

GREECE

IMPRISONMENT OF NINE CONSCIENTIOUS OBJECTORS

*Ilias DIAMANTIS, Michalis BOTONAKIS, Giannis
PAPADOPOULOS, Nikos GIANNOULIS, Kostas NANOS,
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Antonis and Timotheos BASIAS*

On 26 and 27 November 1996, conscientious objectors Ilias Diamantis, Michalis Botonakis, Giannis Papadopoulos, Errikos-Giorgos Papanikolaou, Christos Sapounas, Antonis and Timotheos Basias were sentenced by the Military Court to four years' imprisonment for refusing to perform military service. Two other conscientious objectors, Nikos Giannoulis and Kostas Nanos were sentenced to two-years' imprisonment for the same offence. The nine men are currently serving their sentences in the Military Prison of Avlona, near Athens.

As Jehovah's Witnesses, they are opposed to performing any kind of military service. There are about 230 other conscientious objectors currently in prison in Greece serving prison sentences of up to four years 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. His sentence was reduced to one year imprisonment, suspended for three years, in appeal.

Amnesty International considers Ilias Diamantis, Michalis Botonakis, Giannis Papadopoulos, Nikos Giannoulis, Kostas Nanos, Errikos-Giorgos Papanikolaou, Christos Sapounas, Antonis Basias, Timotheos Basias 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 of non-punitive length for conscientious objectors.

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 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

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 and Avlona.

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 and 1996 but no change in law has been introduced so far. Under his successor in office, Akis Tsohatzopoulos, the Ministry of Defence made similar statements to the Greek press on 14 December 1996, 30 January 1997 and 2 April 1997 respectively.

More recently, on 19 April 1997, the newspaper *TA NEA* reported that a draft bill on conscription which would include dispositions for the introduction of an alternative civilian service

for conscientious objectors, had been approved by the Legislative Preparatory Committee of the Parliament. According to the draft bill, a copy of which was leaked to Amnesty International, those who invoke their religious, ideological convictions to refuse to perform their military obligations on reasons of conscience will be recognized as conscientious objectors. The individual's application for conscientious objector status will be examined by a special commission composed of two professors of higher education institutions specializing in philosophy or in sociology political sciences or psychology; a deputy-associate (associate judge) of the Council of State; two high-rank military officers. Conscientious objectors will be called to serve either unarmed military service or alternative civilian community service of a duration equal to that of the service they would have served if they performed military service increased by 12 months for those who opt for the unarmed service and 18 months for those who opt for civilian service.

Although Amnesty International welcomes the measures announced concerning the introduction of an entirely civilian alternative service for conscientious objectors, the organization is concerned that such a service will remain punitive in length. Amnesty International urges the Greek authorities to reconsider the length of the proposed alternative service with a view to bringing it in line with international standards and recommendations. The organization is also concerned that in the

absence of any time-frame given for the draft bill to be passed in Parliament, the latest proposal made by the Minister of Defence may, like all the former proposal announced in the past, remain unadopted.

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).