

Greece

To be in the army or choosing not to be: The continuous harassment of conscientious objectors

Introduction

Amnesty International is seriously concerned that 26 men are faced with proceedings and imprisonment as a result of having lost their right to conscientious objection because of arbitrary measures in the legislation on conscription (Law 2510/97). The provisions set out in Law 2510/97 relating to the right to conscientious objection and alternative civilian service still fall short of international standards and recommendations. The organization is urging the Greek authorities not to imprison any of these men and to ensure that amendments to Law 2510/97 are urgently introduced to bring alternative civilian service into line with international standards and recommendations.

Amnesty International welcomes recent reports that the length of alternative civilian service might be reduced in future (following a parallel reduction in the length of military service from 14 to 12 months which was implemented on 1 January 2003). Amnesty International understands there is currently a review of the provisions relating to the length of the alternative civilian service. The organization is concerned, however, that although these provisions may be amended, this form of service may remain punitive in length, lasting twice as long as military service, as is currently the case. Although Amnesty International does not question the right of governments to conscript individuals into the armed forces, the organization campaigns for 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.

Amnesty International considers that the present provisions for alternative civilian service do not conform to these standards and recommendations. The organization accordingly urges that the current review of provisions relating to conscription should result in amendments to Law 2510/1997 which would ensure that alternative civilian service is not of discriminatory and punitive length, that it falls under entirely civilian authority (including in the examinations of applications for conscientious objectors), that conscientious objectors have the right to claim conscientious objector status at any time, both up to and after entering the armed forces, and that the right to perform alternative civilian service can never be derogated from, including in time of war. Moreover, Amnesty International also urges an amendment to current provisions which stipulate that conscientious objectors who carry out trade unionist activities or participate in a strike during their alternative service would have their right to alternative civilian service or unarmed military service revoked. The organization also calls on the Greek authorities to ensure that conscientious objectors recover their full civil and personal rights, including that of travel outside the country, the right to a passport and identity card, and the right to vote.

I. FLAWED LEGISLATION ON ALTERNATIVE CIVILIAN SERVICE

On 1 January 1998 Law 2510/97 on conscription, which had been passed by the Greek Parliament in June 1997, entered into force. For the first time, the law included a provision for alternative civilian service, a move which Amnesty International welcomed after years of campaigning for the release of conscientious objectors who were until then serving sentences of up to four years' imprisonment for insubordination. The right to conscientious objection to military service is also recognized as a constitutional right under Article 4(6) of the Constitution.

Law 2510/97 states that conscientious objector status and civilian alternative service or unarmed military service are available to conscripts declaring themselves opposed to the personal use of arms for fundamental reasons of conscience based on religious, philosophical, ideological or moral convictions (Article 18, paragraphs 1, 2 and 3). However, Amnesty International is concerned that some of its provisions still fall short of international standards.

This law states that alternative civilian service (Article 19, paragraph 1) shall be 18 months longer than military service. Amnesty International considers that this length effectively represents a form a punishment for conscientious objectors.

According to Article 24, paragraph 2 of the law, in case of war the measures setting out alternative service can be suspended by the decision of the Ministry of Defence. Conscientious objectors performing alternative civilian service will then be incorporated into the compulsory unarmed military service. Although this law also recognizes the right of conscientious objectors to switch from alternative civilian service at any time to military service - the minimum length of which is six months (Article 21 paragraphs 7 and 8), it contains no specific provision for conscientious objection developed during military service. Article 18, paragraph 4 (a) states that: "*those who have carried arms for whatever length of time in the Greek or foreign armed forces or in the security forces*" cannot be considered as conscientious objectors.

Moreover, according to Article 21, paragraph 2, of the law, conscientious objectors applying for alternative civilian service have to report to undertake their alternative service within the time-frame of a period which is determined as starting from the date a summons for alternative service is sent to them by the relevant military authorities of the Ministry of National Defence, otherwise they face being charged with insubordination. However, the period of time given to conscientious objectors to report for alternative service is not specified by law and could therefore be open to any interpretation.

Under Paragraph 5 (d) of the same article, conscientious objectors who carry out trade unionist activities or participate in a strike during the period of their alternative service will have their right to alternative civilian service or unarmed military service revoked, and therefore, under Paragraph 6 of the article, will have to serve the remaining part of their military obligations in the army.

Amnesty International is also concerned that the Minister of Defence decides on initial applications for conscientious objector status on the advice of a committee composed of civilian and military members (Article 20 paragraph 1). Moreover, Article 21, paragraph 3 (b) considers "those who serve an alternative civil social service [...] as quasi enlisted in the armed forces".

II. RIGHT TO FAIR ALTERNATIVE CIVILIAN SERVICE DENIED

IIa. Conscientious objectors: in the name of political, humanitarian, philosophical, moral and ethical beliefs

1. The case of Lazaros Petromelidis

Lazaros Petromelidis, who is married and the father of a child, was called up for enrolment in the army in March 1992. He wrote to the Piraeus enrolment military office declaring his conscientious objection to military service and refused to report for military duties. On 20 July 1992 he was charged with insubordination and was banned from leaving the country. On 27 May 1998 he was arrested and imprisoned in the military prison of Corinth for insubordination, after his application to perform alternative civilian service was rejected on the grounds that he had not provided a certificate of non-ownership of a gun (the police refused to deliver the authorized person with the official paper). His new authorization, while in prison, was accepted by the police, so he applied again to perform alternative civilian service and was released from prison. He was finally 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 at that time, military service for a man of his age and family circumstances 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 duration and lost his right to conscientious objection on 10 February 1999. He immediately appealed to the State Council against the punitive duration of his civilian service. On 15 April 1999 the Naval Court of Piraeus convicted him on charges of insubordination in 1992 in time of general mobilisation, and sentenced him to four years' imprisonment. His appeal against this sentence was rejected and he was transferred to the military prison of Corinth where he remained until 29 June 1999 - the Appeal Court ordered his release from prison on 28 June 1999. Appeal hearings in this case were postponed in June 1999 and April 2002. The Military Court of Appeal informed Lazaros Petromelidis on 16 April 2002 that his appeals to the State Council had been rejected.

On 17 September 2002, while his appeal hearing on the charge of insubordination in 1992 was being postponed to 12 June 2003 (at the Military Court of Appeal in Athens), he was arrested on charges of insubordination because he had failed to report for alternative service in Kilkis (the Piraeus Naval Court had issued the arrest warrant against him in May 2000). Lazaros Petromelidis immediately appealed against his second charge. The prosecutor of the Piraeus Naval Court ordered that Lazaros Petromelidis be placed in pre-trial detention in Korydallos

pending the appeal hearing on the second charge. He was released three days later on bail and with restrictive measures imposed on him (he is obliged to appear at the local police station twice a month, otherwise he will be imprisoned), after the case was referred to the Thessaloniki Naval Court.

Lazaros Petromelidis has been repeatedly called up since March 1992 to report for military service - most recently on 8 October 2002.

Amnesty International urges that legal proceedings against him be suspended pending the review of the provisions relating to alternative civilian service, which the organization hopes will take place within the framework of the proposed amendments to Law 2510/1997.

2. The case of Ioannis Chryssovergis

Ioannis Chryssovergis was called up for enrolment in the army in March 1988 and was suspended from military duties for one year on grounds of ill-health. On 25 August 1989 he wrote to the Athens enrolment military office declaring his conscientious objection to military service and in January 1990 he refused to report for military duties when he was called up in Thebes. In 1992 he was charged with insubordination. On 1 January 1993 he was banned from leaving the country.

In March 1998 he had applied for alternative civilian service. In June 1998 he was recognized as a conscientious objector and called to serve 30 months of alternative civilian service (instead of three months of military service - given the right to buy exemption from nine months of a 12-month service without being granted the right to pay a sum of money in lieu of part of that service), as provided by law for the military service. He started his alternative service in Sidirokastro on 8 December 1998. On 13 February 1999 he applied to the State Council in protest at the discriminatory treatment against conscientious objectors and requested that he should be allowed to pay a sum of money in lieu of part of his alternative civilian service and that the length should not be punitive. On 8 June 1999 he walked out having served six months of his alternative service (twice the length of the military service he would have served). He was repeatedly called up to serve 12-month military service and he has refused to enroll. As a result, he is apparently at risk of arrest and imprisonment on charges of insubordination or desertion.

3. The cases of Ioannis Glarnetzis, Dimitrios Tsouchlis and Kyriakos Iosifidis

Ioannis Glarnetzis, Dimitrios Tsouchlis and Kyriakos Iosifidis were recognized as conscientious objectors in February, April and April 1999 respectively and had started to perform a punitive alternative civilian service. They were all subjected to 11 hours of work a day, seven days a week, without right of leave. Moreover, Dimitrios Tsouchlis was allegedly subjected to bullying by the director of the institution where he was performing his alternative civilian service. In protest against their discriminatory treatment at work and the punitive length of the alternative civilian service they were requested to perform, as well as in solidarity with Lazaros Petromelidis who had been arrested for his conscientious objection to military service, they all walked out, quitting the service, and participated in a press conference on 1 June 1999. As a result, their status as conscientious objectors was revoked and they

were summoned to report for military duties. Ioannis Glarnetatzis appealed against the revocation of his status to the State Council and the decision on his case is pending. Dimitrios Tsouchlis was charged with insubordination and is banned from leaving the country. Moreover, he was called up again for military service on 13 May 2003.

4. The case of Panayiotis Makris

Panayiotis Makris declared his conscientious objection to military service before he was called up for enrolment for the first time in March 1990. He has since been repeatedly called up for military service. In 1991 his passport was withdrawn from him by the Greek authorities, and he is banned from leaving the country. On 30 March 1998 he made a formal application to perform alternative civilian service. His application was rejected on the ground that he had not provided a certificate of non-ownership of a gun. Panayiotis Makris has been unable to provide the certificate due to the repeated refusal from the police to deliver him with the official certificate.

5. The case of Dimitrios Sotiropoulos

Dimitrios Sotiropoulos declared his conscientious objection to military service during a press conference on 13 February 1990. He was called up for military service in Kilkis, on 16 March 1992, but refused to enroll and declared his conscientious objection in a letter to the enrolment office. The military authorities informed him that there was no provision for alternative civilian service and that he would bear the consequences of his insubordination. He received several summons by the police (one in April and two in November 1992). On 2 November that year, he was banned from leaving the country and was summoned to report before Thessaloniki Military Court on charges of insubordination. On 19 July 1993 he was summoned to report for military duties in Nigrita, Serres. He refused to enroll. As a result, his passport was seized by the police on 27 September 1993, and two attempts to arrest him were made in June and August 1994 respectively. In June 1999 he made a formal complaint to the Ombudsman in order to regain his full citizen's rights which are limited because of the arrest warrants pending against him. The Ombudsman reportedly replied that the only solution for him to regain his full rights as a Greek citizen was for Dimitrios Sotiropoulos to perform full military service.

6. The cases of Anastasios Batas and Paris Tsiranidis

Paris Tsiranidis and Anastasios Batas performed military service for five and 10 months respectively before they were suspended from military duties on grounds of ill-health. Paris Tsiranidis enrolled in the army in March 1993. In 1996, before the expiry of his postponement, he declared publicly his conscientious objection to military service and sent a relevant letter to the Military Enrolment Office. Anastasios Batas served at the Naval Military Hospital in Crete from March to December 1994. Before the expiry of his postponement he wrote to the Military Enrolment Office requesting to perform alternative civilian service. However, in March 1996, he was called up to resume his military service. He reiterated his request, but the opportunity to perform alternative civilian service was denied to him. As he failed to report for military duties, he was charged with draft evasion and was banned from leaving the country until 2029.

7. The cases of Christos Gountinakos, Ioannis Ioannidis, Evangelos Michailidis, Georgios Skouros, Georgios Tsogas, Nikolaos Poulos and Nikolaos Theodorakopoulos



Georgios Tsogas



Georgios Skouros



Evangelos Michailidis

Seven other men, Christos Gountinakos, Ioannis Ioannidis, Evangelos Michailidis, Georgios Skouros, Georgios Tsogas, Nikolaos Poulos and Nikolaos Theodorakopoulos all declared publicly their conscientious objection to military service at various dates¹ between May 1987 and March 1995, and subsequently refused to report for enrolment in the army. Georgios Skouros, Georgios Tsogas, Nikolaos Poulos and Nikolaos Theodorakopoulos were informed by the military authorities that they would be charged with draft evasion if they failed to report for military duties.

II.b. Conscientious objectors: in the name of religious beliefs

1. The cases of Nikolaos Tsakonias, Dimitrios Pakkidis, Dimitrios Pitsikalis and Christos Tsaknakis



Nikolaos Tsakonias



Dimitrios Pakkidis



Dimitrios Pitsikalis



Christos Tsaknakis

On 10 March 1998, 23 March 1998, 17 May 2000 and 13 November 2000 respectively, Nikolaos Tsakonias, Dimitrios Pakkidis, Dimitrios Pitsikalis and Christos Tsaknakis applied to the authorities to perform alternative civilian service. In all four cases the applicants allege that they were unable to submit the required documents in

¹ These are respectively on 6 April 1988 (Georgios Shouros), September 1988 (Ioannis Ioannidis), at the end of 1988 (Nikolaos Theodorakopoulos), 9 May 1989 (Christos Gountinakos), 4 March 1992 (Nikolaos Poulos), 7 May 1993 (Evangelos Michailidis) and on 20 March 1995 (Georgios Tsogas).

time because of a lack of cooperation from the competent authorities. All are Jehovah's Witnesses. Dimitris Pitsikalis and Christos Tsaknakis have appealed to the Council of State against the decisions revoking their status as conscientious objectors; their appeals are pending. Nikolaos Tsakonas, Dimitris Pakkidis and Dimitris Pitsikalis are all charged with insubordination.

2. The cases of Christos Kiourktsidis, Filippos Goutzis and Ioannis Pantoulis



Christos Kiourktsidis



Filippos Goutzis



Ioannis Pantoulis

Three other Jehovah's Witnesses, Christos Kiourktsidis, Filippos Goutzis and Ioannis Pantoulis, had applied to perform alternative civilian service in June 1998, September 1998 and June 1999 respectively and they were recognized as conscientious objectors. Christos Kiourktsidis' status as conscientious objector was revoked in August 1998, as he reported for alternative civilian service duties in a Health Centre in Aulida two days after the deadline because of a misunderstanding on the dates. The director of the Health Centre informed the Military Enrolment Office which decided to immediately revoke his conscientious objector status.

Filippos Goutzis reported for alternative civilian service duties at the Health Rehabilitation Clinic in Rhodos. Without any evidence against him, he was accused of having, with a colleague from the institution, beaten up a patient. The director of the institution informed the Military Enrolment Office which decided to revoke his conscientious objector status. On 15 October 2001 the Ombudsman ruled that the revocation of his conscientious objector status, as well as the action of the director of the institution and the decision of the Military Enrolment Office, were illegal. Ioannis Pantoulis' status as conscientious objector was revoked after the director of the post office in Kos, where he was performing his alternative civilian service, considered some of his requests as being repeated breaches of discipline. The Ombudsman, in June 2000, ruled that the revocation of his status was illegal. Ioannis Pantoulis, who was charged with insubordination, and Filippos Goutzis appealed to the State Council which has yet to decide on their cases.

3. The case of Alexandros Evtousenko

Alexandros Evtousenko was born in Chechnya. He is unable to apply for alternative civilian service because Law 2510/1997 deprives those who have entered the armed forces of the right to claim conscientious objector status. Alexandros Evtousenko had served a 24-month military service in the Russian army (he was not a Jehovah's

Witness at that time, but converted later). After he obtained Greek nationality, he was called up to perform a three-month military service in Greece. On 28 March 2002 he was suspended from military duties for one year on grounds of ill-health. He was called up again on 24 February 2003 to report for military service in Haidari. He was charged with disobedience for failing to report and is currently being held in pre-trial detention.

4. The case of Felix Alexanidis

Felix Alexanidis, an ethnic Greek, was born in Georgia in 1970 but obtained Greek nationality in 1999. From 1989 to 1991 he had performed military service in the Russian army. Felix Alexanidis, a Jehovah' Witness, has been called up to perform three months of military service in Greece. However, since the Greek legislation does not recognize as conscientious objectors those men who developed conscientious objection after entering the armed forces, and since Felix Alexanidis has already performed earlier his military service in the Russian army, the Greek authorities rejected his application for alternative civilian service in Greece on 22 November 2002. He has appealed to the Council of State where his case is currently pending.

5. The case of Petros Sotiropoulos



Petros Sotiropoulos, a Christian Evangelist, applied for alternative civilian service on 9 January 2002. On 28 August 2002 he was informed that his application had been rejected one month earlier on the ground that his religion was not incompatible with performing full military service. However, Amnesty International has been informed that although the Church of Christian Evangelists does not request its members to refuse military service *per se*, it gives them the choice to refuse military service on grounds of conscientiously-held beliefs. On 6 September 2002 Petros Sotiropoulos was called up for enrolment in Corinth. On 18 September he appealed to the State Council against the rejection of his application for alternative civilian service. He was granted a temporary postponement of his enrolment until the State Council rules on his case.

If any of the men named in this report were to be imprisoned, Amnesty International would consider them to be prisoners of conscience, and would call for their immediate and unconditional release.

III. AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE GREEK AUTHORITIES

Amnesty International calls on the Greek authorities to halt all legal proceedings against all the conscientious objectors mentioned in this report and all conscientious objectors who declared their refusal to perform military service before Law 2510/97 was introduced. The organization also calls on the Greek authorities to ensure that their citizens' rights are re-established without delay, including the rights to vote, to stand for election, the rights to obtain a passport, an identity card, and to travel abroad; the rights to security from threats, harassment and intimidation of themselves, their relatives and friends by the police.

Moreover,

- Amnesty International is concerned about the discriminatory and punitive length of alternative civilian service which is 18 months longer than the military service. The organization urges the Greek authorities to review the length of alternative civilian service with a view to bringing it into line with international standards and recommendations.
- Amnesty International considers that the right to perform alternative civilian service should never be derogated from, even in time of war or public emergency, and calls on the authorities to repeal Article 24, paragraph 2 of the law accordingly.
- Amnesty International urges the government to repeal the current provisions (Article 21, paragraph 5 (d)) which stipulate that conscientious objectors who carry out trade unionist activities or participate in a strike during their alternative service have their right to alternative civilian service or unarmed military service revoked.
- With regard to the time limit for registering conscientious objection (Article 21, paragraph 2), Amnesty International believes that conscientious objectors should have the right to claim conscientious objector status at any time, both up to and after entering the armed forces and calls upon the authorities to review this article of the law.
- Amnesty International believes that alternative civilian service should be strictly under civilian authority, including the examination of a candidate's application for recognition of his status as conscientious objector. The organization therefore urges the Greek authorities to review Article 20, paragraph 1 and Article 21, paragraph 3 (d) of Law 2510/97, both of which *de facto* put alternative civilian service under partial military authority.
- Amnesty International urges the Greek authorities to take all necessary steps to ensure that all discriminatory measures against conscientious objectors who opt to perform alternative civilian service are withdrawn.