

GREECE

Conscientious objector Lazaros Petromelidis at risk of imprisonment

Amnesty International is seriously concerned that Lazaros Petromelidis faces four years in prison if the sentence imposed on him in 1999 is confirmed at an appeal hearing on 16 April 2002. Amnesty International is calling for the legal proceedings against him to be suspended. Moreover, Amnesty International is also concerned that 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 calling on the Greek authorities to ensure that amendments to Law 2510/97 are urgently introduced so as to bring alternative civilian service into line with international standards and recommendations.

THE CASE OF LAZAROS PETROMELIDIS

Lazaros Petromelidis, who is married and the father of a child, was recognized as a conscientious objector and in 1998 was summoned to do 30 months= civilian service at a Health Centre in Kilkis, some 550 kilometres from his home in Athens. In April 1999 the Naval Court of Piraeus convicted him on charges of insubordination in time of general mobilisation, and sentenced him to four years= imprisonment after he lost his right to conscientious objection by refusing to do this service on the grounds that it was of punitive duration. Under present provisions, 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.

An appeal hearing in this case which took place in June 1999 was adjourned after a prosecution witness failed to appear in court. Lazaros Petromelidis has also appealed to the State Council which has yet to rule on his case. The Military Court of Appeal is now due to hear his appeal on 16 April 2002.

Amnesty International would consider Lazaros Petromelidis to be a prisoner of conscience if he were to be imprisoned after his appeal hearing, and would call for his immediate and unconditional release.

THE FAILURES OF LAW 2510/97

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 longer than military service. For example, a conscientious objector shall be required to serve 36 months of civilian service, as opposed to 14 months of military service in the Territorial Army. Amnesty International considers that this effectively represents a form a punishment for conscientious objectors.

According to Article 24, paragraph 2 of the law, in case of war the dispositions established for 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 at any time from alternative civilian service 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 convocation 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 the law and could therefore be open to any interpretation.

According to 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, according to 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@.

INTERNATIONAL LAW AND CONSCIENTIOUS OBJECTION

The right to conscientious objection is a basic component of the right to freedom of thought, conscience and religion. The Constitution of Greece guarantees this right in Articles 13 and 14, which is also articulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. It has been recognized as such in resolutions and recommendations adopted by the United Nations Commission on Human Rights, the United Nations Human Rights Committee, the Council of Europe and the European Parliament.

These bodies have all urged governments to guarantee that individuals objecting to compulsory military service because of their conscientiously held beliefs are given the opportunity to perform an alternative service. They have stated explicitly in a number of resolutions that this alternative service should be of a genuinely civilian character and of a length which cannot be considered as punitive. They have also recommended that

individuals be permitted to register as conscientious objectors at any point in time before their conscription, after call-up papers have been issued, or during military service. Likewise, the United Nations Commission on Human Rights, the Council of Europe and the European Parliament have emphasized that information about how to seek recognition as a conscientious objector should be readily available to all those facing conscription into the armed forces – as well as to those already conscripted.

In October 1997, the importance which the Council of Europe attaches to the recognition of the right to conscientious objection and the provision of a genuinely civilian alternative service in each of its member states was reflected in the decision of the Council's Steering Committee for Human Rights to convene a Group of Specialists to assist member states with the drafting and implementation of appropriate legislation in this area and to raise public awareness of the issue. This group held its first meeting in Strasbourg in April 1998, and has since met several times to articulate a program of action. First steps include the production of a comparative legal study of legislation on alternative service in Council of Europe member states and of a handbook on international standards concerning the right to conscientious objection, and a proposed series of technical assistance seminars on drafting alternative service legislation in compliance with international standards.

Likewise, in November 1997, both the Council of Europe and the European Union reminded participating states in the Organization for Security and Co-operation in Europe (OSCE) at the OSCE's Human Dimension Implementation Meeting in Warsaw that recognition of the right to conscientious objection to military service is an important part of the Organization's commitment to upholding freedom of thought, conscience and religion for all people living in the OSCE region.

AMNESTY INTERNATIONAL RECOMMENDATIONS TO THE GREEK AUTHORITIES

Amnesty International calls on the Greek authorities to suspend all legal proceedings against Lazaros Petromelidis.

Moreover,

C Amnesty International is concerned about the punitive length of alternative civilian service. The organization urges the Greek authorities to review the length of the alternative civilian service with a view to bringing it into line with international standards and recommendations.

- C 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 amend Article 24, paragraph 2 of the law accordingly.
- C 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.
- C 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 Articles 20, paragraph 1 and 21, paragraph 3 (d) of Law 2510/97, both of which *de facto* put alternative civilian service under partial military authority.
- § Amnesty International also urges the Greek authorities to review Article 21 paragraph 5 (d) which stipulates that conscientious objectors who carry out trade unionist

activities or participate in a strike will have their status revoked and be forced to serve the remaining part of their service in the army.