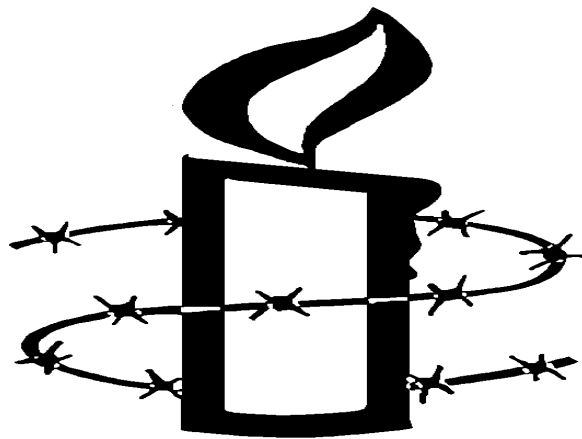

amnesty international

BULGARIA

**Krassimir Nikolov Savov:
Prisoner of Conscience**



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BULGARIA

Krassimir Nikolov Savov: Prisoner of Conscience

AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International is concerned about the imprisonment of Krassimir Nikolov Savov, a conscientious objector who has been convicted for evading military service. We are also concerned that certain provisions of the recently adopted Law on Alternative Service are at variance with internationally recognized principles on conscientious objection.

BACKGROUND

Krassimir Nikolov Savov is a Jehovah's Witness and his religious convictions forbid him to carry arms and perform military service. On 13 April 1998 Plovdiv District Court sentenced him, under Article 361, paragraph 1, of the Penal Code, to one year's imprisonment for failing to respond to a call-up. This conviction was confirmed in July by the Plovdiv Appellate Court and in December by the Supreme Court of Cassation. On 10 December Krassimir Nikolov Savov was imprisoned in Plovdiv prison to serve his sentence.

Although the right to perform alternative service has been recognized for many years by the Bulgarian Constitution (Article 59, paragraph 2), a law which would enable conscientious objectors to duly address their request to perform alternative service to the competent authorities was adopted only on 29 October 1998 and came into force on 1 January 1999. Prosecution of conscientious objectors, like Krassimir Nikolov Savov, for evasion of military service represents a violation of their constitutional right to an alternative service. Amnesty International considers Krassimir Nikolov Savov to be a prisoner of conscience and calls for his immediate release.

Amnesty International has repeatedly urged the Bulgarian authorities to adopt legislation concerning alternative service which would comply with international standards on conscientious objection. However, the recently adopted law on Alternative Service has provisions which are at variance with these standards.

Article 3 of the Law on Alternative Service states that applications for an alternative service can be based on "the constitutional rights to freedom of conscience, thought and religion". However, Article 5, paragraph 2, instructs the Governmental Department for Religious Affairs to provide information to the Alternative Service Commission about "religious communities". Amnesty International is concerned that this provision might restrict the right to alternative service for those people who belong to religious

communities which are not in principle opposed to armed military service, but who have individually developed a conscientious objection to carrying arms, or those who belong to religious communities which are not officially recognized in Bulgaria (for instance, until recently this department refused to register Jehovah's Witnesses).

Amnesty International believes that everyone should have the right to refuse to perform armed service for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives. The right to refuse military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as recognized in a number of international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The right of everyone to exercise conscientious objections to military service was recognized by the United Nations Commission on Human Rights (CHR) in its Resolution 1989/59 of 8 March 1989 (reaffirmed in its Resolution 1993/84 of 10 March 1993 and Resolution 1995/83 of 8 March 1995, hereafter referred to as CHR resolutions). It recognizes: "the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion as laid down in Article 18 of the Universal Declaration of Human Rights as well as Article 18 of the International Covenant on Civil and Political Rights", and recommends that Member States "with a system of compulsory military service, where such provision has not already been made...introduce for conscientious objectors various forms of alternative service" (§3) which is "in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature"(§4). Most recently, the CHR Resolution 1998/77 of 22 April 1998 yet again reaffirmed these principles.

Article 15 of the Law on Alternative Service sets the length of the alternative service at twice the length of armed military service. Amnesty International believes that the length of alternative civilian service should not be such as to constitute a punishment for a person's conscientiously held conviction. Recommendation No. R (87) 8 of the Committee of Ministers to Member States of the Council of Europe (hereafter referred to as the 1987 Council of Europe Recommendation) emphasizes that alternative service "shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits". Previously cited CHR resolutions also state that alternative service should not be of a punitive nature. In the light of Bulgaria's associated status to the European Union and aspirations to join this organization, we would also like to draw your attention to the European Parliament's Resolution A3-0025/92, paragraph 51 (hereafter referred to as the European Parliament's Resolution), which stresses that "an alternative civilian service should be provided for, of the same length as military service, so that it is not seen as a sanction or deterrent".

The Law on Alternative Service also limits the time period for the submission of the application for alternative service to "one month from the receipt of the Recruitment Commission's notice about fitness for regular military service" (Article 7, paragraph 2). By imposing time limits for the submission of an application for alternative service, the law effectively disqualifies from alternative service all those people who develop a conscientious objection to military service after their assessment by the Recruitment

Commission or after call-up and induction into the armed forces, or even after completing armed service, when people are obliged to carry out armed service in the reserve units. The need for national legislation to recognise that a person's conscientiously-held beliefs may change over time has been recognised in Resolution 84/93 on Conscientious Objection to Military Service, adopted by the United Nations Commission on Human Rights on 10 March 1993. This Resolution calls for "minimum guarantees to ensure that...conscientious objector status can be applied for at any time...". Similarly, Paragraph 26 of the Explanatory Report to the 1987 Council of Europe Recommendation states that:

"To prescribe an absolute time-limit in the rules to which applications are subject could be considered as contrary to the very purpose of the Recommendation. If refusal to perform military service is acknowledged as being based on a conflict of conscience, it follows that this conflict might occur at any moment in a person's life."

In December 1998 Amnesty International urged President Petar Stoyanov to initiate a judicial review of these provisions by the Constitutional Court of Bulgaria, to ensure that they are consistent with all of the cited international principles on conscientious objection.