



European Bureau for Conscientious Objection

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P R E S S R E L E A S E

EBCO shocked over the arrest and detention of Greek conscientious objector Charalabos Akrivopoulos

Brussels, 20 March 2013

EBCO is shocked over the arrest of 37-year-old Greek conscientious objector Charalabos Akrivopoulos yesterday morning, 19 March 2013 and his detention since then. Charalabos Akrivopoulos was transferred today to the Transport Direction of Attica Courts in order to be tried tomorrow on insubordination charges by the Naval Court of Piraeus. It should be noted here that Charalabos Akrivopoulos has already been sentenced on insubordination charges by the Naval Court of Piraeus to 8-month imprisonment suspended for two years on 22 March 2011; therefore he faces imminent imprisonment if he is convicted again.

This makes a mockery of the original suspended sentence. In the eyes of the military court insubordination is a continuing offence, so a new prosecution can be launched at any time. The arrest of Charalabos Akrivopoulos and hasty trial a bit before the end of the suspended sentence is an act of singular cynicism. For several years, international criticism of Greece's treatment of conscientious objectors to military service has been limited because each case which came to court had resulted in a suspended sentence, and there were no conscientious objectors actually in prison. Now the State seems to be vindictively tightening up. In any case, Greece's repeated trials and convictions of conscientious objectors for their continued refusal of military service are in violation of its international treaty obligations, as it has been established in decisions of the United Nations Working Group on Arbitrary Detention, and confirmed by the UN Human Rights Committee that this practice is tantamount to repeated punishment for the same offence, and thus breaches the "*ne bis in idem*" principle enshrined in Article 14.7 of the International Covenant on Civil and Political Rights.

"This is another shameful page in the deteriorating human rights record of Greece", said the President of the European Bureau for Conscientious Objection, Friedhelm Schneider. *"The greek government not only disregards the European and international calls for urgent improvements in its law and practice, but also seems to react with revenge, sinking deeper into graver violations of the human rights of conscientious objectors"*, Mr Schneider added.

Earlier this month, EBCO issued a joint public statement with Amnesty International and War Resisters' International asking again that the greek authorities comply with the European and international standards and recommendations, and to end immediately all the prosecutions, prison sentences, administrative fines (of 6,000 Euros) and discriminations against conscientious objectors, whatever their motivation. This joint public statement was issued following the new arrest of 44-year-old Nikolaos Karanikas, another Greek conscientious objector on ideological grounds, on new insubordination charges. EBCO's President Friedhelm Schneider testified in defence of Nikolaos Karanikas at the Military Court of Thessaloniki on 8 March 2013, and welcomed his acquittal. EBCO also condemns the prosecution of 47-year-old Dimitrios Sotiropoulos, another Greek conscientious objector on ideological grounds, who will be tried by the Military Court of Thessaloniki on 28 May 2013 on insubordination charges.

Despite the fact that the European Court of Human Rights has explicitly recognised that the right to conscientious objection to military service is protected by the Article 9 of the European Convention on Human Rights, on freedom of thought, conscience and religion (case of *Bayatyan v. Armenia*, application no. 23459/03, decision 01/06/2011), Greece continues not to comply with its international obligations and to violate the rights of conscientious objectors.

EBCO was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. It enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. It provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. It is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. It is a full member of the European Youth Forum since 1995.

Furthermore, in any case, a conscientious objector, like any other civilian, should not be tried by a military court. This was explicitly ruled by the European Court of Human Rights: it represents a violation of the right to a fair trial (Article 6 of the European Convention on Human Rights) when conscientious objectors are tried by military courts (case of *Ercep v. Turkey*, application no. 43965/04, judgement 22/11/2011 and case of *Feti Demirtaş v. Turkey*, application no. 5260/07, judgment 17/01/2012, where the principle of not trying a civilian before a military court was extended to the situation of a person who had been incorporated in the military against his will).

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