

# AMNESTY INTERNATIONAL

## Public Statement

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### **Greece: Military court rules that a conscientious objector should be tried by civilian court**

Amnesty International welcomes the decision of the Naval Court in Thessaloniki on Thursday 19 February which ruled that it did not have the jurisdiction to try the case of conscientious objector Lazaros Petromelidis on the grounds that a person recognized as a conscientious objector is not a soldier and therefore cannot be tried by a military court. The court referred the case to a civilian court in Kilkis.

Lazaros Petromelidis was recognized as a conscientious objector in November 1998 and was summoned to do 30 months' civilian service at a Health Centre in Kilkis, some 550 kilometres from his home. Under the provisions of that time, military service for a man of his age and family circumstances (married and father of a child) would in effect last four months (given the right to buy exemption from eight months of a 12-month service) and be carried out close to home. He refused to do this service on the grounds that it was of punitive and discriminatory duration and lost his right to conscientious objection on 10 February 1999.

At a previous trial, on 12 June 2003, Lazaros Petromelidis had been convicted by the Military Court of Appeal in Athens of insubordination. He was sentenced to 20 months' imprisonment, suspended for three years. Amnesty International considered that his conviction was a violation of his right to serve alternative civilian service that is not discriminatory or of punitive length. Lazaros Petromelidis is still receiving regularly call-up papers to serve in the military and is repeatedly charged with insubordination because of his refusal, as a conscientious objector, to do military service.

Amnesty International continues to urge the Greek authorities to stop prosecutions against all conscientious objectors and to introduce urgently alternative civilian service that is neither discriminatory, nor of punitive length, according to the European and international standards and recommendations. Amnesty International wishes to remind the Greek authorities that although a year ago the Ministry of Defence officially announced a draft bill on the reduction of the duration of the alternative civilian service, nothing has yet been done. On the contrary, prosecutions of the conscientious objectors are continuing, violating their basic human rights.

On 13 March 2003 Amnesty International sent a letter to the Greek Prime Minister raising in detail the organisation's concerns about Law 2510/97 on conscription and calling for the respect of the right of those liable to conscription to be given the opportunity to perform an alternative to armed service in conditions which are in line with international standards and recommendations.

On 11 April 2003 the Greek Ministry of Defence wrote back to Amnesty International admitting the need to reduce the duration of the alternative service and stating once again that *"our Ministry has drafted a bill on the reduction of the duration of the alternative service which shall not exceed twice the duration of*

*military service in force each time."*

### **Background information**

Amnesty International's concerns are described in detail in the report entitled *Greece: To be in the army or choosing not to be: the continuous harassment of conscientious objectors* (AI Index EUR 25/003/2003).

In brief, 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;
- it falls under entirely civilian authority (including in the examinations 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 proceeding 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.

For the full text of the report *Greece: To be in the army or choosing not to be: the continuous harassment of conscientious objectors*, please see: <http://web.amnesty.org/library/index/engneur250032003>