

External

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£Cyprus

@Reimprisonment of conscientious objector Kyriakos Kyriakou

Harsher sentences

On 26 October conscientious objector Kyriakos Kyriakou, aged about 22, was jailed for the second time in the space of two years for refusing to perform compulsory military service. This time round the Military Court in Nicosia sentenced him to nine months' imprisonment. In comparison with sentences it passed in 1990 and 1991, this is an unusually harsh sentence, more so given the fact that Kyriakos has already served a four-month sentence in 1990 for his conscientious objection. In recent months other conscientious objectors were sentenced to longer terms of imprisonment than usual, further indication of a worrying tendency towards imposing harsher sentences.

Lack of goodwill on the part of the government

Kyriakos Kyriakou is one of some 10 conscientious objectors currently in prison in Cyprus. As far as Amnesty International is aware, all of them are Jehovah's Witnesses. The conviction of these men points at a reluctance on the part of the Cypriot authorities to act upon new legislation passed by the Cypriot parliament in January recognizing for the first time in Cyprus the right to have conscientious objections to military service. By making provision for the first time for alternative service the new legislation was an attempt to bring Cypriot legislation into line with international thinking on the matter of conscientious objection. However, the terms of the legislation fall short of the recommendations of the United Nations Commission on Human Rights and the Council of Europe in a number of ways (see below).

Before the new legislation was passed Amnesty International repeatedly brought its concerns to the attention of the Cypriot Government in an attempt to persuade it to bring the legislation, then at draft stage, into line with the Council of Europe and United Nations recommendations.

The Jehovah's Witnesses would not accept a service which is not entirely civilian in nature and fully under civilian control. A service which was made available to them in the form of a "swap" or exchange for military service would also be irreconcilable with their beliefs, based on the notion that accepting a service under such terms would be tantamount to being "bought with a price" and becoming part of the world instead of keeping strict neutrality.

Amnesty International is informed that on a number of occasions, representatives of the Jehovah's Witness community in Cyprus requested meetings with government representatives before the legislation was passed in order to clarify its religious position in the hope that the government would organize alternative civilian service in such a way that it would provide a workable solution. However, these requests were turned down.

The net result is that legislation was passed which is neither in keeping with international recommendations nor acceptable for other reasons to the Jehovah's Witness community.

The new legislation

In the form in which it was passed, the legislation provided for "unarmed military service" inside and outside military camps. Its provisions fell short of international recommendations in several respects. It was unclear whether the service outside the military camps would be completely civilian; its length - 42 months as against the 26 months of ordinary military service - was punitive, particularly since conscientious objectors would have to perform supplementary service equivalent to periods of reservist exercises; it was not clear whether it would be open to conscientious objectors on grounds other than religious; and the right to transfer to alternative service from military service was suspended during periods of emergency or general mobilization.

Soon after the legislation was passed, Amnesty International urged the government to bring the new legislation on conscientious objection into line with international recommendations. In March President George Vassiliou informed Amnesty International that an entirely civilian service would be available for objectors on a variety of grounds but that the authorities did not consider the length of the alternative service to be punitive, especially given current relations with Turkey and the occupation of part of the island by Turkish armed forces, nor would they permit people who developed conscientious objections during periods of emergency or mobilization to switch to alternative civilian service.

International recommendations on conscientious objection

Cyprus is a member of the Council of Europe and the United Nations and a participating state in the Conference on Security and Cooperation in Europe (CSCE). 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 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 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 Cypriot Government has reserved the right not to comply with the recommendation in paragraph 9 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 in 1990 the participating States of the Conference, which included Cyprus, 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.