

EXTERNAL

AI INDEX NUMBER: EUR 25/09/94

**Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom
Tel: (44) (71) 413 5500
Fax: (44) (71) 956 1157**

16 November 1994

GREECE: ALTERNATIVE SERVICE: SECOND TIME ROUND

Amnesty International is concerned that 76 men have been informed that they will be called up for military service for a second time in April or May 1995. They have already served terms of imprisonment of up to two years and three months for refusing to perform military service on conscientious grounds and had recently been released before completing their whole sentences as an indirect consequence of the passing of a Law aimed at reducing prison overcrowding in April 1994.

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. However, this law does not apply to prisoners serving their sentences in military prisons, such as Sindos.

Amnesty International considers the calling up for military duties of those who have already been imprisoned for refusal to perform military service to be a serious retrograde step. In October 1977 a law was passed (Law 731/77), of which Article 2, Paragraph 4, implies that conscientious objectors who have served prison sentences for refusal to perform military service are exempted from carrying out military service or training. The organization urges the Greek Government to ensure that conscientious objectors who are due to be called up again are not imprisoned and that no other conscientious objector is called up for a second time.

Each year up to 400 conscientious objectors, most of them Jehovah's Witnesses whose religious beliefs do not permit them to serve in the armed forces in any capacity whatsoever, 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, which refers to "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).

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.

The continued imprisonment of conscientious objectors to military service in the absence of any alternative civilian service is contrary to international resolutions on conscientious objection adopted by the European Parliament, the United Nations Commission on Human Rights, the Council of Europe Committee of Ministers and the Conference on Security and Co-operation in Europe. The necessary legislation reflecting these resolutions should be introduced by the Greek Government. Amnesty International believes that everyone should have the right to refuse to perform armed service for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives. This right is inherent in the notion of freedom of thought, conscience and religion as laid down in a number of international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Amnesty International urges the Greek Government to take the opportunity of a new draft bill on military service, due to be examined by the Parliament before the end of 1994, to introduce a completely civilian alternative service of non-punitive length for conscientious objectors to military service in line with international resolutions and recommendations.

Greece is a member of the European Community, 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) and 1993 (1993/84), 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 "with a system of compulsory military service, where such provision has not already been made...introduce for conscientious objectors various forms of alternative service" (§3) which is "in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature" (§4).

ii) The European Parliament: Resolution on conscientious objection and alternative civilian service adopted on 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 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).

iii) Council of Europe: Recommendation No. R (87) 8 of the Committee of Ministers to Member States Regarding Conscientious Objection to Compulsory Military Service, states that "Anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service...Such persons may be liable to perform alternative service" (§1). It recommends that "Alternative service shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits" (§10) and that alternative service "shall be in principle civilian and in the public interest" (§9). However, the Greek Government has reserved the right not to comply with the recommendation in paragraph 9.

iv) At the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE 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 (§18).

Amnesty International considers all imprisoned conscientious objectors in Greece to be prisoners of conscience who have been jailed in violation of their freedom of thought, conscience and religion and calls on the Greek Government to release them immediately. Amnesty International also urges the Greek Government to ensure that none of the 76 men called up again are imprisoned and that no other conscientious objector is called up for a second time.