



# European Bureau for Conscientious Objection

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## P R E S S   R E L E A S E

### EBCO expresses deep concern on some European countries on May 15<sup>th</sup>, International Day on Conscientious Objection

Brussels, 15 May 2013

On the occasion of the International Day on Conscientious Objection on May 15<sup>th</sup>, the European Bureau for Conscientious Objection (EBCO) expresses its deep concern over the grave violations of the rights of conscientious objectors in some European countries, particularly in Turkey, Azerbaijan, Armenia and Greece, and calls their governments to urgently fully recognise the right to conscientious objection to military service, in line with the European and international standards and recommendations.

Among the 47 Council of Europe member states, Turkey is the only one who does not recognise at all the right to conscientious objection to military service for conscripts. Azerbaijan recognises the right to conscientious objection for conscripts in its constitution, but has no law. Armenia recognises the right to conscientious objection for conscripts in law, but provides for a discriminatory and punitive civilian service which is under the control of the military. Greece, similarly, recognises the right to conscientious objection for conscripts in law, but provides for a discriminatory and punitive civilian service which is not purely civilian.

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).

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).

EBCO had welcomed the judgment of the Military Court in Lefkosa on 8 December 2011 which accepted to withdraw from judging the case of Turkish-Cypriot conscientious objector Murat Kanatli and to refer it to the Constitutional Court, following a request of the defense to deem the military court incompetent to try a civilian.

In any case, it has been established in decisions of the United Nations Working Group on Arbitrary Detention, and confirmed by the UN Human Rights Committee that the practice of repeated trials and convictions of conscientious objectors for their continued refusal of military service 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.

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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

Today EBCO focuses on Greece, given the recent deterioration with the increasing persecution of Greek conscientious objectors by the military authorities. "This is another shameful page in the deteriorating human rights record of Greece", EBCO's President Friedhelm Schneider said today. "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. Recent cases include Greek conscientious objectors Menelaos Exioglou, Nikolaos Karanikas, Charalabos Akrivopoulos and Dimitrios Sotiropoulos. EBCO is closely following all the cases and is present at the military courts to support the Greek conscientious objectors.

EBCO reiterates today the call in the public statement issued in March jointly 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. "We strongly condemn the Greek practice of criminalisation of conscientious objectors. It's high time Greece fulfils its European and international obligations. It's just unacceptable that Greek conscientious objectors have to face repeated prosecution, prison sentences, huge administrative fines and other discriminations just because of their conscience, and it's even more unacceptable that they have to appear before military courts, although they are civilians.", EBCO's President Friedhelm Schneider stressed today.

In Greece, the military courts do not accept that they are incompetent to try a conscientious objector and reject similar requests. In addition, the military law considers insubordination a continuing offence, so a new prosecution can be launched at any time. This practice of repeated trials and convictions of conscientious objectors for their continued refusal of military service constitutes a violation of the international treaty obligations of Greece, as it is repeated punishment for the same action.

In 1997, Greece was by 19 years the last of the then members of the European Union to accept conscientious objection to military service and make a substitute civilian service available for conscientious objectors by Law 2510/1997. Law 3421/2005 and Law 3883/2010 have amended some of the provisions of Law 2510/1997, but in many aspects the law still falls far short of international standards.

EBCO calls the Greek government to stop the prosecution of conscientious objectors immediately, to fully recognise the right to conscientious objection to military service, and to abolish the compulsory military service.

EBCO's detailed concerns on Greece are analysed in its [Submission to the UN Universal Periodic Review 11th session of the UPR Working Group, May 2011](#), on Greece and in its recent [Report to the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, September 2012](#).

More information on the current situation in Turkey, Azerbaijan and Armenia in the [Press Release of Amnesty International: Right to conscientious objection still not guaranteed in Europe, 14 May 2013](#).

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