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Greece: Government planned reforms should ensure full respect for the right to conscientious objection

In the light of the World Day of Conscientious Objection on 15 May, Amnesty International urges the Greek authorities to ensure that the Government's plans to reform legislation on the right to conscientious objection to military service fully respect international standards.

Thirteen years after the adoption of the first law providing for the option to perform alternative civilian service, Greece has persistently violated the rights of conscientious objectors, ignoring European and international standards.

Apart from facing criminal prosecution and repeated convictions for their beliefs, conscientious objectors in Greece face a series of other obstacles. Thus, the status of conscientious objector can only be claimed before enlisting in the armed forces and can be revoked on grounds such as carrying out trade union activities or participating in strikes during the period of alternative service. Also, the legislative provisions on alternative civilian service can be suspended following a decision of the Minister of National Defence in time of war. In addition, the administration of alternative service is not under the jurisdiction of a civilian authority; currently it is under the Ministry of National Defence. The Minister of National Defence decides on the applications, following an opinion by a special five-member committee with two military members.

There are also several problems regarding the procedure for applying for conscientious objector status, due to impediments such as strict deadlines, difficulties in acquiring the required documents, as well as questionable decisions by the special five-member committee mainly on applications by non-religious applicants. Furthermore, the vast majority of the conscripts are still not aware of the option of performing alternative civilian service instead of military service.

Amnesty International notes that the recent decision by the Minister of National Defence regarding the reduction of alternative civilian service from 17 to 15 months constitutes a positive step. However, Amnesty International considers that under the planned reform the alternative civilian service will remain of a punitive nature and duration for the majority of conscripts since a large percentage (currently around 80 per cent) serves in the land armed forces where the period of military service is nine months.

Amnesty International urges the Greek authorities to proceed with the immediate amendment of pertinent national legislation, in order to ensure that:

- Alternative service does not consist of a discriminatory and punitive duration for all conscripts in the armed forces, including those in the land armed forces.
- The administration of the alternative service, including the examination of the applications and any possible ensuing court process, falls entirely under civilian authority.

- Conscientious objectors have the right to claim the status of conscientious objector any time, before, during or after their enlistment in the armed forces.
- The right to conscientious objection applies at all times, both during peace time and in time of war.
- The status of conscientious objector, and therefore the right to an alternative civilian service, is never revoked, whether for carrying out trade union activities, for participating in a strike or for disciplinary breaches. Currently the status can be revoked for such reasons.

Amnesty International also calls on the Greek authorities:

- To put an end to the prosecutions of conscientious objectors and allow them to recover their full civil and political rights.
- To ensure that, both in law and in practice, conscientious objectors are not discriminated against in relation to the terms and conditions of service, or to any economic, social, cultural, civil and political rights.
- To eliminate the problems in the application procedure for alternative service.
- To guarantee the availability of adequate and timely information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all persons affected by military service.

Finally, Amnesty International wishes to draw the attention of the Greek authorities to the recent Recommendation CM/Rec(2010)4 of the Council of Europe Committee of Ministers to member states on the human rights of members of the armed forces (24 February 2010). The Recommendation stipulates amongst others that conscripts should have the right to be granted conscientious objector status and an alternative service of a civilian nature should be proposed to them. The Recommendation also stipulates that professional members of the armed forces should be able to leave the armed forces for reasons of conscience and members of the armed forces having legally left the armed forces for reasons of conscience should not be subject to discrimination or to any criminal prosecution.

Background:

In 2010 conscientious objectors continued to be convicted. On 18 February, the Military Appeal Court of Athens upheld the conviction of Giorgos Monastiriotis for desertion by the Naval Court of Pireus and sentenced him to five months' imprisonment which was suspended. On February 2008, the Naval Court of Pireus had sentenced him to 10 months' imprisonment which was suspended on a third charge for desertion on the ground that he did not return to his unit following his second release from prison. Giorgos Monastiriotis, a former professional soldier, had refused to follow his unit when it was sent to the Persian Gulf in 2003 citing conscientious reasons and has been repeatedly convicted for his beliefs.

On 19 February, Evangelos Mihalopoulos, who refused to perform the alternative service in 2007 on grounds of conscience, was given an eight-month suspended sentence for insubordination by the Military Court of Athens.

The right to conscientious objection to military service is a legitimate exercise of the fundamental rights to freedom of thought, conscience and religion, enshrined in the Greek Constitution (Articles 13 and 14) as well as in international human rights treaties to which Greece is a State Party, including the Universal Declaration of Human Rights (Article 18), the International Covenant on Civil and Political Rights (Article 18) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 9).

Article 14 (7) of the International Covenant on Civil and Political Rights states that "*no one shall be liable to be tried or punished again for an offence for which he has been finally convicted or acquitted in accordance with the law and penal procedure of each country*".

Public Document

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For relevant information see:

Greece: 'Cease fire' for the conscientious objectors, AI Index: EUR 25/003/2005, 17 January 2005.

Greece: Historic decision by military court gives the right to former conscript to apply for alternative civilian service, AI Index: EUR 25/004/2005, 31 March 2005.

Greece: Conscientious Objectors – persecution is not the solution, AI Index: EUR 25/002/2006 (Public), 29 March 2006.

Greece: High time to comply full with European standards on conscientious objection, AI Index: 25/003/2006, Report, 30 April 2006.

Greece: Lazaros Petromelidis repeatedly convicted for his beliefs, AI Index: EUR 25/003/2008 (Public), 20 June 2008.