

External

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Cyprus

Imprisonment of conscientious objector Marios Kounides

On 19 January 1993 conscientious objector, Marios Kounides was sentenced by Nicosia Military Court to nine months' imprisonment for refusing to perform compulsory reservist exercises.

As a Jehovah's Witness Marios Kounides is opposed to performing any kind of military service, but Cyprus makes no provision for alternative civilian service. The United Nations Commission on Human Rights, the Council of Europe Committee of Ministers and the Conference on Security and Co-operation in Europe have all called on member states to introduce alternative civilian service which is not of a punitive nature. Amnesty International considers the right to have conscientious objections to military service to be a legitimate exercise of the right of freedom of thought, conscience and religion and considers Marios Kounides to be a prisoner of conscience. It is calling on the Cypriot authorities to release Marios Kounides and the other imprisoned conscientious objectors in Cyprus and introduce a completely civilian service for conscientious objectors of non-punitive length.

Marios Kounides is one of some 10 conscientious objectors currently in prison in Cyprus serving prison sentences of up to 15 months for their refusal to perform military service or reservist exercises. As far as Amnesty International is aware, all of them are Jehovah's Witnesses. In Cyprus conscientious objectors face multiple prison sentences: when a conscientious objector is released from prison he is normally called up again. Upon refusing once again to perform military service or reservist exercises, he is subsequently reimprisoned. Amnesty International knows of numerous conscientious objectors who have already served three prison sentences and who are at risk of further terms of imprisonment.

In January 1992 the Cypriot House of Representatives headed by former President George Vassiliou passed legislation recognizing for the first time in Cyprus the right to have conscientious objections to military service. The legislation made provision for alternative service which was, however, out of line with international standards in a number of crucial respects.

It provided for "unarmed military service" inside and outside military camps. 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 (lasting several days to several weeks at regular intervals until the age of 50); 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 former government to bring the new legislation on conscientious objection into line with international recommendations. In March 1992 former 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.

In the event, however, former President George Vassiliou's administration failed to act upon the legislation and by mid-1992 convictions had resumed at their previous rate with conscientious objectors being sentenced to longer terms of imprisonment than ever.

On 14 February 1993 elections were won by Glafcos Clerides, who was sworn in on 28 February. A new administration was appointed. As far as Amnesty International is aware, the new government has not yet made known its position on conscientious objectors to military service and what it intends to do with the legislation passed in January 1992.

Amnesty International is calling on President Clerides and the new administration in Cyprus to address the problem of conscientious objection as soon as possible and to take steps to modify and implement the legislation passed in January 1992 so that it reflects international standards adopted on conscientious objection.

Position of the Jehovah's Witnesses

On a number of occasions before the legislation was passed, representatives of the Jehovah's Witness community in Cyprus requested meetings with representatives of the former government in order to clarify its position on alternative service 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.

Given that the former government was well aware that the vast majority of those affected by the lack of any alternative civilian service were Jehovah's Witnesses and that it was the imprisonment of such men which prompted the drafting of such legislation in the first place, this attitude was strange and pointed to a lack of willingness on the part of the government to find a workable solution.

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.

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 Co-operation 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 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 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.