENTION

When recruitment officials are unable to serve a draft-age man with a summons, they submit his name to the police with a request that the police intervene to "ensure [his] presence" at conscription proceedings.⁴² The police then detain these young men at their homes, at metro stations, and in other public places and forcibly take them to the military recruitment office. Once there, officials quickly process them in accelerated conscription procedures,

³³ This figure was provided at a press conference by Vladislav Putilin, the head of the Main Department for Mobilization of the General Staff of the Armed Forces. Cited in "Generalnye ne ostavili prizyvnikam shansov" [The generals gave the conscripts no chance], *Utro*, April 2, 2002, See: www.utro.ru/articles/2002040216595170289.shtml (accessed on September 3, 2002).

³⁴ "More than half of Russians unfit to serve in army: general," *Agence France-Presse*, November 29, 2001.

³⁵ Natalia Yefimova, "Lawmaker: Defense Ministry Plans to Slash Draft Deferrals," *The Moscow Times*, September 12, 2002.

³⁶ "Umstvenno ogranichenny kontingent" [An Intellectually Challenged Lot], Grani.ru, July 3, 2002. See: <http://www.hro.org/editions/press/0702/04/04070208.htm> (Accessed on September 30, 2002).

³⁷ "Osennii prizyv sobiraet dan," *Utro*, October 1, 2001. See: www.utro.ru/articles/2001100113103938448.shtml (accessed on September 3, 2002)

³⁸ "Umstvenno ogranichenny kontingent," *Grani.ru*, July 3, 2002.

³⁹ The conscription periods are from October 1 through December 31 and from April 1 through June 30. The president of the Russian Federation regulates by decree how many young men should be drafted during each conscription period. In the spring of 2002, 161,732 people were to be drafted, in the fall of 2001 – 194,824, in the spring of 2001 – 187,995. See: www.utro.ru/articles/2002040109114169846.shtml, www.utro.ru/articles/2001092513583037416.shtml, and www.utro.ru/articles/200103300957586963.shtml (Accessed on September 3, 2002)

⁴⁰ Natalia Yefimova, "Lawmaker: Defense Ministry Plans to Slash Draft Deferrals," *The Moscow Times*, September 12, 2002. See also: "Minoborony RF 'boleet' za prizyv," [The Defense Ministry is on Conscripts' Side] *Utro*, January 16, 2002. See: <http://www.utro.ru/news/2002011617114856747.shtml> (Accessed on September 3, 2002).

⁴¹ Media have also reported conscription through detention in Samara. "Kak loviat prizyvnikov v samarskoi oblasti," *Utro*, April 4, 2001. See: <http://www.utro.ru/news/200104041457597821.shtml> (accessed September 3, 2002).

⁴² Article 31(2) of the law on military service.

limiting their contacts with the outside world to avoid intervention by relatives. The majority of these conscripts are sent to military units the same day they are detained.

The Military Recruitment Office's Lists

During conscription seasons, recruitment offices compile lists of young men to whom they have not been able to serve draft summonses and submit these to local police precincts with a request for assistance. Although these lists generally include names of men who had indeed sought to avoid being served draft summonses, sometimes they were compiled in a haphazard fashion and included people with valid exemption or deferral grounds.

Officials say conscription through detention is aimed at drafting those who try to avoid military service. In July 2002, Vasili Krasnogorskii, Moscow's military commissioner, said recruitment offices request police assistance because there "are people who do not show up at the required time and they need to be found."⁴³ For this purpose, recruitment offices compile lists of suspected draft dodgers that they send to local police precincts with a request for assistance. In accordance with conscription regulations, recruitment officials can make such requests only if they had a valid reason to summon the young man—in other words if he was not entitled to a deferral or exemption—and if officials attempted to hand the individual the summons in person but failed.⁴⁴

Recruitment officials may often have solid grounds to include young men on lists sent to police. In several cases Human Rights Watch researched, young men admitted they did not have a right to a deferral, tried to avoid receiving and signing summonses, and ignored those that were left in their mailboxes.⁴⁵ One young man said that before opening the door he always checked who was there so as to avoid being conscripted.⁴⁶ The mother of another said that after her family moved from Kyrgyzstan to St. Petersburg, she simply did not enter her son in the local military registry there, hoping he would thus avoid military service.⁴⁷ In several other cases researched by Human Rights Watch, military recruitment offices appeared to have grounds to detain young men who claimed they had student deferrals. In these cases, either educational institutions had failed to confirm to military recruitment offices that the men were indeed students, as the regulation on the military registry requires them to do once every year,⁴⁸ or the young man had been temporarily expelled from university for failure to pay tuition or pass exams and had failed to inform the military recruitment offices that he had been reinstated. Consequently, military recruitment offices no longer considered them to be students and summoned them for conscription proceedings. As the young men consistently ignored summonses, military recruitment offices came to consider them as potential draft dodgers.⁴⁹

Human Rights Watch is concerned, however, that the lists are sometimes compiled in such a haphazard manner that individuals are included on the list even when they are exempt from military service. In two cases we

⁴³ "V Moskve prizvano 8 protsentov prizyvnikov," *Prima News Agency*, July 11, 2002.

⁴⁴ Article 31(2) of the law on conscription. Human Rights Watch requested meetings with the military commissioner of Moscow on two occasions in the summer of 2002 to seek more details on the decision-making process regarding requests for police assistance. No response was received to either request.

⁴⁵ Human Rights Watch interview with "Andrei S.," St. Petersburg, April 13, 2002; Human Rights Watch interview with "Maksim K.," St. Petersburg, April 8, 2002. "Andrei S." and "Maksim K." are pseudonyms.

⁴⁶ Human Rights Watch interview with "Sergei S.," Moscow, May 29, 2002. "Sergei S." is a pseudonym.

⁴⁷ Human Rights Watch interview with the mother of "Andrei Ch.," St. Petersburg, April 12, 2002. "Andrei Ch." is a pseudonym.

⁴⁸ Article 23(d) of the Regulation on the Military Registry of December 25, 1998.

⁴⁹ An example is the case of "Stepan O." (not his true name). In November 2001 and April 2002, a Moscow recruitment office requested police assistance in tracking him down although he was studying at the time and had received a deferral for the time of his studies. As his university had failed to present a letter confirming his continued studies to the military recruitment office in August 2001, the military recruitment office no longer considered him to be a student and summoned him for conscription proceedings. According to an official, starting in September 2001 the military recruitment office had sought to hand Stepan O. summonses on seven occasions. However, on none of these occasions had anybody been home or opened the door. Therefore, on November 20, 2001, and again on April 23, 2002, the military recruitment office requested police to help ensure Stepan O.'s presence for conscription proceedings. On May 16, 2002, police detained Stepan O. at his home. Human Rights Watch interview with Valentina O., the mother of Stepan O., June 18, 2002. On June 18, 2002, a Human Rights Watch researcher also observed a court hearing in his case.

researched, recruitment officials included in their lists young men who had had legitimate deferral or exemption grounds. For example, Dmitrii K. from St. Petersburg told Human Rights Watch he had consistently appeared at the military recruitment office when summoned, and at its request was gathering medical reports for exemption when on December 27, 2000, police unexpectedly knocked on his door and took him to the military recruitment office.⁵⁰ In another case, Alexander B. told Human Rights Watch he had finished the officer's training program at his university and could no longer be conscripted according to ordinary procedure, and that his university notified the recruitment office of this. Yet on November 27, 2001, police officers detained him at a Moscow metro station and brought him to the recruitment office.⁵¹

Police Detentions Pursuant to a Request from the Military Recruitment Office

There is no specific provision in the law on military service that authorizes police to detain individuals who have not been successfully served with draft summonses. The law stipulates that upon written request from the military recruitment office, police precincts are responsible for "ensuring the presence" at conscription proceedings of the young men listed in the request. However, the law does not specify how the wording "ensuring the presence" is to be understood. Police interpret this provision as an instruction to detain the individual and forcibly take him to the recruitment office, a position that the prosecutor's office supports.⁵² However, neither the law on the police, which contains a detailed list of the scenarios in which police are authorized to detain individuals, nor the law on administrative offenses authorizes police to detain suspected draft dodgers for the purpose of their delivery to military recruitment offices. In fact, it is plausible to interpret the provision as instructing police to find the individual, hand him the summons, order him to sign it, and inform him of the consequences of failure to appear for conscription proceedings at the specified time. Human Rights Watch is unaware of internal regulations that clarify the provision, or of any guidance offered by the courts on its interpretation. In September 2002, we requested a meeting with the Moscow municipal police to seek clarification regarding the exact legal grounds for the detentions. After telephone and written communications, a meeting regrettably was not arranged. It thus remains unclear whether there is a legal basis in Russian law for such detentions, and therefore open to question that Russia has violated the international norm prohibiting arbitrary detention.⁵³

As a rule, police officers, often accompanied by an official from the military recruitment office, detain young men at their homes early in the morning. While in some cases police took the young men straight to the military recruitment office, in others they first spent several hours at the police precinct.

On May 16, 2002 at 7:40 a.m., police officers came to Stepan O.'s house. After his parents had woken him up, the officers explained that he had to go to the military recruitment office.⁵⁴ Stepan O.'s parents confirmed in court that the officers had been polite and had given Stepan O. sufficient time to get dressed.⁵⁵ The officers took Stepan O. to the 19th police precinct, where they held him in a cage for about ninety minutes before bringing him to the recruitment office.

⁵⁰ Human Rights Watch interview with "Dmitrii K.," St. Petersburg, April 11, 2002. "Dmitrii K." is a pseudonym.

⁵¹ Human Rights Watch interview with "Alexander B.," Moscow, December 3, 2001. "Alexander B." is a pseudonym.

⁵² The Union of Committees of Soldiers' Mothers of Russia raised several dozen cases of conscription through detention with the procuracy in December 2001 and January 2002. In several separate responses, the procuracy wrote it had found no violations.

⁵³ If the practice of detention for conscription is inconsistent with Russian law, police officers conducting such detentions violate the provisions of the Russian criminal code that prohibit unlawful detention, such as article 301 of the criminal code ("Unlawful detention") and article 286 (abuse of office). Article 9(1) of the International Covenant on Civil and Political Rights states: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." Article 5(1) of the European Convention also requires that any detention be carried out "in accordance with a procedure prescribed by law."

⁵⁴ Human Rights Watch interview with Stepan O., Moscow, June 18, 2002.

⁵⁵ Decision of the Ostankino District Court in Moscow of June 18, 2002. A copy of the decision is on file at Human Rights Watch.

In another case, early in the morning of November 22, 2001 police officers came to the home of Sergei S. They were generally polite, asked him his name, and told him they were taking him to the military recruitment office. On the way, Sergei S. escaped from the police car. On May 23, 2002, police officers returned and forcibly entered his home. Sergei S. told Human Rights Watch he was awoken when he felt someone kicking him in his side. When he opened his eyes, he saw a police officer and military officer. After Sergei S. confirmed his identity, the officers told him he would have to come with them. While Sergei S. got dressed, the officers looked around his apartment, collecting his passport from a closed cupboard. The officers took Sergei S. to the 148th precinct in Moscow and put him in a cell for approximately two hours. During that time, the officers went around the neighborhood detaining more young men.⁵⁶

On December 27, 2000 early in the morning, police rang Dmitrii K.'s doorbell. When he opened the door, Dmitrii K. saw the neighborhood inspector and a recruitment officer in plain clothes who immediately grabbed him without explanation and took him away. The officers took Dmitrii K. straight to the recruitment office.⁵⁷

Detentions Based on Profiling of Conscription-Age Men

In both Moscow and St. Petersburg, police have conducted random identity checks of men of conscription age on streets, at metro stations, and in other public places, and detained those whose names were on the lists of military recruitment offices. In the fall of 2001, Moscow police systematically used this method at several metro stations in the morning and evening hours, detaining dozens of young men. Following strong protests from the Union of Committees of Soldiers' Mothers of Russia as well as in the press, this tactic was not repeated in the spring 2002 conscription period.

On November 27, 2001, Alexander B. was on his way to work when police stopped him at the Shchukinskaia metro station in Moscow and asked him for identification. The officer took him to a man in military uniform, who then checked his name against a list. When they established Alexander B.'s name was on the list, the policeman commandeered him into a bus that was parked outside the metro station. Six other young men—all had been detained in similar fashion—were already waiting in the bus. Alexander B. spent the next two hours on the bus, and after police brought in another eight young men, the bus drove them to the local recruitment office.⁵⁸ Alexander B. had finished the officers' training program at his university and was not eligible for ordinary military service.

In another case, police officers stopped "Konstantin L." on December 3, 2001, at 8:00 a.m. outside a metro station in St. Petersburg.⁵⁹ After checking his identity, they called the recruitment office, which informed them that Konstantin L. had been expelled from the university and no longer had grounds for deferring his military service. The officers took Konstantin L. to the local police precinct, from which he was taken to a military recruitment office.

Detentions that occur as a result of identity checks in public places based on profiles violate provisions under Russian law. The Russian law on the police allows officers to check people's documents only "if there are sufficient grounds to suspect them of having committed a criminal offense or a misdemeanor..."⁶⁰ The mere notion that a person is a male of conscription age does not alone satisfy the "sufficient grounds" requirement.

Accelerated Conscription Proceedings

Draft boards failed to process the young men interviewed for this report diligently and fairly. In violation of Russian conscription regulations, medical examinations were superficial, and draft boards frequently refused to

⁵⁶ Human Rights Watch interview with Sergei S., Moscow, May 29, 2002.

⁵⁷ Human Rights Watch interview with Dmitrii K., St. Petersburg, April 11, 2002.

⁵⁸ Human Rights Watch interview with Alexander B., Moscow, December 3, 2001.

⁵⁹ Human Rights Watch interview with "Konstantin L.," St. Petersburg, April 10, 2002. "Konstantin L." is a pseudonym.

⁶⁰ Article 11(2) of the law on the police of April 1991 (last amended on August 4, 2001) states: "The police have the right in order to fulfil its obligations: ... 2. Check the identity documents of citizens and officials if there are reasonable grounds to suspect them of having committed a criminal offense or a misdemeanor ..."

consider possible grounds for exemption or deferral. In some cases, local draft boards processed cases of young men whose residence permits were for elsewhere.⁶¹

As stated above, during conscription proceedings ordinarily a panel of medical doctors examines a candidate to determine his fitness for military service, and a draft board then determines whether and where he should serve. In cases of conscription through detention these procedures are accelerated and minimized significantly. All young men interviewed for this report said that draft boards processed them with remarkable speed, giving them preference over young men who had duly responded to draft summonses. Each said that within a matter of hours, a panel of seven medical doctors had examined him and a draft board had reviewed their files and made a decision to draft him. One interviewee, who had been at the military recruitment office several times in previous years, commented as follows:

I was told that I had to go to the medical commission. I was finished within fifteen minutes. That had never happened before. Previously...I always lost an entire day [waiting to be called in to a doctor]. There were people sitting [waiting for the doctors] but I was taken everywhere skipping the line.⁶²

Under conscription regulations, after a conscript has been drafted by a draft board, he departs at a later date for his military base; in the interim, he is allowed to go home; none of the men interviewed for this report were allowed to go home. Rather, on the very day they were detained and examined, officials drove them to the collection point, where another panel of doctors examined them and the municipal draft board reviewed the conscription order in the same speedy fashion as at the local level. In each case, the conscription order was confirmed. Then, representatives from military units (called, literally, “buyers;” in Russian: *pokupateli*), reviewed their files and determined where they would serve. Most of the young men interviewed were sent off to their military bases that same day. The others were locked up in the military recruitment office or sent temporarily to a local military unit, and sent to their designated units in subsequent days. For example, Andrei S. and about thirty others like him spent four days locked up in the military recruitment office in St. Petersburg before being sent to a Ministry of Internal Affairs unit in Moscow.⁶³ Sergei S. and several young men with him were driven to a local military unit in Moscow for a night to await departure to their military units the next day.⁶⁴

Medical Examinations

All young men interviewed for this report said the medical examinations at the local and municipal level were conducted in a cursory manner. The doctors refused to listen to their assertions of serious medical conditions, and in some cases the young men did not even see all the required doctors.

Andrei S., who has had a severe limp since childhood, referred in vain to his condition; one of the doctors told him that “half this city limps” and that he was fit for service.⁶⁵ Sergei S. told Human Rights Watch he was taken around to the doctors in handcuffs; while some of the doctors asked why he was handcuffed, only one asked pertinent questions about his health. This doctor asked Sergei S. about the fact that he was flatfooted, and decided that he was fit for service with some minor restrictions. The other doctors merely referred to a report issued by a 1998 medical examination at the military recruitment office, which stated he was healthy: “In 1998 you were in

⁶¹ Human Rights Watch interviewed one young man who said that when officials discovered they did not have a file on him, they created a new file, photocopying the picture on his student ID for his military ID. (Human Rights Watch interview with Konstantin L., St. Petersburg, April 10, 2002). The Union of Committees of Soldiers’ Mothers of Russia received complaints about at least two more such cases during the 2001 fall conscription period. In one of them, a Moscow draft board drafted a young man who was registered in a different province. (Files shared with Human Rights Watch by Union of Committees of Soldiers’ Mothers of Russia).

⁶² When he was eighteen, the young man had appeared before a draft board, which had granted him a student deferral. Human Rights Watch interview with Maksim K., St. Petersburg, April 8, 2002.

⁶³ Human Rights Watch interview with Andrei S., St. Petersburg, April 12, 2002.

⁶⁴ Human Rights Watch interview with Sergei S., Moscow, May 29, 2002.

⁶⁵ Sokolov was declared fully fit for military service. Later, when serving, a military doctor ruled that Sokolov was fit with minor restrictions.

fine health so now you are in fine health.” They ignored Sergei S.’s assertion that he had suffered a severe concussion a year earlier. Sergei S. said that within fifteen minutes all seven doctors had seen him.⁶⁶

Dmitrii K. told Human Rights Watch no physician examined him. Officers kept him in a locked room while an official went to the various doctors to get their signatures ascertaining that he was fit.⁶⁷ Dmitrii K. and his wife both saw his medical file and told Human Rights Watch that one person had signed for the dentist, the ophthalmologist, and the surgeon. The municipal draft board office repeated a similarly superficial procedure later that day, after he had been brought to the collection point.

Ignoring Deferral or Exemption Grounds

Several young men who were drafted told Human Rights Watch that both local and municipal draft board officials refused to examine valid claims to deferral or exemption. In rare cases, they said, officials paid attention to such claims asserted by others, but only when relatives could be contacted and could bring physical evidence to the recruitment office.

When he was detained in May 2002, Stepan O. repeatedly told the Ostankino district draft board in Moscow that as a student at the University of the Russian Academy for Education he had a right to deferral. In response, he told his mother, officials threatened to send him to Butyrka prison if he refused to serve.⁶⁸ The draft board drafted Stepan O. the day of his detention, citing notification it had received from the university that he had been expelled for failure to pay tuition. It ignored his claims that the papers confirming his continued studies were at home.⁶⁹ That day, Stepan O. was sent to a military unit in Reutov. The university later confirmed in court that Stepan O. had indeed been reinstated shortly after he was expelled.⁷⁰ After two courts found Stepan O.’s conscription to have been lawful, the Moscow municipal procuracy filed a protest against the conscription and asked the commander of his military base to send him home. Stepan O. currently is continuing his studies.

Similarly, the Kuntsevo district draft board in Moscow ignored Alexander B.’s contention that he had finished the officers’ training program at his university.⁷¹ Officials said they had not been informed of his participation in the program and refused to verify it with the university.⁷² They also said they desperately needed rank-and-file soldiers, while they had a sufficient number of officers. Officials ignored documents from the university confirming Alexander B.’s status, which his parents and girlfriend brought in, and designated him to serve as a rank-and-file soldier in the border troops.⁷³

The Union of Committees of Soldiers’ Mothers of Russia has received a number of complaints from the parents of young men who were conscripted through detention even though their government jobs entitled them to a deferral. For example, on December 6, 2001, police detained a young man who was working at the Moscow fire

⁶⁶ Human Rights Watch interview with Sergei S., Moscow, May 29, 2002. Usually, flatfootedness is grounds for certain kinds of medical exemptions.

⁶⁷ Human Rights Watch interview with Dmitrii K., St. Petersburg, April 11, 2002.

⁶⁸ Butyrka is a pretrial detention center in Moscow, notorious for its appalling conditions.

⁶⁹ In court, the representative of the military recruitment office stated that he did not believe Stepan O. had these papers at home. He stated that Stepan O. could have brought them when the police officers detained him but did not and therefore apparently did not have them. University records, however, show that Stepan O. in fact received such documentation on May 7, 2002.

⁷⁰ Human Rights Watch interview with Stepan O., Moscow, June 18, 2002.

⁷¹ A person who has finished the officer’s training program becomes a reserve officer. The military commissioner, not the draft board, drafts reserve officers for service. See article 26(2) of the law on military service.

⁷² Usually a university notifies the relevant recruitment office when a potential conscript under the latter’s jurisdiction has completed an officers’ training program.

⁷³ Human Rights Watch interview with Alexander B., Moscow, December 3, 2001. Alexander B. also had exemption grounds to support his disabled father, under article 24(1b) of the law on military service. At the time of his detention he was not aware of his right to claim such an exemption, and the draft board did not ask him whether he had any family-based exemption grounds.

department. At the recruitment office, the draft board decided to draft the young man despite the fact that, according to his mother, he had documents with him confirming he was a firefighter.⁷⁴

Alexander B. and Sergei S. told Human Rights Watch that they witnessed officials reluctantly consider deferral or exemption claims made by other young men detained together with them, but only when relatives could be contacted and could bring supporting documents to the recruitment office.⁷⁵ It was unclear why military officials refused to take into consideration Alexander B.'s papers showing his right to exemption from the ordinary conscription procedure.

Denying Requests to Inform Relatives

In most cases, though, police and military officials routinely deny requests from the young men to be allowed to call their relatives, in an apparent attempt to avoid having relatives intervene in the conscription proceedings and perhaps to avoid receiving documentation that might provide legitimate grounds for exemption or deferral. While some young men were lucky enough to have an opportunity to call from a mobile phone, others managed to inform relatives of their whereabouts only after reaching their military bases. In several cases, worried relatives called around to hospitals and morgues in search of their children or reported them missing to the police.

The practice of denying requests by those detained to contact relatives or advocacy groups is inconsistent with the right to appeal, as it effectively strips the young men of the opportunity to exercise that right. Also, the Russian constitution grants the right to access to a lawyer to "every" detainee "from the moment of his detention."⁷⁶ However, Human Rights Watch is not aware of any cases in which those detained for conscription purposes sought access to a lawyer.

In an application to the Union of Committees of Soldiers' Mothers of Russia, "Anna K." (not her true name) wrote that her son went to Moscow on December 22, 2001 from their home in Moscow province and did not return. Three days later, she reported him missing to the police. Finally, on December 27, 2001, she received a telegram from her son in which he said that he had been drafted, as police had detained him in Moscow and taken him to the military recruitment office.⁷⁷ In another similar case, reported by the Moscow newspaper *Moskovskii komsomolets*, on December 6, 2001, a nineteen-year-old man left his home for a job interview. When he did not come home that evening, his parents began to worry and started calling hospitals and morgues. When they contacted the local police precinct, officers advised them to call the military recruitment office. Recruitment officials, however, denied that Anna K.'s son was in their custody. Yet, later that night, a young man rang the doorbell and informed the worried parents that their son was at a collection point. He had been detained that morning at the metro station.⁷⁸

Maksim K.'s case is also characteristic. Police detained him outside his home in St. Petersburg on November 28, 2001 and brought him to the recruitment office. Maksim K. told Human Rights Watch that he asked to phone home when he was informed that he would be sent to his military unit that same day. An official declined the request, saying: "If you call now, all sorts of relatives are going to come over. We don't need that."⁷⁹ Maksim K. was finally able to make a phone call from the train station that evening just before boarding the train to his military base.

⁷⁴ Name withheld. Documentation shared with Human Rights Watch by Union of Committees of Soldiers' Mothers of Russia. Article 7 of the Law on Fire Safety states that firefighters may not be drafted into the armed forces, even if they are of conscription age.

⁷⁵ Human Rights Watch interview with Alexander B., Moscow, December 3, 2001; and Human Rights Watch interview Sergei S., Moscow, May 29, 2002.

⁷⁶ Article 48 of the Russian constitution.

⁷⁷ Filed shared with Human Rights Watch by the Union of Committees of Soldiers' Mothers of Russia.

⁷⁸ Vladimir Semiriaga, "Zasada na soldat" [Soldiers Ambushed], *Moskovskii komsomolets*, December 8, 2001.

⁷⁹ Human Rights Watch interview with Maksim K., St. Petersburg, April 8, 2002.

Denial of the Right to Appeal a Conscription Order

Russian citizens have the right to appeal their conscription, but conscription officials routinely deny young men conscripted through detention this right. All but one of the young men interviewed for this report were sent to their military bases straight from the recruitment offices without being allowed time to prepare and file an appeal with a court. When the young men expressed a wish to appeal the conscription order, officials simply denied their requests. Human Rights Watch interviews indicated that conscription officials as a rule do not inform them of their right to appeal.

The law on military service provides for the right to appeal conscription orders in court and implies that a young man must be given an opportunity to exercise this right before he begins his military service.⁸⁰ Article 28(7) explicitly states that any court appeal suspends a conscription order until the court's decision enters into legal force.⁸¹ The European Convention of Human Rights also grants potential conscripts a right to appeal, although it does not state that a young man must have an opportunity to exercise this right prior to starting military service.⁸² Under ordinary circumstances, conscripts would have time to file a court appeal before they had to depart for their base.⁸³ While conscription regulations do not specify the length of this interval, it can range from one day to three months.

Yet, officials seem to believe this provision does not apply to those conscripted through detention. Indeed, in a trial monitored by Human Rights Watch, a recruitment office representative denied that conscription regulations require that young men have the opportunity to go home before departure to their military units, even in cases not involving conscription through detention. He said that since regulations do not state a specific time period, the conscripts could be summoned to start their service the same day they appear before the draft board.⁸⁴ In that same case, the representative also claimed that if a young man does not explicitly request a copy of the conscription order he thereby forfeits his right to appeal. Although the law on military service does not make the right to appeal dependent on a request for a copy of the conscription order, the court accepted the reasoning and ruled that the right to appeal was not violated in the case.⁸⁵ An appeals court later confirmed the decision.

Several young men interviewed for this report told Human Rights Watch they informed draft officials that they wanted to appeal the conscription decision. Alexander B. told officials that he considered his conscription to be unlawful and that he wanted to appeal. Officials at the local draft board told him he could appeal the conscription

⁸⁰ Article 28(7) of the law on military service states:

A citizen may appeal a decision of the draft board from the moment he receives a copy of the decision within the term established by legislation of the Russian Federation with the draft board of the relevant province of the Russian Federation or with a court... In such cases, the execution of the decision of the draft board...is suspended until a decision is issued by the draft board of the relevant province of the Russian Federation...or the attainment of legal force of the decision of the court.

⁸¹ Ibid.

⁸² Article 6 of the European Convention of Human Rights states: "In the determination of his civil rights or obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law..." The provision expressly applies not only to criminal proceedings but any rights or obligations that domestic law recognizes as such. Russian law explicitly recognizes military service as an obligation.

⁸³ Article 16 of the regulation on conscription states: "A conscript, with regard to whom a draft order has been issued, receives a service summons to appear at the collection point for departure to their place of service."

⁸⁴ The official also referred to article 28 of the regulation on conscription, which states that "the date and time of appearance for conscripts at the military recruitment office for departure to the collection point is, as a rule, set in good time, keeping in mind the travel time to the collection point." It appears that "in good time" refers to the amount of time a conscript might need to travel to arrive at the collection point (for example, from a village in Siberia it could take days to travel to the closest collection point) and does not provide the conscript with any right to have time to prepare for service or appeal the draft board's decision. Yet, the representative of the military recruitment office argued that, in his opinion, it would be "in good time" if a conscript was informed within thirty minutes of the departure to the military unit.

⁸⁵ Decision of the Ostankino District Court in Moscow of June 18, 2002. A copy of the decision is on file at Human Rights Watch.

order only at the collection point. In protest Alexander B. refused to sign his military identification card, to which officials responded with indirect threats, saying that although “we don’t care, we’ll send you off anyway,” other conscripts “might not like his attempts to be special.”⁸⁶ At the collection point, officials told Alexander B. that they do not make decisions on conscription but merely serve as a transfer point. He was told that he could try to appeal the decision from the military unit. When Alexander B. asked whether he was not supposed to get time to pack his bags and say goodbye to his relatives, officials answered that “that is only given to those who come voluntarily.”⁸⁷

Dmitrii K. informed officials at the collection point that he might want to appeal his conscription order or exercise his right to conscientious objection, and that he would have to give notice to his employer in case he was forced to serve. He requested that he be given time to make up his mind. This request, however, was flatly denied and Dmitrii K. was sent to a military base that same evening.⁸⁸

Several other young men told Human Rights Watch that they were not aware of their right to appeal and that officials had not informed them of it. Indeed, conscription regulations do not stipulate whether draft board officials are obliged to advise young men of their right to appeal when they announce the conscription decision. The conscription order and the service summons also do not contain any information on the right to appeal.

Appeal from Military Bases

After a conscript has been sent to a military base, he theoretically can appeal a conscription decision in court, and in practice several have done so. However, these appeals have been fraught with difficulties because they do not suspend military service, and because a soldier serving at a military base is isolated from the individuals and institutions vital to an effective court appeal. What is more, even if a court rules in favor of the conscript no procedure exists in Russian law by which he can be released from service.⁸⁹

Conscripts who have already started their service are unlikely to be able to take part in the preparation of the case and in the court hearings. Communication with representatives is also complicated as conscripts often serve far away from their home regions, where the case would be heard, and have limited access to telephones. Moreover, their written correspondence is subject to censorship.

A conscript seeking to appeal a conscription order needs a third person or public organization to represent him in court, as he would be unable to prepare his case or attend hearings. He must grant his representative power of attorney, which the unit commander must notarize.⁹⁰ This may have repercussions for the conscript, as the commander will realize the conscript is going to appeal the conscription order, which is not in his interest. A conscript can also choose to be represented by a public organization and write a letter to the organization asking it explicitly to represent him in court. The organization’s board can then appoint a representative and the head of the organization can notarize the power of attorney. Very few conscripts are likely to be aware of this alternative.

RECOMMENDATIONS

Recommendations to the Russian Government

Human Rights Watch calls on the Russian government to take steps to end the violations that occur as a result of the practice of conscription through detention. First and foremost, the Russian government should address the widespread abuses in the armed forces that make so many young men anxious to avoid military service. Russia

⁸⁶ Human Rights Watch interview with Alexander B., Moscow, December 3, 2001.

⁸⁷ Ibid.

⁸⁸ Human rights Watch interview with Dmitrii K., St. Petersburg, April 11, 2002.

⁸⁹ Article 51 of the law on military service contains an exhaustive list of grounds for early release of conscripts from military service but a court decision overturning unlawful conscription orders is not among them.

⁹⁰ Ordinarily, a notary public notarizes a power of attorney. However, as many conscripts or military servicemen may not have easy access to notary publics from military base, article 185(3) of the Russian civil authorizes commanders of military bases to notarize documents.

may decide that the introduction to a professional army is the most appropriate way to address this problem. In the meantime, the Russian government and legislature should take the following steps:

- **Instruct police officials to interpret “ensure the presence” as handing the young men summonses.** The current interpretation of this wording—detention of the young men and their forcible delivery to recruitment offices—has led to human rights abuses. Human Rights Watch therefore recommends that the Minister of Internal Affairs advise police precincts throughout the country to interpret this provision as an instruction to locate the young men, hand them draft summonses under signature, and inform them of the consequences of failure to appear at conscription proceedings. The State Duma and government should introduce this interpretation in the text of the law and regulation on military service respectively.
- **Abolish the accelerated conscription procedure.** Russian law on conscription does not provide for an alternative procedure for perceived draft dodgers but establishes one procedure that is applicable to all Russian men of conscription age without exception. The Ministry of Defense should take steps to end the use of the accelerated conscription procedures with respect to perceived draft dodgers. It should carefully monitor that existing legal provisions for conscription are fully observed in all cases.
- **Specify a minimum time period between receiving a conscription order and the day of departure to a military unit that allows young men a realistic opportunity to use their right to appeal.** Current legislation indicates that a potential recruit must be allowed to go home after a draft board has decided to draft him, but does not specify a minimum time period. Conscription officials have used this gap in the law to justify sending potential draft dodgers to military units immediately after the conscription commission has made a decision. The State Duma and the government should introduce a minimum time period in the law and the government regulation on conscription. This minimum time period must be long enough to provide for a realistic opportunity to use the right to appeal.
- **Draft boards should make potential recruits aware of their right to appeal.** The State Duma, government, and Ministry of Defense should amend the law, regulation, and relevant internal instructions on military service to:
 - Oblige chairs of draft boards to, when announcing their decisions to recruits, also inform them of the right to appeal;
 - Oblige draft boards to provide potential recruits with a copy of the conscription order in all cases, in person or by registered mail; and
 - Include in the conscription order an explanation of the right to appeal and other information relevant to appeal proceedings.
- **Young men at military recruitment offices should have the opportunity to inform relatives of their whereabouts.** The minister of defense should instruct staff of all military recruitment offices that all young men who did not voluntarily appear must be given an opportunity to inform their relatives of their whereabouts.
- **Clearly display bills of rights of potential recruits in all military recruitment offices and collection points.** In the absence of other effective public education that would ensure that the most vulnerable groups of candidate conscripts are aware of their rights, the Ministry of Defense should, in cooperation with international organizations and soldiers’ rights groups, design a bill of rights that contains basic information on the rights of potential recruits, including the right to appeal a conscription order and to conscientious objection. Once this bill of rights has been developed, the ministry should instruct military commissioners throughout the country to display it in military recruitment offices in such a way that all potential recruits have the opportunity to read about their rights.

Recommendations to the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE)

Many Council of Europe member states have conscription armies, and the European Convention of Human Rights contains special provisions to permit obligatory military service. However, key Council of Europe institutions have explicitly recognized that conscript soldiers are “citizens in uniform,” who should enjoy the same rights and freedoms as ordinary citizens though their special status does justify certain restrictions.⁹¹ Also, in Opinion 193 (1996) regarding Russia’s request to accede to the Council of Europe, the Parliamentary Assembly of the Council of Europe (PACE) explicitly required Russia to adopt a law on alternative military service and to “reduce, if not eliminate, incidents of ill-treatment and deaths in the armed forces outside military conflicts.”

- **The PACE Monitoring Committee⁹² should insist on an effective opportunity for potential recruits to use their right to appeal.** The Monitoring Committee should raise with the Russian government and the State Duma the absence of a realistic opportunity for recruits drafted through detention to make use of their right to appeal, as defined in Russian law and in article 6 (1) of the European Convention of Human Rights. The committee should insist on the implementation of effective measures, such as those described above, to address this issue.
- **The Human Rights Directorate of the Council of Europe and the Office for Democracy Institutions and Human Rights (ODIHR) of the OSCE should assist the Russian government in developing the above-mentioned bill of rights.** The Human Rights Directorate and ODIHR should offer to facilitate a meeting between relevant government officials, Council of Europe experts, and soldiers’ rights groups to discuss the bill of rights. It should also offer technical and financial support in developing and printing the bill.

Recommendation to United Nations Treaty Bodies

- **U.N. treaty bodies should review violations that occur in as a result of conscription through detention.** In reviewing Russia’s compliance with the respective treaty obligations, the treaty bodies, and the Human Rights Committee in particular, should consider the violations described in this report.

⁹¹ See: *Engel and others v the Netherlands*, Judgment of June 8, 1976, para. 54; Resolution 1166 (1998) of the Parliamentary Assembly of the Council of Europe; and Recommendation 1380 (1998) of the Committee of Ministers.

⁹² The full name of this committee is: the Committee on the Honouring of obligations and commitments by member states of the Council of Europe.

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*Human Rights Watch
Europe and Central Asia Division*

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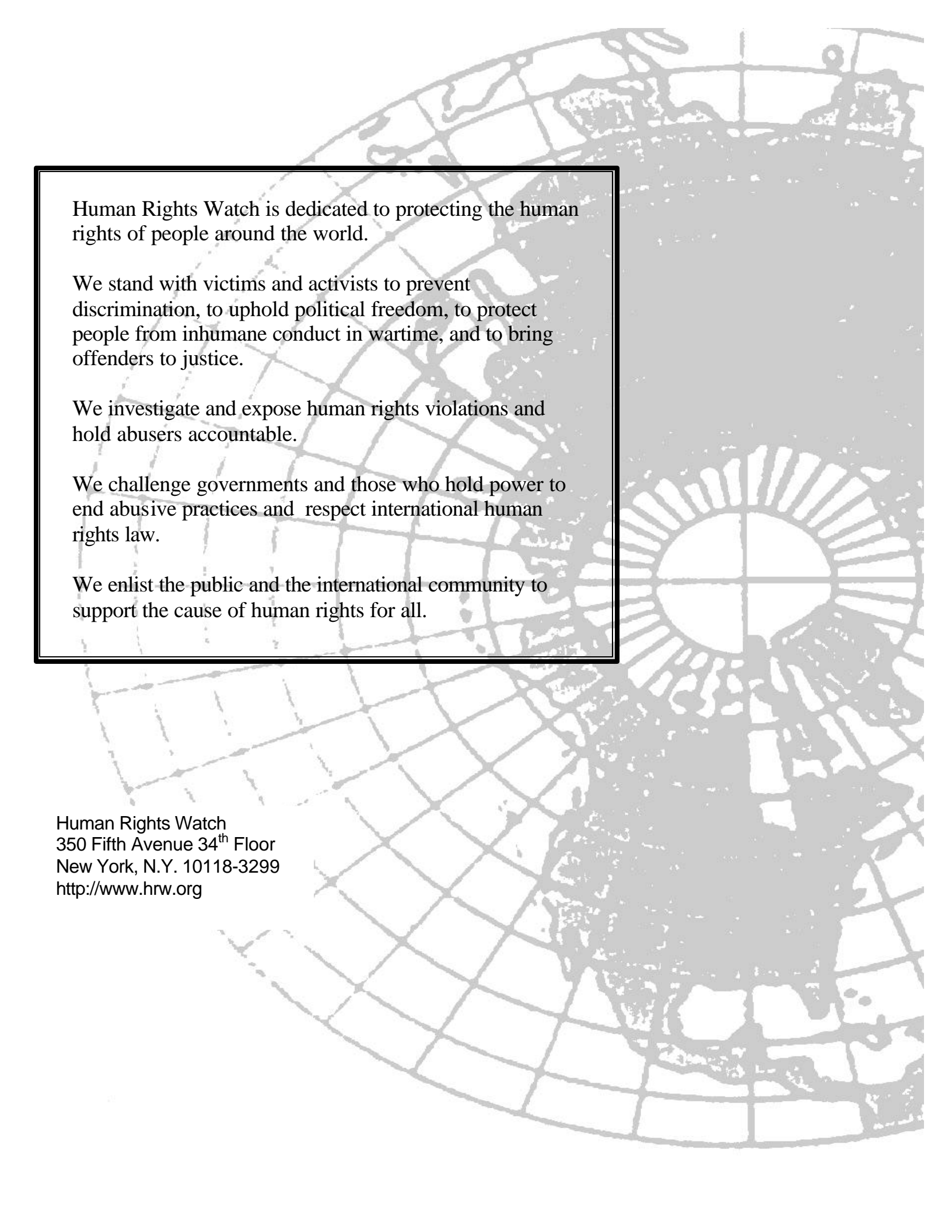
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