

Public Statement

15 June 2000

Former Yugoslav Republic of Macedonia: Call of conscientious objector to prison highlights the need for civilian service

Sašo Gjeorgiev, a Jehovah's Witness from Štip, has been called to prison on 15 June 2000 to serve a 60-day sentence for refusing to perform his obligatory military service.

Since Sašo Gjeorgiev has expressed his willingness to perform a purely civilian alternative to military service instead -- a right which is currently denied to him in Macedonian law -- Amnesty International will consider him a prisoner of conscience and call for his immediate and unconditional release.

Several other Jehovah's Witnesses have been imprisoned in Macedonia in recent months or are threatened with imprisonment for refusing military service. One of them, Sašo Nezirovski, has been prosecuted at least five times and imprisoned three times -- the last time for three months at the end of 1999. He and another man, who was imprisoned for three months earlier this year, are reportedly being investigated and could possibly face a further prosecution. In May Sašo Nezirovski sent a special appeal to the Minister of Defence asking to be allowed to perform civilian service, and he is still awaiting a response. Another Jehovah's Witness who was fined last year has refused to pay and may be sent to prison.

The right to a purely civilian alternative service for conscientious objectors is advocated by intergovernmental bodies such as the Council of Europe and United Nations Commission on Human Rights. Standards adopted by these bodies clearly state that alternative civilian service

should be available to all conscientious objectors who apply on grounds of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives. It should not be punitive in length and should be served in civilian institutions. Most countries in Europe which have obligatory military service, most recently Greece and Bulgaria, have introduced legislation which recognizes the right to alternative civilian service.

Amnesty International urges the Macedonian government to introduce an immediate amnesty for all conscientious objectors who are imprisoned or threatened with imprisonment and a moratorium on further prosecutions. The organization supports the recent initiative of the Helsinki Committee of the Republic of Macedonia in calling for the amendment of the law to allow conscientious objectors the possibility of alternative service.

Ministry of Defence spokespersons have indicated in press statements that an alternative civilian service may be included in the new Law on Defence currently being considered, but that it may be as long as 18 months -- twice the length of the current military service period. Such a duration would appear to be punitive and thus incompatible with international standards.

Amnesty International emphasizes the need for an alternative civilian service in keeping with internationally recognized standards. The organization also believes that the body which decides on whether applications are admissible should not include military personnel or be under the control of the Ministry of Defence or armed forces. The organization believes that conscientious objectors to military service are exercising their fundamental right to freedom of conscience and that they should, therefore, have the right to claim conscientious objector status at any time, both up to and after entering the armed forces.

Particular attention should be given to ensuring that information about the right to alternative service is freely available to all affected.

Should any conscientious objectors be detained or imprisoned because they have exercised their right to refuse on grounds of conscience to carry arms or to undertake other duties which are not of a noncombatant or civilian character, Amnesty International will adopt them as prisoners of conscience and will call for their immediate and unconditional release.

Background

Sašo Gjeorgiev (aged 22 years) was sentenced to 60 days' imprisonment in November 1999 under the Law on Defence after he failed to report for his nine-month military service period in Bitola in July 1999. His appeal against the sentence was rejected in February 2000 and he was called to serve the sentence on 15 June. A further appeal to postpone his sentence -- in which he referred to the possibility of a future change in the law, which would allow him to perform an alternative civilian service -- was also rejected.

Macedonia does not recognize the right to conscientious objection in its legislation. Military service is compulsory for all men between the ages of 17 and 55. The only dispensation under the Law on Defence of 1992 is that soldiers who object on religious grounds can be exempted from carrying weapons. For those who object on these grounds the normal period of military service is increased from nine to 14 months. Failing to respond to a call-up is punishable both under the Law on Defence which allows for a fine or up to 60 days' imprisonment, or under the Criminal Code, Article 341, paragraph 1 of the Criminal Law which provides for imprisonment of up to one year for failing to answer call-up in peacetime.

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Amnesty International Public document - AI Index EUR 65/004/2000 - News Service Nr. 117

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