

# The Rights of Indigenous Peoples of Russia after Partial Military Mobilization

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## Abstract

The present article is a response to the call for papers focusing on the war in Ukraine and its effect on different aspects of life in the Arctic. This article sheds some light on the consequences of Russia's partial military mobilization on the rights of Indigenous peoples. The partial military mobilization was announced by the President of the Russian Federation on September 21, 2022.

**Keywords:** *Russian Indigenous peoples, military mobilization, human rights, war*

## Introduction<sup>1</sup>

On September 21, 2022, the Russian President announced a partial military mobilization.<sup>2</sup> The federal subunits have already started their work to fulfil the mobilization plan. Considering the ratio between recruited Indigenous peoples and Russians, the number of Indigenous recruits is large.<sup>3</sup> Moreover, the situation has been aggravated by the fact that there were a number of legal breaches in connection with the recruitment of Indigenous persons.<sup>4</sup>

In this article, I will present the most recent legal changes regarding legal penalties for crimes related to the military situation in Russia. Another issue the present article concerns is the impact of the military situation on the rights of Russia's Indigenous peoples.

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Citation: Ekaterina Zmyvalova. "The Rights of Indigenous Peoples of Russia after Partial Military Mobilization" *Arctic Review on Law and Politics*, Vol. 14, 2023, pp. 70–75. <http://dx.doi.org/10.23865/arctic.v14.5083>

## **Legal penalties for war related crimes**

A day before the announcement of the partial military mobilization, the Deputies to the State Duma of the Russian Federation (RF) adopted a number of draft laws on war related issues. Among the legal novelties found in this criminal legislation, concepts such as ‘mobilization’ and ‘martial law’ are introduced.<sup>5</sup> In addition, new articles have been introduced in the Criminal Code of the RF<sup>6</sup> regarding marauding and voluntary surrender, and the punishments for these crimes. The punishment for marauding is up to fifteen years of deprivation of freedom and the punishment for voluntary surrender is up to ten years of deprivation of freedom. Also, a new criminal offence has been introduced in the drafts. It is breach of the terms of the state contract (*gosudarstvennii contract*) regarding the defence order (*gosudarstvennii zakas*) or breach of the terms of contracts supporting the accomplishment of State defence orders. The punishment for this criminal offence is up to ten years of deprivation of freedom.

Stricter punishments for some criminal offences have also been introduced. Among these criminal offences is voluntary departure from a military division during military mobilization, armed conflict, military actions, or when martial law or war time (*voennoie vremia*) has been imposed. The punishment for such crimes is up to ten years of deprivation of freedom. Not showing up for military service for a period of over one month is punishable with up to ten years of deprivation of freedom. Refusing a military order under martial law or war time, or during armed conflict or military actions, is punishable with two to three years deprivation of freedom. An example of such a refusal is the rejection to participate in military actions. Non-attendance at military gatherings or desertion is punished with up to fifteen years of deprivation of freedom.

On September 21, 2022, all of these draft laws were approved by the Federation Council. Shortly thereafter on September 24, 2022, the drafts were signed into law by the President.

On September 21, 2022, the President of the RF announced partial military mobilization. According to the Defence Minister of the RF, the approximate number of mobilized persons shall be 300,000.<sup>7</sup> However, according to unofficial data, the number of recruits stipulated in classified Paragraph 7 of the Edict of the President of the RF ‘On the Announcement of the Partial Military Mobilization in the RF’ is 1,000,000.<sup>8</sup> The aim of the mobilization is to control and defend annexed territories in Ukraine.<sup>9</sup>

As a consequence of the announced mobilization, the federal subunits have undertaken a number of measures. For example, in some federal subunits it has been suggested that prisoners be sent to war.<sup>10</sup>

## **The impact of the militarization on the Indigenous peoples of Russia**

From the very start of the war in Ukraine, the Indigenous peoples of Russia have been substantially affected. On the Russian side, the number of Indigenous combatants in

the war is proportionally higher than the number of ethnic Russians combatants.<sup>11</sup> The Indigenous population is more vulnerable and on average of lower socio-economic status than ethnic Russians, hence participation in the war is financially more attractive for them. Another reason for their participation is the dominance of false information in Russian media, and thus, a lack of access to relatively objective news coverage regarding the situation in Ukraine.<sup>12</sup> In addition, many activists have suggested that mobilizing persons from the outskirts, “far from Moscow and St. Petersburg is a way for the Kremlin to reduce the draft’s impact on major cities, where the chances of opposition protests are higher.”<sup>13</sup>

Russian Indigenous populations often reside in small settlements or villages. After the mobilization announcement most of the male population in some villages was mobilized. During the first days of mobilization, the authorities did not execute the draft in compliance with the informal mobilization criteria, leading to a broader mobilization in the outskirts. Importantly, there are no established legal criteria for partially mobilized persons in the Presidential Edict ‘On the Announcement of the Partial Mobilization in the RF’. The federal subunits’ state authorities made their own interpretations of the announcement and had their own ways of complying with the President’s order. However, the President had declared that only Russian citizens who had served in the armed forces of the Russian Federation, with certain military skills and related experience, and who are currently in the reserves would be conscripted. It was also announced that priority would be given to those who have the necessary military qualifications and who have military experience. Specializations such as shooters, tankers, artillerymen, drivers, and driver-mechanics are currently in highest demand.<sup>14</sup>

One example of violations in the recruitment of Indigenous persons took place in the village of Tiimenevo of the Kemerovo Oblast.<sup>15</sup> According to some sources, all of the men living there were mobilized.<sup>16</sup> Similar situations occurred in other villages of the Oblast.<sup>17</sup> Another example took place in the Republic of Sakha (Yakutia). When mobilizing, the local authorities did not take into consideration the percentage of men living in these villages and the numbers recruited. The ethnic identity of the recruits was not taken into consideration either. Moreover, the male population was mobilized with disregard to the mobilization criteria, as demonstrated by the recruitment of people with special needs, elders, people with disabilities, and fathers of five or more minors.<sup>18</sup>

According to Uliana Vinokurova, Indigenous men are essential during the period when their communities are preparing for winter.<sup>19</sup> The recruitment of these men to war damages the culture and traditions of the Indigenous peoples of Russia. Vinokurova claims that it is important to introduce the following criteria to exempt them from the partial mobilization: The first criterion is residency in areas of extreme climactic conditions and those working in life-supporting sectors. Vinokurova observes that these men’s civilian lives are as equally hard as life in the

military. The second criterion concerns those men who represent Russia's ethnocultural diversity.<sup>20</sup>

Several legal initiatives submitted to different federal subunits also stipulate conditions for exemption from mobilization. The deputy of the State Duma and former mayor of Yakutsk city, Sardana Avksentyeva, has proposed that men belonging to Indigenous peoples officially recognized by the Decree of the Government of the RF of April 17, 2006 N 536-p 'On Approval of the List of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation' should not be mobilized.<sup>21</sup> The deputy of the State Duma from the Nenets Autonomous Okrug, Kotkin, has pledged to initiate a bill on the exemption of reindeer herders from mobilization.<sup>22</sup> The governor of the Nenets Autonomous Okrug, Yury Bezdudny, supports this initiative. He claims that reindeer herders cannot be conscripted because they provide for food security in the region.<sup>23</sup>

Indigenous peoples' organisations have put forward similar initiatives. For example, the head of the Association of the Indigenous Peoples of the North of Khabarovsk Region, Liubov Odzhal, has appealed to the President, the Prosecutor's General Office of the RF and some other public bodies to stop the military mobilization of Indigenous persons.<sup>24</sup>

## Conclusions

The period since the end of September 2022 has been a period of heightened criminal responsibility for war related crimes in Russia. The partial military mobilization announced on September 21, 2022, has also escalated challenges regarding Indigenous peoples' rights in Russia. Many Indigenous villages have been emptied of men in complete disregard of mobilization criteria, which were not even officially announced during the first days of mobilization. This mobilization situation has added to the vulnerable status of Russia's Indigenous peoples and will damage their traditional lifestyles and cultures irreversibly.

## NOTES

1. I would like to express my gratitude to the president of the International Indigenous Fund for development and solidarity, 'Batani' Pavel Sulyandziga, who found an opportunity to discuss the situation of Indigenous peoples' rights in Russia with me in connection with this article.
2. Указ Президента РФ N 647 от 21 сентября 2022 'Об объявлении частичной мобилизации в Российской Федерации' (Edict of the President of the RF N 647 on September 21, 2022 'On the Announcement of the Partial Mobilization in the RF') <http://kremlin.ru/events/president/news/69391>.
3. Leyla Latypova, "Ethnic Minorities Hit Hardest by Russia's Mobilization, Activists Say," <https://www.themoscowtimes.com/2022/09/27/ethnic-minorities-hit-hardest-by-russias-mobilization-activists-say-a78879> (accessed September 30, 2022).

4. “Violations of Indigenous Peoples’ Rights in the Republic of Sakha (Yakutia) During Partial Military Mobilization,” <https://www.culturalsurvival.org/news/violations-indigenous-peoples-rights-republic-sakha-yakutia-during-partial-military> (accessed October 7, 2022) and “Russia’s War on Ukraine: Colonial Efforts on Two Fronts,” <https://www.culturalsurvival.org/news/russias-war-ukraine-colonial-efforts-two-fronts> (accessed October 7, 2022).
5. The translation of Russian terms is Ekaterina Zmyvalova’s.
6. Федеральный закон N 365-ФЗ от 24 сентября 2022 ‘О внесении изменений в Уголовный кодекс Российской Федерации и статью 151 Уголовно-процессуального кодекса Российской Федерации’ (FL N 365-ФЗ of September 24, 2022 ‘On Amendments Into the Criminal Code of the Russian Federation and Article 151 of the Criminal-Procedural Code of the Russian Federation).
7. “Президент Владимир Путин объявил о мобилизации в России” [“President Vladimir Putin announces mobilization in Russia”], <https://www.svoboda.org/a/32044016.html> (accessed October 1, 2022) and “Шойгу: будут мобилизованы 300 тысяч резервистов” [“Shoigu: there will be recruited 300 000 persons from the military reserves”], <https://www.svoboda.org/a/shoigu-obyavil-o-mobilizatsii-300-tysyach-rezervistov/32044077.html> (accessed September 30, 2022).
8. “Источник: засекреченный пункт указа о мобилизации позволяет Минобороны призвать один миллион человек” [“Source: classified clause of the mobilization Edict allows the Defense Ministry to conscribe one million persons”], <https://novayagazeta.eu/articles/2022/09/22/istochnik-zasekrechennyi-punkt-ukaza-o-mobilizatsii-pozvoliaet-minoborony-prizvat-odin-million-chelovek-news> (accessed September 30, 2022).
9. Константин Лысяков, “Минобороны официально объявило задачу мобилизованных россиян” [Konstantin Lysakov, “The Defence Ministry officially declared the task of mobilized Russians”], [https://lenta.ru/news/2022/09/29/mobi\\_oboron/](https://lenta.ru/news/2022/09/29/mobi_oboron/) (accessed September 30, 2022).
10. Руслан Бикчурин, “Парламент Башкирии предложил мобилизовать заключенных” [Ruslan Bikchurin, “The Parliament of Bashkiria proposed to mobilize prisoners”], [https://proural.info/society/parlament-bashkirii-predlozhit-mobilizovat-zaklyuchennykh/?utm\\_source=yxnews&utm\\_medium=desktop](https://proural.info/society/parlament-bashkirii-predlozhit-mobilizovat-zaklyuchennykh/?utm_source=yxnews&utm_medium=desktop) (accessed October 1, 2022).
11. Ekaterina Zmyvalova, “The Impact of the War in Ukraine on the Indigenous Small-numbered Peoples’ Rights in Russia,” *Arctic Review on Law and Politics* 13 (2022): 410 and Viktor Sulyandziga, “Russian Aggression against Ukraine and Indigenous Peoples of Russia,” <https://batani.org/archives/2156> (accessed September 30, 2022).
12. Zmyvalova, “The Impact of the War in Ukraine on the Indigenous Small-numbered Peoples’ Rights in Russia”: 410.
13. Leyla Latypova, “Ethnic Minorities Hit Hardest by Russia’s Mobilization, Activists Say,” <https://www.themoscowtimes.com/2022/09/27/ethnic-minorities-hit-hardest-by-russias-mobilization-activists-say-a78879> (accessed September 30, 2022) and Felix Light, “Russia’s mobilization hits hard in poor, rural Buryatia,” <https://www.reuters.com/world/europe/poor-rural-buryatia-russias-partial-mobilisation-hits-hard-2022-09-23/> (accessed September 30, 2022).
14. Наталья Ключевская, “Частичная мобилизация – 2022: краткие ответы на важные вопросы” [Natalia Kliuchevskaya, “Partial mobilization – 2022: short answers to important questions”], <https://www.garant.ru/news/1567380/> (accessed September 30, 2022).
15. The Kemerovo Oblast is part of Siberia. There reside significant number of groups of Indigenous peoples. Among them Shor, Teleut and Kumandin Indigenous people.
16. “В Кузбассе в деревне Тюменево за день мобилизовали всех мужчин” [“In the village of Tiumenevo in Kuzbass all men were mobilized during one day”], <https://www.sibreal.org/a/v-kuzbasse-v-derevne-mobilizovali-vseh-muzhchin-za-odin-den/32049486.html> (accessed September 30, 2022) and “Источник: в кемеровской деревне мобилизовали всех

- мужчин” [“A source: in Kemerovo village all men were mobilized”], <https://novayagazeta.eu/articles/2022/09/24/istochnik-v-kemerovskoi-derevne-mobilizovali-vsekh-muzhchin-news> (accessed September 30, 2022).
17. “Источник: в кемеровской деревне мобилизовали всех мужчин” [“A source: in Kemerovo village all men were mobilized”], <https://novayagazeta.eu/articles/2022/09/24/istochnik-v-kemerovskoi-derevne-mobilizovali-vsekh-muzhchin-news> (accessed September 30, 2022).
  18. “Violations of Indigenous Peoples’ Rights in the Republic of Sakha (Yakutia) During Partial Military Mobilization”.
  19. Ульяна Винокурова, “Предлагаю внести к критериям частичной мобилизации критерий геоклиматической безопасности” [Uliana Vinokurova “I suggest to add to the other criteria the criterion of geoclimatic safety”], <https://indigenous-russia.com/archives/24663?fbclid=IwAR0-OjV2kZfYA4AAN22RVxe-cO1SA3mOvN5FdiQWBTUp0yRGI5mBT97BApU> (accessed September 30, 2022).
  20. Ibid.
  21. Авксентьева Сардана: “Предлагаю рассмотреть возможность бронирования пребывающих в запасе граждан, относящихся к малочисленным народам” [Avksentyeva Sardana: “I propose to consider an opportunity to backup citizens who are in reserve and belong to Indigenous small-numbered peoples”], <https://indigenous-russia.com/archives/24803> (accessed October 7, 2022).
  22. “Депутат Госдумы от НАО инициирует отмену частичной мобилизации оленеводов” [“The deputy of the State Duma from the Nenets Autonomous Okrug initiates cancellation of the partial mobilization of reindeer herders”], <https://nazaccent.ru/content/39138-deputat-gosdumy-ot-nao-iniciiruet-otmenu-chastichnoj-mobilizacii-dlya-olenevodov.html> (accessed October 7, 2022).
  23. “Власти Ненецкого АО просят об отсрочке для оленеводов” [“The authorities of the Nenets Autonomous Okrug ask to postpone military mobilization for reindeer herders”], [https://newizv.ru/news/society/12-10-2022/vlasti-nenetskogo-ao-prosyat-ob-otsrochke-dlya-olenevodov?utm\\_source=yxnews&utm\\_medium=desktop&utm\\_referrer=https%3A%2F%2Fdzen.ru%2Fnews%2Fsearch%3Ftext%3D](https://newizv.ru/news/society/12-10-2022/vlasti-nenetskogo-ao-prosyat-ob-otsrochke-dlya-olenevodov?utm_source=yxnews&utm_medium=desktop&utm_referrer=https%3A%2F%2Fdzen.ru%2Fnews%2Fsearch%3Ftext%3D) (accessed October 19, 2022).
  24. “Коренные народы Хабаровского края просят отменить мобилизацию” [“Indigenous peoples of the Khabarovsk Krai ask to cancel the military mobilization”], <https://activatica.org/content/ba1622fb-6ce8-47af-abba-8d6c88ebdb8/korennye-narody-habarovska-prosyat-putina-otmenit-mobilizaciyu> (accessed October 19, 2022).