



**European  
Bureau for  
Conscientious  
Objection**



## **J O I N T P R E S S R E L E A S E**

### **Supreme Court of Ukraine releases a prisoner of conscience: conscientious objector Vitaly Alekseenko**

Kyiv, 26 May 2023

**Yesterday, 25 May 2023, at the Supreme Court of Ukraine in Kyiv, the court of cassation overturned the conviction of prisoner of conscience Vitaly Alekseenko (who attended by video link from prison), and ordered his immediate release from prison and his retrial in the court of first instance. EBCO delegate Derek Brett travelled from Switzerland to Ukraine and attended the court hearing as international observer.**

The [European Bureau for Conscientious Objection](#) (EBCO), [War Resisters' International](#) (WRI) and [Connection e.V.](#) (Germany) **welcome the judgment of the Supreme Court of Ukraine to release conscientious objector Vitaly Alekseenko and call for the dropping of charges against him.**

*"This outcome is far better than I ever expected when I set out for Kyiv, and it could be a landmark decision, but we will not know for sure until we see the reasoning. And meanwhile let us not forget that Vitaly Alekseenko is not yet completely out of the wood", Derek Brett stated today.*

*"We are concerned that retrial was ordered instead of acquittal. There is a lot of work ahead to uphold the right to refuse to kill for all those whose the right to conscientious objection was violated; but today freedom for Vitaly Alekseenko, at last, is secured following a series of calls of international civil society and peace movements. This is an achievement of all thousands of people, some of them very far from Ukraine, who cared, prayed, took action and expressed their support and solidarity in different ways. Thank you all, it is our common cause to celebrate", Yurii Sheliashenko added.*

An [amicus curiae brief in support of Vitaly Alekseenko](#) was jointly filed before the hearing by **Derek Brett**, EBCO delegate and Chief Editor of EBCO's Annual Report on Conscientious Objection to Military Service in Europe, **Foivos Iatrellis**, honorary Legal Adviser to the State (Greece), member of Amnesty International - Greece, and member of the Greek National Commission for Human Rights (the independent advisory body to the Greek State), **Nicola Canestrini**, Professor and advocate (Italy), and **Yurii Sheliashenko**, PhD in Law, Executive Secretary of the Ukrainian Pacifist Movement (Ukraine).

[Vitaly Alekseenko](#), a Protestant Christian conscientious objector, was imprisoned in the Kolomyiska Correctional Colony No. 41 on February 23<sup>rd</sup> 2023, following his conviction to one-year imprisonment sentence for refusing call up to the military on religious conscientious grounds. On 18 February 2023 a cassation complaint was submitted to the Supreme Court, but the Supreme Court refused to suspend his sentence on time of proceedings and scheduled hearings on 25 May 2023. Here is his first statement following his release on May 25<sup>th</sup>:

*"When I was released from prison, I wanted to shout "Hallelujah!" - after all, the Lord God is there and does not abandon his children. On the eve of my release, I was escorted to Ivano-Frankivsk, but they did not have time to take me to court in Kyiv. When releasing, they returned my stuff. I didn't have any money, so I had to walk to my hostel. On the way, my acquaintance, pensioner Ms Natalya, helped me, and I am grateful to her for her care, parcels and visits in prison. She is also an internally displaced person, only I am from Sloviansk, and she is from Druzhkivka. While I was carrying my bag, I got tired. Besides, there was an air raid because of Russian attacks. I couldn't sleep all night because of the air raid, but after the alarm I managed to sleep for two hours. Then I visited a penal officer and they gave me back my passport and mobile phone. Today and on the weekend I will rest and pray and from Monday I*

*will look for a job. I would also like to go to court hearings in cases of conscientious objectors and support them, in particular I would like to attend the appellate trial in the case of Mykhailo Yavorsky. And in general, I would like to help the objectors, and if someone is imprisoned, to visit them, to take gifts. Since the Supreme Court ordered my retrial, I will also ask to be acquitted.*

*Many thanks to everyone who supported me. I am grateful to all those who wrote letters to the court, who gave me postcards. Thanks to the journalists, especially Felix Corley from Forum 18 News Service in Norway, who did not ignore the situation, that a man was put in prison for refusing to kill. I also thank the Members of the European Parliament Dietmar Köster, Udo Bullmann, Clare Daly and Mick Wallace, as well as EBCO's Vice-President Sam Biesemans and all other human rights defenders who demanded my release and the reform of the legislation of Ukraine, so that the right of every person to refuse to kill is protected, so that people do not sit in prison for being faithful to God's commandment "Thou shalt not kill". I would like to thank the advocate of free legal aid Mykhailo Oleynyash for his professional defense, especially for his speech in the Supreme Court and his persistence when asking the court to take into account the amicus curiae brief of international experts regarding the right to conscientious objection to military service. I thank the authors of this amicus curiae brief, Mr Derek Brett from Switzerland, Mr Foivos Iatrellis from Greece, Professor Nicola Canestrini from Italy, and especially Yurii Sheliazhenko from the Ukrainian Pacifist Movement, who helped me defend my rights all the time. Special thanks to EBCO delegate Derek Brett, who came to Kyiv to attend the court hearing as international observer. I still don't know what is written in the Supreme Court's judgment, but I thank the honorable judges for at least letting me go free.*

*I am grateful also to EBCO President Alexia Tsouni for visiting me in prison. I gave the candies she brought to the boys at Easter. There are many boys aged 18-30 in the prison. Some of them are imprisoned because of their political position, for example, for a post on social networks. Rarer if a person like me is jailed for his Christian faith. Although there is one guy who was jailed apparently because of a conflict with a priest, I don't know the details, but that's completely different than refusing to kill people. People should live in peace, not conflicting and not shedding blood. I would like to do something so that the war will end sooner and there will be a just peace for all, so that no one dies, suffers, sits in jail or spends sleepless nights during air raids because of this cruel and senseless war against all God's commandments. But I don't know how to do it yet. I only know that there must be more Russians who refuse to kill Ukrainians, refuse to support the war and participate in the war in any way. And we need the same on our side."*

**Derek Brett also attended the court hearing about the case of Andrii Vyshnevetsky** on May 22<sup>nd</sup> in Kyiv. Vyshnevetsky, a Christian conscientious objector and member of the Ukrainian Pacifist Movement, is held at frontline unit of the Armed Forces of Ukraine against the dictates of his own conscience. He filed a lawsuit against the President of Ukraine Volodymyr Zelensky regarding the establishment of the procedure for discharge from military service on the basis of conscientious objection. The Supreme Court allowed the Ukrainian Pacifist Movement to join the case as a third party who does not make independent claims regarding the subject of the dispute, on the side of the plaintiff. The next court session in the Vyshnevetsky's case is scheduled on 26 June 2023.

**[The organisations call Ukraine](#) to immediately reverse the suspension of the human right to conscientious objection**, drop charges against Vitaly Alekseenko and honourably discharge Andrii Vyshnevetsky, as well as acquit all conscientious objectors, including Christian pacifists Mykhailo Yavorsky and Hennadii Tomniuk. They also call Ukraine to lift the prohibition to all men in age from 18 to 60 from leaving the country and other conscription enforcement practices incompatible with human rights obligations of Ukraine, including arbitrary detentions of conscripts and imposition of military registration as prerequisite of legality of any civil relations such as education, employment, marriage, social security, registration of the place of residence, etc.

**[The organisations call Russia](#) to immediately and unconditionally release all those hundreds of soldiers and mobilised civilians who object to engage in the war and are illegally detained in a number of centres in Russian-controlled areas of Ukraine.** Russian authorities are reportedly using threats, psychological abuse and torture to force those detained to return to the front.

**The organisations call both Russia and Ukraine to safeguard the right to conscientious objection to military service, including in wartime,** fully complying with the European and international standards, amongst others the standards set by the European Court of Human Rights. **The right to conscientious objection** to military service is inherent in the right to freedom of thought, conscience and religion, guaranteed under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which **is non-derogable even in a time of public emergency**, as stated in Article 4(2) of ICCPR.

**The organisations strongly condemn the Russian invasion of Ukraine,** and call on all soldiers not to participate in hostilities and on all recruits to refuse military service. **They denounce all the cases of forced and even violent recruitment to the armies of both sides,** as well as all the cases of persecution of conscientious objectors, deserters and non-violent anti-war protestors. **They urge EU to work for peace, invest in diplomacy and negotiations, call for human rights protection and grant asylum and visas to those who object the war.**

#### MORE INFORMATION:

**EBCO's Press Release and Annual Report** on Conscientious Objection to Military Service in Europe 2022/23, covering the region of **Council of Europe** (CoE) as well as **Russia** (former CoE member state) and **Belarus** (candidate CoE member state): <https://ebco-beoc.org/node/565>

Focus on the situation in **Russia** - independent report by the "Russian Movement of Conscientious Objectors" (frequently updated): <https://ebco-beoc.org/node/566>

Focus on the situation in **Ukraine** - independent report by the "Ukrainian Pacifist Movement" (frequently updated): <https://ebco-beoc.org/node/567>

Focus on the situation in **Belarus** - independent report by the Belarusian Human Rights Center "Our House" (frequently updated): <https://ebco-beoc.org/node/568>

**Support the #ObjectWarCampaign: [Russia, Belarus, Ukraine: Protection and asylum for deserters and conscientious objectors to military service](#)**



**#OBJECT WAR  
CAMPAIGN**

Solidarity with conscientious objectors and deserters from Russia, Belarus and Ukraine **Sign now!**

**#ОткажиВойне  
#ВідмовВійні**

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The [European Bureau for Conscientious Objection \(EBCO\)](#) was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. EBCO enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of

International Non-Governmental Organisations since 2005. EBCO is entitled to lodge collective complaints concerning the European Social Charter of the Council of Europe since 2021. EBCO provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. EBCO is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. EBCO is a full member of the European Youth Forum since 1995.

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[War Resisters' International \(WRI\)](#) was founded in London in 1921 as a global network of grassroots organisations, groups and individuals working together for a world without war. WRI remains committed to its founding declaration that 'War is a crime against humanity. I am therefore determined not to support any kind of war, and to strive for the removal of all causes of war'. Today WRI is a global pacifist and antimilitarist network with over 90 affiliated groups in 40 countries. WRI facilitates mutual support, by linking people together through publications, events and actions, initiating nonviolent campaigns that actively involve local groups and individuals, supporting those who oppose war and who challenge its causes, and promoting and educating people about pacifism and nonviolence. WRI runs three programmes of work that are important to the network: The Right to Refuse to Kill Programme, the Nonviolence Programme, and Countering the Militarisation of Youth.

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[Connection e.V.](#) was founded in 1993 as an association advocating a comprehensive right to conscientious objection at an international level. The organisation is based in Offenbach, Germany, and collaborates with groups opposing war, conscription and the military in Europe and beyond, extending to Turkey, Israel, the U.S., Latin America and Africa. Connection e.V. demands that conscientious objectors from war regions should get asylum, and offers counseling and information to refugees and support for their self-organisation.

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