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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ

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£Cyprus

@Imprisonment of conscientious objector

Omiros Andreou CONSTANTINOU

On 13 April 1994 conscientious objector Omiros Andreou Constantinou was sentenced by Nicosia Military Court to six months' imprisonment for refusing to perform compulsory military service. This is his fourth term of imprisonment, bringing the total length of his imprisonment to 22 months, as he has already served a three-month sentence in 1983-84, a nine-month sentence in 1984 and a two-month sentence in 1991.

When Omiros Andreou Constantinou is released he will probably be called up again. Upon refusing once again to perform military service he is likely to face yet a further term of imprisonment.

Omiros Andreou Constantinou is 38 years old and is married with four children. As a Jehovah's Witness, he is opposed to performing any kind of military service. He is one of three conscientious objectors currently in prison in Cyprus serving prison sentences of up to eight 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.

Amnesty International considers Omiros Andreou Constantinou and all other imprisoned conscientious objectors in Cyprus to be prisoners of conscience and calls on the Cypriot authorities to release them immediately and introduce a completely civilian service for conscientious objectors of non-punitive length.

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 recommendations in a number of crucial respects.

It provides for "unarmed military service" inside and outside military camps. Those who choose unarmed service without military uniform and outside the military camps have to serve 42 months; those who choose unarmed service with military uniform, inside the military area but without the obligation of carrying a weapon, have to serve 34 months. In both above cases the length of the unarmed service (42 or 34 months as against the 26 months of ordinary military service) remains punitive and conscientious objectors have also to perform supplementary service equivalent to periods of reservist exercises (lasting from several days to several weeks) at regular intervals until the age of 50. The right to transfer to alternative service from military service is suspended during periods of emergency or general mobilization. The right to conscientious objection is open to conscientious objectors on ethical, moral, humanitarian, philosophical, political, as well as religious grounds.

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.

According to the most recent information available to Amnesty International, it is necessary for those called up for military service to enlist before they may apply to perform alternative service. This procedure would be unacceptable to most conscientious objectors and as far as Amnesty International knows, no one in Cyprus has yet applied for recognition as a conscientious objector under the new legislation. 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. Since then Amnesty International has called on President Clerides and his government to address the problem of conscientious objection and to take steps to modify the legislation passed in January 1992 so that it reflects international resolutions and recommendations on conscientious objection. In December 1993 the organization was informed by the Cypriot authorities again that the length of alternative civilian service could in no way be considered punitive, given the occupation of the Northern part of the Island by the Turkish military forces.

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 pointed to a lack of willingness on the part of the government to find a workable solution.

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.