

Human Rights Council, 50th session
Geneva, 5th July 2022

Item 10: Interactive dialogue on the oral update of the High Commissioner on Ukraine

Oral statement delivered by the International Fellowship of Reconciliation.

Mr. President,

International Fellowship of Reconciliation (IFOR) thanks the High Commissioner and her office for the oral presentation on Ukraine.

We stand in solidarity with the people of Ukraine and mourn with them at this dramatic time of armed conflict. We stand in solidarity with all war resisters and conscientious objectors to military service in Ukraine as well as in Russia and Belarus and call on the international community to provide them asylum; for instance IFOR sponsored a joint appeal to European Institutions on this matter¹.

Freedom of thought, conscience and religion is a non-derogable right and, as is freedom of expression, it continues to apply in situations of armed conflict. The right to conscientious objection to military service should be absolutely protected and cannot be restricted as highlighted by the quadrennial analytical thematic report by OHCHR presented at this session².

IFOR is concerned about the violations of this right in Ukraine where general mobilization to the army is enforced without any exceptions for conscientious objectors³. Evasion of conscription during mobilization is criminally punishable by imprisonment from 3 to 5 years⁴. The pacifist Andrii Kucher and the evangelical Christian, [member of the church "Source of Life"] Dmytro Kucherov were sentenced by Ukrainian courts for their refusal to bear arms with no respect to their freedom of conscience⁵.

IFOR is also concerned by the forced mobilization of conscripts in Ukrainian territory controlled by Russian affiliated armed groups⁶.

As previously stated⁷, war should be abolished because it is never a conflict resolution, neither in Ukraine nor in other countries. UN Member States should urgently pursue a diplomatic way to peace negotiations and facilitate such a path which is within the United Nations purposes.

Thank you.

¹ Broad civil society alliance calls for protection/asylum for deserters and conscientious objectors from Russia, Belarus and Ukraine, <https://www.ifor.org/news/2022/6/10/broad-civil-society-alliance-calls-for-protection-asylum-for-deserters-and-conscientious-objectors-from-russia-belarus-and-ukraine>

² Conscientious objection to military service. Analytical report by the OHCHR (see paragraph 5), <https://undocs.org/en/A/HRC/50/43>.

³ Law of Ukraine "On mobilization and preparation for mobilization" and presidential decree "On general mobilization" does not mention any exemptions for conscientious objectors to military service.

⁴ Article 336 of Criminal Code of Ukraine.

⁵ Kucher Andrii Volodymyrovych, internally displaced person from Zhytomyr Oblast, was found guilty and sentenced to imprisonment for 4 years, with 3 years of probation in lieu of incarceration, since, according to the sentence of Mukachevo City District Court of Zakarpattia Oblast of 18 May 2022 officially published in the Unified State Register of Court Decisions (<https://reyestr.court.gov.ua/Review/104351558>) he "avoided conscription for military service during mobilization in a special period due to the fact that he has pacifist views and does not want to take up arms". Kucherov Dmytro Mykolayovych, 32-year-old resident of the city of Oleksandriia in Kirovohrad oblast, according to press-release of the office of prosecutor (https://kir-gp.gov-ua.translate.google.com/ua/news.html?m=publications&c=view&t=rec&id=315316&x_tr_sl=uk&x_tr_tl=en&x_tr_hl=en&x_tr_pto=wapp) was

found guilty and sentenced to imprisonment for 3 years, with 1 year of probation in lieu of incarceration, since, according to the sentence of Oleksandriia City District Court of Kirovohrad Oblast of 21 June 2022 officially published in the Unified State Register of Court Decisions (<https://reyestr.court.gov.ua/Review/104846891>) he "committed a criminal offense prescribed by Article 336 of the Criminal Code of Ukraine, namely: evasion of conscription during mobilization" and explained to the court that "he is a Christian, a member of the "Source of Life" Church of God in Ukraine, therefore he refused to be drafted, because he does not want to fight with weapons in his hands."

Names of sentenced persons could be found via search by the number of court proceedings at <https://court.gov.ua/fair/>

⁶ Situation of human rights in Ukraine in the context of the armed attack by the Russian Federation, 24 February –15 May 2022, a report published by the OHCHR on 29 June 2022 (see paragraphs 109, 110), <https://www.ohchr.org/en/documents/country-reports/situation-human-rights-ukraine-context-armed-attack-russian-federation>

⁷ IFOR's statements at the 49th session of the Human Rights Council. <https://www.ifor.org/news/2022/4/8/recap-of-ifor-participation-in-the-49th-un-human-rights-council>