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Uzbekistan: Penalties for desertion from and evasion of military service (2003 - 2005)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

One-year military service is compulsory in Uzbekistan, with the age of conscription being 18 (US 1 Nov. 2005; Coalition to Stop the Use of Child Soldiers 2004). However, the term of service for conscripts with a "higher education" is nine months (ibid.). Government discussion to eliminate the draft and professionalize the army has been undertaken, yet without firm resolutions (US Dec. 2005).

According to Chapter 22. Crimes Against Order of Serving Military Service, Articles 287, 288 and 290 of the Criminal Code of the Republic of Uzbekistan, the penalties for desertion from and evasion of military service are as follows:

Article 287. Leaving Unit or Place of Service without Official Leave

Leaving unit or place of service without official leave, as well as failure to be present at the service in time without valid excuse at retirement from the unit, at appointment at transfer, from an assignment, from leave or a medical institution for more than one day, but no more than ten days, that have been committed by a serviceman of term service after administrative penalty had been imposed for the same acts shall be punished with arrest up to six months or commitment to a disciplinary unit up to one year.

Leaving unit or place of service without official leave, as well as failure to be present at the service in time without valid excuse for more than ten days, but no more than a month days, that have been committed by a serviceman of term service, an officer, ensign, warrant officer, or a contract serviceman shall be punished with deprivation of promotion up to two months or imprisonment up to three years.

Leaving unit or place of service without official leave, as well as failure to be present at the service in time without valid excuse for more than a month that have been committed by persons indicated in Paragraph 2 of this Article shall be punished with imprisonment from five to ten years.

The acts punishable under this Article that have been committed in a combat situation, regardless duration shall be punished with imprisonment from five to ten years.

Article 288. Desertion

Desertion, that is leaving the unit or place of service without an official leave with the purpose to evade from serving military service at all, as well as failure to be present at the service with the same purpose shall be punished with imprisonment up to five years.

The same act that has been committed by an officer, praporshik, michman or a serviceman who serves military service by contract shall be punished or imprisonment from five to ten years.

Article 290. Evading from Military Service by Self-Injury or Otherwise

Self-injury, that is evading of a military serviceman from performing the duties of military service by inflicting himself an injury, as well as evading by simulation of sickness, forgery of documents, or other deceit or refusal to perform the duties of military service shall be punished with arrest up to six months, or commitment to a disciplinary unit up to one year, or imprisonment up to five years.

The same action that has been committed in a combat situation shall be punished with imprisonment from five to ten years. (Uzbekistan 22 Sept. 1994).

No specific information on the application of these sentences could be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Coalition to Stop the Use of Child Soldiers. 2004. *Child Soldiers Global Report 2004*. <http://www.child-soldiers.org/document_get.php?id=937> [Accessed 20 Dec. 2005]

United States (US). December 2005. Library of Congress. "Country Profile: Uzbekistan." <<http://lcweb2.loc.gov/frd/cs/profiles/Uzbekistan.pdf>> [Accessed 20 Dec. 2005]

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Uzbekistan. 22 September 1994. "Criminal Code of the Republic of Uzbekistan." LegislationLine. <<http://www.legislationline.org/view.php?document=62242&ref=true>> [Accessed 15 Dec. 2005]

Additional Sources Consulted

Oral Sources: The Embassy of Uzbekistan in Washington did not provide information within the time constraints of this Response.

Internet sites, including: Amnesty International (AI), BBC, Central Asia-Caucasus Institute, *Country Reports on Human Rights Practices for 2004*, Euroasianet, Freedom House, Human Rights Internet (HRI), Human Rights Watch (HRW), IRIN News.com, North Atlantic Treaty Organisation (NATO), Quaker Council for European Affairs (QCEA), Radio Free Europe/Radio Liberty, War Resisters' International Website.

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