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£GREECE

@Imprisonment of conscientious objectors

Giannis KALTSIS and Spyros DAMASKOS

On 30 May 1995, conscientious objector Giannis KALTSIS was sentenced by the Military Court to two years' imprisonment for refusing to perform military service. One other conscientious objector, Spyros DAMASKOS, received the same sentence on 31 May 1995. The two men are currently serving their sentences in Sindos Military Prison, near Salonica.

As Jehovah's Witnesses, Giannis KALTSIS and Spyros DAMASKOS are opposed to performing any kind of military service. There are about 350 other conscientious objectors currently in prison in Greece serving prison sentences of up to four years and eight months for their refusal to perform military service or reservist exercises. As far as Amnesty International is aware, most of them are Jehovah's Witnesses whose religious beliefs do not permit them to serve in the armed forces in any capacity whatsoever. One conscientious objector was sentenced to four years' imprisonment on 5 October 1995 for his refusal to perform military service on the grounds that it would be incompatible with his pacifist political and philosophical views. Another conscientious objector is awaiting trial for similar reasons in November 1995.

Amnesty International considers Giannis KALTSIS, Spyros DAMASKOS and all other imprisoned conscientious objectors in Greece to be prisoners of conscience and calls on the Greek authorities to release them immediately and introduce a completely civilian service for conscientious objectors of non-punitive length.

In Greece there is no alternative civilian service for conscientious objectors to compulsory military service. Each year hundreds of conscientious objectors, most of them Jehovah's Witnesses, are imprisoned for refusing to perform military service. They are serving sentences of up to four years under Article 70 of the Military Penal Code, being charged with "insubordination during a period of general mobilization" (Greece has been in such a situation since the invasion of Northern Cyprus by Turkish troops in 1974). Several conscientious objectors have been given an additional punishment of five years' deprivation of civil rights (they are thus not allowed to vote, to be elected to parliament, to work as civil servants, to obtain a passport or a licence to set up their own business for five years after their release from prison).

In the absence of a civilian service in line with international standards, Amnesty International considers all imprisoned conscientious objectors in Greece to be prisoners of conscience jailed for peacefully exercising their right to freedom of thought, conscience and religion. Amnesty International calls for their immediate release from prison and for legislation to be passed without delay permitting conscientious objectors to perform alternative civilian service which is not of punitive length.

BACKGROUND

Prison conditions for conscientious objectors, in both civilian and military prisons have been a concern in recent years. The then Minister of National Defence declared in July 1993 in a press interview that living conditions in the Avlona Military Prison where most conscientious objectors were previously held, and are still held pending their transfer to the military prison of Sindos where conditions are far better and where only conscientious objectors are held, were "objectionable and inadmissible". However, Sindos Military Prison has a maximum capacity of only 300 prisoners, when the number of imprisoned conscientious objectors at any given time ranges between 350 and 400. In Kassandra agricultural prison, visited by a Belgian Human Rights group in 1992, it was reported that in one building the dormitory was a stable, unheated and cold during winter with holes throughout the building. Sanitary conditions were abominable, the quality of food poor, and only limited and poor medical care was given. Despite his acknowledgement of these living conditions in Kassandra prison, the Minister of Justice claims that many conscientious objectors are seeking their transfer to Kassandra - despite its bad conditions - in order to be able to work and thus reduce their sentence. Living conditions at the agricultural prison of Kassavetia, near Volos, are reported to be far better, conscientious objectors themselves describing the food, sanitary and medical conditions as satisfactory. On 25 April 1994 a new law ((2207/1994) aiming at reducing the overcrowding of the prisons was voted. According to this law "prisoners who have served a prison sentence of more than one year and who have in any way served half of their sentence are lawfully released from prison with the condition that they do not commit the same offence within a period of one year after their discharge". As a result, 86 conscientious objectors were released from the Agricultural prisons of Kassandra and Kassavetia in May and June 1994. However, this law does not apply to prisoners serving their sentences in military prisons, such as Sindos.

For many years, Amnesty International has campaigned for the release of conscientious objectors and for the introduction of an alternative civilian service of non-punitive length. In recent years the Greek Government made declarations that a project to introduce an alternative civilian service was under consideration, but then said that it had been advised by the Legal State Council (an advisory body whose decisions are not binding on the Government) not to introduce the measures as they were incompatible with the Greek Constitution. On 19 January 1994, after Greece was once again criticized by the European Parliament for its refusal to introduce an alternative civilian service, the Minister of Defence, Gerasimos Arsenis, made a statement in which he confirmed that the Greek Government is planning - for the third time - to present a law for the introduction of such a service. He repeated similar statements throughout 1995 but no change in law has been introduced so far.

INTERNATIONAL RECOMMENDATIONS ON CONSCIENTIOUS OBJECTION

Greece is a member of the Council of Europe and the United Nations and a participating state in the Organisation for Security and Co-operation in Europe (OSCE). These bodies have adopted the following resolutions and recommendations, all of which urge member states to recognize the right to conscientious objection and adjust their national legislation to make provision for alternative civilian service:

- i) The United Nations Commission on Human Rights: Resolution 1989/59, which was reaffirmed in 1991 (1991/65), recognizes "the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to 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 provide alternative service "in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature".*
- ii) Council of Europe: Recommendation No. R (87) 8 of the Committee of Ministers to Member States Regarding Conscientious Objection to Compulsory Military Service, recommends that governments of member states make provision in their legislation for conscientious objectors to have the right to perform alternative service which is not of a punitive nature. However, the Greek Government has reserved the right not to comply with the recommendation in paragraph 9 which states that alternative service "shall be in principle civilian and in the public interest".*
- iii) At the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (now OSCE) in 1990 the participating States of the Conference, which included Greece, noted that the UN Commission on Human Rights has recognized the right of everyone to have conscientious objections to military service and agreed to consider introducing, where this has not yet been done, various forms of alternative civilian service in the public interest and of a non-punitive nature.*
- iv) The European Parliament's Resolution on conscientious objection and alternative civilian service adopted 13 October 1989, "Calls for the right to be granted to all conscripts at any time to refuse military service, whether armed or unarmed, on grounds of conscience, with full respect for the principles of freedom and equal treatment for all members of society" (§1). The same resolution also calls on the Commission and the Member States to press for the right to alternative civilian service to be incorporated in the European Convention for the Protection of Human Rights and Fundamental Freedoms, as a human right (§11).*

On 11 March 1993, the European Parliament adopted a resolution on respect for human rights in the European Community. In the section on conscientious objection it "Considers that the right of conscientious objection, as recognized by Resolution 89/59 of the UN Commission on Human Rights on conscientious objection to military service, should be incorporated in the legal systems of the Member States" (§46). It is also: "Condemns the trials and imprisonment of conscientious objectors in the Member States, many of whom have been regarded as prisoners of conscience by Amnesty International" (§50) and "Condemns, in particular the

practice in Greece which treats conscientious objectors as criminals and condemns them to long periods of imprisonment in military prisons" (§53).