

Greece

Punished for their beliefs: how conscientious objectors continue to be deprived of their rights

Introduction

Amnesty International welcomes the recent landmark ruling by the Military Court in Athens to acquit a religious conscientious objector charged with insubordination for not serving his military service on grounds of “a conflict of duties” (his duty to his religion and his duty to the army) and to allow him to apply for alternative civilian service¹, as well as the recent landmark ruling by the Military Appeal Court in Athens to acquit a religious conscientious objector charged with insubordination for not serving his reservist military service on grounds of “absence of malice aforethought”². However, the organization is concerned that Greek legislation on conscription and conscientious objection, particularly Law 2510/97, continues to fall below international standards.

Despite legislative reform in August 2004³, alternative, non-military service remains of a punitive duration. Therefore Greece’s legislation on conscription remains discriminatory towards those who choose for reasons of conscience to perform alternative non-military service. In addition, it fails to afford the right to claim conscientious objector status at any time, including up to and after entry into the armed forces. Conscientious objectors in Greece are still facing repeated prosecution for their beliefs. Amnesty International calls on the Greek authorities to amend conscription legislation in line with international standards and to bring to an end the repeated prosecutions against individual conscientious objectors, in accordance with the international legal principle “no one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted”⁴.

Furthermore, Amnesty International is concerned that not only in law but also in practice the alternative civilian service remains problematic and clearly discriminatory against conscientious objectors to military service. For example, the organization notes problems regarding applications made for conscientious objector status due to impediments such as strict deadlines, difficulties in acquiring the required documents and the non-recognition of those who report to a military camp to postpone their service on health grounds.

¹ Sergey Gutarov case, 1 April 2005

<http://web.amnesty.org/library/Index/ENGEUR250042005?open&of=ENG-GRC>

² Dionisis Avlastimidis case, 7 April 2005

³ Decision of the Minister of Defence F.420/76/81249, published in issue 1232 B of the Official Gazette on 11 August 2004

⁴ International Covenant on Civil and Political Rights, Article 14, paragraph 7

The organization accordingly calls for amendments to Greece's legal framework to ensure that alternative civilian service is not of discriminatory and punitive length, that it falls under entirely civilian authority (including in the examinations of applications for conscientious objectors), that conscientious objectors have the right to claim conscientious objector status at any time, both up to and after entering the armed forces, and that the right to perform alternative civilian service can never be derogated from, including in time of war. Moreover, Amnesty International also urges an amendment to current provisions which stipulate that conscientious objectors who carry out trade unionist activities or participate in a strike during their alternative service would have their right to alternative civilian service or unarmed military service revoked. The organization also calls on the Greek authorities to ensure that conscientious objectors recover their full civil and personal rights, including that of travel outside the country, the right to a passport and identity card, and the right to vote.

The punitive length of alternative service: the case of Lazaros Petromelidis

Lazaros Petromelidis, 43, is the President of the Association of Greek Conscientious Objectors and is married with one child. He first objected to military service on grounds of conscience in 1992 and has been repeatedly prosecuted and convicted for insubordination since then. He refused to do the alternative service he was offered in 1998, as it was of an extremely punitive duration – in his case, seven and a half times longer than the military service he would otherwise have had to perform. Since then, he has been regularly receiving call-up papers to serve in the military and has been repeatedly charged with insubordination because of his refusal, as a conscientious objector, to do military service. He was previously imprisoned in May 1998, April 1999 and September 2002. In June 2003 he was given a suspended sentence of one year and eight months for insubordination. As a result of his most recent trial *in absentia* and conviction for insubordination in December 2004, the previous suspension of the sentence was lifted, meaning that he would have to serve a total prison sentence of four years and two months as soon as he is found and detained, in which case Amnesty International would consider him a prisoner of conscience. The repeated prosecutions and convictions of Lazaros Petromelidis contravene his right to perform an alternative civilian service that is not discriminatory or punitive in nature and length. Amnesty International calls on the Greek authorities to stop the repeated opening of legal proceedings against Lazaros Petromelidis, and to amend the legal framework so that civilian service no longer constitutes a punitive alternative to military service.

The case of a professional soldier: Giorgos Monastiriotis

Giorgos Monastiriotis, 25, was serving a five-year contract in the Greek Navy when he refused, citing conscientious reasons, to follow his unit to the Persian Gulf in May 2003, when the frigate "Navarino" on which he was serving was sent there. He is the first Greek professional soldier known to refuse to participate in the recent war in Iraq on the basis of his conscientious objection and to declare his resignation from the Navy for this reason. In his public refusal in May 2003, he stated that: "*I refuse on grounds of conscience to participate in or contribute by any means to the relentless massacre of the Iraqi people... My refusal is also a minimal act of solidarity with the Iraqi people as well as to the peaceful sentiments of the Greek people.*" He was

sentenced to a prison term of three years and four months in September 2004 which he began to serve in Corinth prison but was later released, pending appeal. He was given a second prison sentence of five months for desertion on 17 January 2005. Giorgos Monastiriotis' convictions are in violation of his right to change his beliefs and develop a conscientious objection after joining the armed forces, and therefore if he is detained again Amnesty International would consider him to be a prisoner of conscience.

There are currently no provisions in Greek law for conscientious objectors who are professional soldiers. The current law covers conscripts only. In other words, an individual who develops a conscientious objection after enlisting, or indeed serving, in the armed forces, is not recognized by law. This contradicts the UN Commission on Human Rights' resolutions 1993/84 and 1998/77: "persons performing compulsory military service should not be excluded from the right to have conscientious objections to military service"(1993/84) and "persons performing military service may develop conscientious objections" (1998/77). Amnesty International urges the Greek authorities to cease the prosecutions against Giorgos Monastiriotis, and to recognize his right to develop a conscientious objection after serving as a professional soldier.

The case of religious conscientious objectors: Jehovah's Witnesses

Amnesty International notes that at present Jehovah's Witnesses, who face difficulty with regard to claiming conscientious objector status, fall into two categories:

1. Those who hail from countries belonging to the former Eastern bloc. These persons are of Greek origin and since they have immigrated to Greece to remain in the country permanently, they are obliged to perform a three-month period of military service. However, among them there are persons who have served in the army of their country previously and later became Jehovah's Witnesses. Greek Law, nevertheless, does not grant persons who have served in the armed forces conscientious objector status. Thus, the applications lodged by such persons are rejected and they are deemed to be insubordinate.
2. Those who have already served in the Greek armed forces and have been registered in the reservist lists but have become Jehovah's Witnesses in the meantime. Usually, reservists are called up to receive training on the use of new weapons or participate in military manoeuvres. These persons state that they are conscientious objectors, but the Greek Law does not recognize them. Thus, if they report to a military camp after being called up for reservist duty, they are court-martialled and sentenced to imprisonment. If they do not report for duty and send a memorandum explaining that they have become Jehovah's Witnesses and wish to serve in some form of alternative civilian service, their application is rejected and they are deemed to be insubordinate.

The convictions of these Jehovah's Witness conscientious objectors are in violation of their right to change their religious beliefs and develop a conscientious objection even if they have joined the armed forces in the past. Amnesty International urges the Greek authorities to cease all such prosecutions and to recognize these

persons' right to adopt new religious beliefs at any time in their life and to develop a conscientious objection.

Amnesty International's recommendations to the Greek authorities

Amnesty International urges the Greek authorities to stop the repeated prosecution of the individual conscientious objectors in this report and to bring legislation on conscription and conscientious objection into line with international standards as follows:

- Reduce the length of alternative, civilian service so that it is no longer of a punitive and discriminatory duration, in line with UN Resolution 1998/77 Article 6 which states that "States, in their law and practice, must not discriminate against conscientious objectors in relation to their terms and conditions of service, or any economic, cultural, civil or political rights";
- Ensure that conscientious objectors have the right to claim conscientious objector status at any time, both up to and after entering the armed forces, in accordance with UN Commission on Human Rights resolutions 1993/84 and 1998/77;
- Ensure that alternative civilian service falls under entirely civilian authority (including the examination of applications for conscientious objectors), as stipulated in Article 3 of the United Nations Commission on Human Rights Resolution 1998/77 which "calls upon States that do not have such a system to establish independent and impartial decision-making bodies with the task of determining whether a conscientious objection is genuinely held in a specific case, taking account of the requirement not to discriminate against conscientious objectors on the basis of the nature of their particular beliefs";
- Ensure that the right to perform alternative civilian service can never be derogated from, including in time of war;
- Guarantee that conscientious objectors who carry out trade unionist activities or participate in a strike during their alternative service do not have their right to alternative service or unarmed military service revoked;
- Ensure that conscientious objectors who have repeated legal proceedings pending against them will have their full civil and personal rights guaranteed;
- Guarantee "the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all persons affected by military service", as stipulated in Article 8 of the United Nations Commission on Human Rights Resolution 1998/77.