

Refuseniks are not cowards and traitors

By Johannes Reimer¹



1. Conscientious objectors in Ukraine - do they exist?

I am a conscientious objector. My story appeared in millions of copies in over 20 languages, including English, Russian and Ukrainian.² Many people admired me for my courage in refusing to serve with a weapon in the Soviet Army. Today, however, it is the same people who wrinkle their noses when conscientious objectors from Ukraine and Russia flee to the West. Hundert thousands refuseniks left Russia and Ukraine since the war between the two countries started. There is still understanding for the deserting Russians, but fleeing Ukrainians are seen as cowards and traitors. But the conscientious objectors have little choice. The country has suspended the right to conscientious objection since the start of the war with Russia and requires all men between the ages of 18 and 60 to serve actively with weapons.³

Even reasons of faith that lead to refusal to use any weapons are no longer heard. The country was attacked by Russia and must be defended by all means. In that case, religious convictions no longer count. And those who refuse will be tried and

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² Johannes Reimer: *Faith in Confinement: A Story of Faith in the Red Army*. (Winnipeg: Kindred Press 2000).

³ Andrea Beer: Kampf um das Recht, nicht zu kämpfen. Kriegsdienstverweigerer in der Ukraine, 25.01.2022, <https://www.tagesschau.de/ausland/europa/ukraine-kriegsdienstverweigerer-101.html> (20.12.2022).

sentenced to prison. Throughout the country, the police search for people who refuse to comply with the official draft, arrest them and send them to the front by force.⁴ Young people who do not want to go to war have been hiding from the authorities for months trying to escape forced recruiting.⁵ Many try their luck abroad. Admittedly, the border authorities have strict orders not to allow conscripted men to leave the country. But in this corrupt country, a few thousand dollars in bribes are enough to slip through the authorities meshes. And those who have money take advantage of these opportunities. By April 2022 alone, more than 3000 men had entered Moldova in this way.⁶ Since the beginning of the war, ten thousand's conscripted men have already used this opportunity. They all face trial at home, in Ukraine. One can only assume that they will not return home.

Forced recruitment has been leading to the disintegration of combat morale on the front lines for months. Time and again, Ukrainian soldiers desert their units. The deserters are threatened with heavy prison sentences, but the unbearable condition of the troops at the front, cold and hunger and notorious lack of military orientation drive out the fear of persecution. And then there is the ubiquitous certainty that young men with money, will buy their way out of conscription, or for, the equivalent of \$3,000 U.S. bribes ensure that they are not sent to a hot section of the front line.⁷

Ukrainian soldiers are thus leaving the front line not only out of religious convictions. Many complain of poor preparation for combat action, inadequate weaponry, poor leadership. All these evils are blamed by the press mainly on the Russian army, and probably rightly so. The Ukrainians, on the other hand, are often portrayed as heroes who, in the best possible way, do everything for the freedom of their country. However, the reality on the front lines is different.⁸

2. The right to refuse military service.

In a statement issued in May 2022, the Pacifist Movement of Ukraine repeatedly called for the right to conscientious objection for Ukrainians.⁹ No government in the world can compel people to go to the front and kill in the name of national security and freedom. Those who reject killing on principle for reasons of conscience should not be forced to take up arms under any circumstances.

⁴ <https://de.connection-ev.org/article-3435> (20.12.2022).

⁵ See for example the moving story of Michail Nazarenko in: Peggy Lohse: Versteckt im eigenen Land, 25.09.2022, <https://taz.de/Kriegsdienstverweigerer-in-der-Ukraine/!5881494/> (20.12.2022).

⁶ New York Times, 10. April 2022, <https://archive.ph/F1dBU> (20.12.2022).

⁷ Michael Walsh: Thousands of Ukrainian troops desert, surrender or refuse to go to the front, 18. Juni 2022, <https://europerenaissance.com/2022/06/18/thousands-of-ukrainian-troops-desert-surrender-or-refuse-to-go-to-the-front/> (20.12.2022).

⁸ See the report of Hans Wenger: Jetzt deserieren auch ukrainische Soldaten, 4.06.2022, <https://www.blick.ch/ausland/moral-sinkt-wegen-schlechter-versorgung-und-waffen-mangel-jetzt-desertieren-auch-ukrainischen-soldaten-id17549874.html> (20.12.2022).

⁹ <https://nrw.dfg-vk.de/kriegsdienstverweigerer-aus-der-ukraine-und-aus-russland-geben-stellungnahmen-ab/> (20.12.2022).

Ukraine, independent since 1991, has by all rights enshrined the law on conscientious objection in its constitution. According to Article 35(3) of the 1996 Ukrainian Constitution, there is a right to conscientious objection. The text states, "If the performance of military service is contrary to a citizen's religious beliefs, the service obligation shall be fulfilled by alternative service."¹⁰ This is more precisely defined in Article 2 of the Alternative Service Law. According to it, the exercise of this right is limited to persons who are members of registered religious communities whose doctrine prohibits the use of weapons and service in the armed forces.¹¹ The list includes Adventists, Baptists, Jehovah's Witnesses and the Pentecostal movement. An application must be submitted with an official letter from the respective religious community.

The right is further restricted by the rule that an application must be submitted within six months of enlistment. Soldiers and reservists do not have the right to apply.

In July 2013, the United Nations Human Rights Committee reviewed Ukraine's Seventh Periodic Report on the International Association on Civil and Political Rights. In its conclusions, the Committee expresses concern that no measures have been taken to extend the right to conscientious objection to persons who have made a decision of conscience without a religious background or who belong to other religions than Christianity. The committee emphasizes below that the Alternative Service Regulations must be open to all conscientious objectors regardless of their convictions, whether religiously or non-religiously motivated.¹²

As a member country of the Council of Europe, Ukraine is also obliged to implement judgments of the European Court of Human Rights. On July 7, 2011, the Grand Chamber of the Court held that "refusal to perform military service - when motivated by a serious and insurmountable conflict between the duty to perform service in the armed forces and the conscience or deep and sincere religious or other convictions of the individual - constitutes a conviction or belief of sufficient conclusiveness, seriousness, binding force and significance to fall within the guarantees of Article 9."¹³ Article 9 of the European Convention on Human Rights guarantees the right to freedom of thought, conscience and religion.¹⁴ A law, which according to the statement of the Committee of Ministers of the Council of Europe of 1987, "should also provide for the possibility of applying for recognition as a conscientious objector

¹⁰ Quaker Council for European Affairs: The Right to Conscientious Objection in Europe - Ukraine. 15. Mai 2005.

¹¹ European Bureau for Conscientious Objection: Report on conscientious objection to military service in Europe 2013, 42.

¹² United Nations Human Rights Committee: Concluding observations on the seventh periodic report of Ukraine, adopted by the Committee at its 108th session, 8.-26. Juli 2013, 19.

¹³ Europäischer Gerichtshof für Menschenrechte, 7. Juli 2011. Antrag Bayatyan gegen Armenien, AZ 23459/03, www.connection-ev.org/article-1411.

¹⁴ See the text in: [https://book.coe.int/en/human-rights-files/3202-article-9-on-the-european-convention-on-human-rights-freedom-of-thought-conscience-and-religion-human-rights-files-no-20.html#:~:text=Article%209%20of%20the%20European%20Convention%20on%20Human,Rights%20guarantees%20freedom%20of%20thought%2C%20conscience%20and%20religion.\(20.12.2022\).](https://book.coe.int/en/human-rights-files/3202-article-9-on-the-european-convention-on-human-rights-freedom-of-thought-conscience-and-religion-human-rights-files-no-20.html#:~:text=Article%209%20of%20the%20European%20Convention%20on%20Human,Rights%20guarantees%20freedom%20of%20thought%2C%20conscience%20and%20religion.(20.12.2022).)

if the conditions for applying only arise during the performance of military service or during military exercises after basic training."¹⁵

Thus, the human right to conscientious objection is not guaranteed in Ukraine, as it restricts access to members of some religious communities and, moreover, the application is limited in time. Now, even this limited right has also been suspended with the start of the war against Russia on 24/02/2022.¹⁶ As recently as 2015, the Supreme Court in Ukraine upheld the right to conscientious objection during mobilization and for times of war. And less than a month before the outbreak of war, Ukraine abolished the law.¹⁷ But then the war came, and all conscientious objectors lost their state-guaranteed right overnight. Ukraine, which has always emphasized its readiness to become a full member of the European Community, is thus going against the law of the EU.

3. We need to address the situation of conscientious objectors.

Evangelical Christians should stand up for people who are unjustly forcibly recruited, sent to the front and forced to kill against their declared will and conscience. Even if this is about defense of a mean aggressor, it is ultimately about killing. There is no such thing as a holy war. And humans, including Christians, who are unwilling to kill should not be forced to do so.

No, refuseniks are neither traitors to their country nor cowards. They are working for the good of their country in many ways. Even and especially in difficult times like these. Their refusal to go armed against the enemy is not an expression of lack of love for their homeland, but an expression of faith and deep conviction that even wars are not won by killing, but by negotiation. And for the beginning of such negotiations, they pray. Our support should be assured to them.

¹⁵ Committee of Ministers to Member States: Recommendation No. R (87) 8 Regarding Conscientious Objection to Compulsory Military Service. 9. April 1987-

¹⁶ <https://www.jw.org/de/nachrichten/rechtlich/nach-regionen/ukraine/menschenrechte-wehrdienstverweigerer-gewissensgruende/#:~:text=Ukraine%20setzt%20Ma%C3%9Fstab%20f%C3%BCr%20den%20Schutz%20der%20Menschenrechte.,das%20selbst%20w%C3%A4hrend%20einer%20Mobilmachung%20gesch%C3%BCtzt%20werden%20muss> (20.12.2022).

¹⁷ Michael Meier: Mitten in der Krise: Ukraine schafft die Wehrpflicht ab, 1.02.2022, <https://www.berliner-zeitung.de/welt-nationen/mitten-in-der-krise-ukraine-schafft-wehrpflicht-ab-li.209401> (20.12.2022).