

# AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 25/004/2005 (Public)  
News Service No: 079  
1 April 2005

## **Greece: Historic decision by military court gives the right to former conscript to apply for alternative civilian service**

Amnesty International welcomes today's historic decision of the Military Court in Athens which ruled unanimously that religious conscientious objector and former conscript Sergey Gutarov should be released and allowed to apply for alternative civilian service due to a "conflict of duties" (duty to the army and duty to his religion).

"We certainly welcome the decision in the case of Sergey Gutarov. However, we ask all conscientious objectors, including the ideological ones, to be treated without discrimination", Olga Demetriou, Amnesty International's researcher on Greece said.

"It is high time Greece complied with European and international standards and recommendations and put an end to all prosecutions, imprisonments and violations of the human rights of conscientious objectors".

Sergey Gutarov had served his military service in the Russian army. Later, he became a Jehovah's Witness, so when the Greek army called him to report for military service he asked to serve alternative civilian service instead -- this is not allowed under Greek law 2510/97 for those who have already served in the armed forces. Sergey Gutarov was arrested on Thursday 31 March 2005, charged with insubordination for failing to report for military service and was held in pre-trial detention. Amnesty International considered him to be a prisoner of conscience and called for his immediate and unconditional release.

Amnesty International believes that every person has the right to refuse to perform military service on the grounds of conscience or profound personal conviction, without suffering any legal or physical penalty. Anyone imprisoned for exercising this right is considered to be a prisoner of conscience, provided that the person has not rejected an alternative non-military service that is not punitive or discriminatory in length or substance.

### **Background information**

Amnesty International's concerns are detailed in a report *Greece: To be in the army or choosing not to be: the continuous harassment of conscientious objectors* (AI Index EUR 25/003/2003, <http://web.amnesty.org/library/index/engneur250032003>).

The organization urges the Greek authorities to amend Law 2510/97 in order to ensure that:  
alternative civilian service is not of discriminatory and punitive length;

alternative civilian service falls under entirely civilian authority (including the examination of applications for conscientious objectors);  
conscientious objectors have the right to claim conscientious objector status at any time, both up to and after entering the armed forces;  
the right to perform alternative civilian service can never be derogated from, including in time of war;  
conscientious objectors who carry out trade unionist activities or participate in a strike during their alternative service do not have their right to alternative civilian service or unarmed military service revoked;  
conscientious objectors who have legal proceedings pending against them will have their full civil and personal rights recovered, including that of travel outside the country, the right to a passport and identity card, and the right to vote.

Similar concerns have also been raised by the Greek Ombudsman and the Greek National Commission for Human Rights.

Public Document

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