



# ***The Right to Refuse to Kill***

The European Bureau for Conscientious Objection Newsletter Spring 2005

European Bureau for Conscientious Objection

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## **25 YEARS OF EBCO**

We cordially invite you to the reception given by the **Socialist Group in the European Parliament** to honour the 25 years of the European Bureau for Conscientious Objection.

**THURSDAY, 7 April 2005 at 6.30 pm**

followed by a colloque on "Conscientious Objection and the new European Constitution" on

**FRIDAY, 8 April 2005 9.00 am till 12 noon**

**at the European Parliament in Brussels, rue Wiertz 61, 1047 Brussels**

In 1980 the first publication appeared under the name of "The Right to refuse to kill". This title was based on a study of the International Peace Bureau in Geneva from 1970 by **Nobel Peace Prize Winner Sean McBride**. It opened up an international debate on the recognition of conscientious objection to military service as a fundamental human right which had been recognised earlier by the Conference of European Churches and the Parliamentary Assembly of the Council of Europe in 1967. The objective was to support conscientious objectors in the context of European laws both within the European Union and the Council of Europe. First steps were to establish a network of advocacy groups within the member states of the European Union through an extensive exchange of legal material and later to establish a formal network and registered international association in Brussels.



*Sean McBride and Gerd Greune in Helsinki 1977*

### **Milestones of EBCO's activities during the past quarter century were:**

+ The reduction of imprisonment of Greek objectors from more than 20 years down to a maximum of 4.5 years due to an impressive international mobilisation against Greek repression policies led by *Hein van Wijk*, co-founder of EBCO.

+ Four major reports at the European Parliament expressing the political will of the elected Parliamentarians in the European Union to see a just and fair procedure for the recognition of conscientious objection and alternative service. The reports have had influence of the legal CO frameworks in Greece, Spain, Italy and the new member states from Eastern Europe. They were prepared by

*MEP Macchiocci 1983*

*MEP Schmidbauer 1989*

*MEP Karel de Gucht 1991*

*MEP Bandrés Molet and Bindi 1995*

+ A decision of the Parliamentary Assembly of the Council of Europe in 2001 to amend the European Convention on Human Rights with a protocol on the right of conscientious objection, which has been rejected later by the Committee of Ministers.

**Greece** adopted a law on Conscientious Objection only in 1998 and is still punishing COs not only by a punitive length and structure of alternative service but also by repeated repressive actions against a group of COs which

had started to apply for conscientious objection more than 12 years ago. EBCO's continuous activities to mobilise European policies against this unbelievable and completely unacceptable behaviour of the Greek governments in the past decades has definitely been the most visible campaign in Brussels and other European capitals. Since 1995 EBCO organised annual seminars at the **European Youth Centre** with the assistance of the Council of Europe building contacts with CO organisations in former Soviet Union and the Balkans and joined the **European Youth Forum**. The **Barcelona office** initiated a huge campaign for conscientious objection in the **former Yugoslavia** and EBCO succeeded in seeing CO laws passed in countries which had been torn by civil war for so many years.

The European Parliament supported the EBCO appeal to accept deserters and conscientious objectors from the war on the Balkans as refugees within EU member states. This incomplete list of EBCO activities in the past decades is a good reason to celebrate its 25th anniversary.

EBCO would be honoured by your participation.

With best regards,

Gerd Greune  
EBCO President

Please register at [ebco@beoc.org](mailto:ebco@beoc.org) or by fax 32 2 245 6297

## 25 ANNÉES DU BEOC

Nous vous invitons cordialement à la réception donnée par le **Groupe socialiste du Parlement européen** en l'honneur des vingt-cinq ans du Bureau européen de l'objection de conscience.

**Jeudi, le 7 avril 2005 à 18.30 heures,**

**suivie par un colloque sur l' « Objection de conscience et la nouvelle Constitution européenne »,**

**Vendredi, le 8 avril 2005 de 9 h. à 12 heures.**

**Ces deux séances auront lieu au Parlement européen à Bruxelles rue Wiertz 61, 1047 Bruxelles.**

En 1980 la première publication du BEOC a été éditée sous le titre « Le droit au refus de tuer ». Ce titre était basé sur une étude du Bureau international de la Paix à Genève datant de 1970 rédigée par le Prix Nobel de la Paix Sean Mac Bride. Elle a ouvert un débat international sur la reconnaissance de l'objection de conscience au service militaire comme droit humain fondamental qui avait été reconnu auparavant par la Conférence des Eglises européennes et l'Assemblée parlementaire du Conseil de l'Europe en 1967. Le but était de soutenir les objecteurs de conscience dans le contexte des lois européennes à la fois au sein de l'Union européenne et du Conseil de l'Europe.

Les premiers objectifs étaient d'établir un réseau de groupes de défense en justice à l'intérieur des Etats membres de l'Union européenne grâce à un échange large de matériel législatif et ultérieurement d'établir un réseau formel et une association internationale enregistrée à Bruxelles.

**Les jalons de l'activité du BEOC durant le quart de siècle écoulé ont été :**

+ L'obtention de la réduction de l'emprisonnement des objecteurs grecs de plus de 20 ans jusqu'à un maximum de 4,5 ans grâce à une mobilisation internationale impressionnante contre les politiques répressives grecques, mobilisation menée par Hein Van Wijk, cofondateur du BEOC.



Hein van Wijk à Prades avec des objecteurs d'Espagne en 1978

+ Quatre rapports importants au Parlement européen exprimant la volonté politique des parlementaires élus à l'Union européenne pour envisager une procédure exacte et adéquate pour la reconnaissance de l'objection de conscience et du service alternatif. Les rapports ont eu une influence sur les bases légales de l'objection de conscience en Grèce, en Espagne, en Italie, et dans les nouveaux Etats membres de l'Europe de l'est. Ils ont été préparés par

MEP MACCHIOCCI 1983  
MEP SCHMIDBAUER 1989  
MEP KAREL DE GUCHT 1991  
MEP BAUDRES MOLET AND BRINDI 1995.

+ Une décision de l'assemblée parlementaire du Conseil de l'Europe en 2001 pour amender la Convention européenne des droits de l'homme par un article sur le droit à l'objection de conscience, qui a été rejetée plus tard par le Conseil des ministres.

La Grèce a adopté une loi sur l'objection de conscience seulement en 1998 et continue encore à punir les objecteurs de conscience non seulement par une longueur et une structure de service alternatif pénalisantes, mais aussi par des actions répressives répétées contre un groupe d'objecteurs de conscience, actions qu'ils ont entrepris d'appliquer à l'objection de conscience il y a plus de douze années.

Les continuelles activités du BEOC pour mobiliser les politiques européennes contre ces attitudes incroyables et complètement inacceptables des gouvernements grecs dans les décennies précédentes ont constitué nettement la campagne la plus visible à Bruxelles et dans les autres capitales européennes.

Depuis 1995 le BEOC a organisé des séminaires avec l'aide du Conseil de l'Europe au Centre Européen de la Jeunesse en établissant des contacts avec les organisations d'objecteurs de conscience dans l'ancienne Union soviétique et les Balkans et devient membre du Forum Européen de la Jeunesse. Le bureau de Barcelone a entrepris une vaste campagne pour l'objection de conscience dans l'ancienne Yougoslavie et le BEOC a réussi à envisager des lois sur l'objection de conscience dans les régions qui ont été ravagées par la guerre civile pendant tant d'années.

Le parlement européen a soutenu l'appel du BEOC pour que soient acceptés en qualité de réfugiés à l'intérieur des membres de l'Union européenne les déserteurs et les objecteurs de conscience de la guerre des Balkans. Cette liste incomplète des activités du BEOC dans les dernières décades est une bonne raison de célébrer son anniversaire.

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Jean van Lierde and Sam Biesemans in 1973

## GREECE

*On Monday, 7 March the decision of the Navy Court Martials in the CO case of Lazaros Petromelidis was stuck up on his house door: 2.5 years prison without suspension or 17.769,50 Euro (10 EUR per day).*

The protest letter campaign to the Greek government continues. Parliamentarians and Church representatives have joined our appeal. Lazaros is still “free” but the police has made attempts to arrest him.

### **15 May 2005: International Conscientious Objectors' Day**

#### Focus on conscientious objection in Greece

##### Why Greece?

Among the member states of the European Union, Greece is one of the very few countries with serious problems regarding the right to conscientious objection. Although Greece passed a law on conscientious objection in 1997, which came into force in 1998, this law is far from meeting international standards, and creates a variety of problems for conscientious objectors. In addition, some pre-1998 COs are still being persecuted (the cases of Lazaros Petromelidis and Yannis Chrisoverghis), and conscientious objection for professional soldiers is not recognised (the case of Georgios Monastiriotis).

However, the law on conscientious objection led to a modest growth of the Greek CO movement (which is still very small), and the case of Georgios Monastiriotis, who refused to participate in Greek military support operations for the occupation of Iraq, lead to increased interest in conscientious objection in Greece. Combined with the review of Greece by the UN Human Rights Committee in spring 2005, this provides a good climate for increased international activities on conscientious objection in Greece.

##### Objectives

- Strengthening the Association of Greek Conscientious Objectors through international support.
- **Raising international awareness for the treatment of COs in Greece**, with repressive application procedures, a punitive substitute service, and ongoing repeated trials against several conscientious objectors.  
Linking the issue of conscientious objection in Greece with nonviolent resistance and nonviolent direct action as a tool for social change movements.  
**Exchange of experience in nonviolent direct action** among groups from Greece and abroad, especially on issues of conscientious objection.
- Strengthening international networking of conscientious objectors through joint training and action.

##### The Campaign

The activities around 15 May 2005 do not stand alone. They can build on ongoing support of Greek conscientious objectors by War Resisters' International and other groups<sup>[9]</sup>, and they will form part of an international campaign, culminating on 15 May 2005.

In this campaign, WRI will:

- Provide background information on the situation of conscientious objectors in Greece, as well as updates on imprisonment of conscientious objectors via its co-alert system. This information can be used all over the world;
- Submit a report on conscientious objection in Greece to the United Nations Human Rights Committee, which will examine Greece in its session in spring 2005. Funding permitting, War Resisters' International will also send a delegate to the session of the Human Rights Committee in New York in March 2005, presenting the main concerns in person;
- Produce a special issue of The Broken Rifle (published in English, Spanish, French, and German), for use as campaigning material (available through WRI's website and as paper copy);
- Coordinate decentral activities all over the world on 15 May 2005, in support of conscientious objectors in Greece;
- Organise an international nonviolent training week from 9-15 May 2005, and an international nonviolent direct action in Thessaloniki in Greece on 15 May 2005, in cooperation with the Association of Greek Conscientious Objectors.

## UKRAINE

### New Ukrainian law "On alternative (non-military) service"

#### Only religious objectors accepted?

The right for alternative service exists for Ukrainian citizens whose religious beliefs are against performing military duties and who are member of a religious organisations, which act in accordance with the Ukrainian legislation, and whose conscience does not allow performing military duties

#### **(Article 2).**

Citizens who wish to perform alternative service have to declare that performing military service contradicts their religious believes and confirm the truth of their religious convictions by documents or in other way. **(Article 4)**

Alternative service can be performed in public service organisations or communal organisations, in the field of social welfare, health, environmental protection, municipal economy, agriculture, and patronage services of the Ukrainian Red Cross Organisations.

#### **(Article 5)**

The duration of alternative (non-military) service is 1,5 times more comparing to military service term established for soldiers and sergeants. **(Article 6)**

The law states that the terms of alternative service is 27 months, and for people who have specialist or master degrees - 18 months.

On February 28, 2005 the Ukrainian Government has suggested a draft proposal, which reduces the duration of military service from 18 to 12 months. The Ukrainian Parliament will presumably approve it in the coming months. The duration of the alternative service will be reduced accordantly.

Maria Sannikova

## ARCHIVE EUROPEAN BUREAU FOR CONSCIENTIOUS OBJECTION

### International Institute of Social History

The Inventory of the archives of the EUROPEAN BUREAU FOR CONSCIENTIOUS OBJECTION (1967) 1979-1999 by Bernard Mantel, Amsterdam 2004, can be found on the following website:

<http://www.iisg.nl/archives/html/e/10872608.html>

## SERBIA I

In February the Ministry of Defence changed the text of the Decree without consulting anyone else. In order to avoid critics they adopted the text, president of Serbia and Montenegro signed it and then, one week later, the

Army organized an "open discussion" on this issue, but even then they didn't say that the text has already been adopted, but were saying that they are "preparing the changes of the Decree".

### The new decree is a serious deterioration of the right to CO:

- Recruits have only 8 days to apply for CO once they receive a call-up
- Every applicant has to pass an interview with the members of the commission formed by the military authorities in order to get a CO status
- If the application is denied, one has to go to the barracks and appeal from there
- One can appeal only to some military commissions, and it is not clear to which commissions exactly
- Soldiers cannot apply for CO, not even during the first 1/3 of their military service (so, if your application is denied, and you go to the barracks, your appeal loses every legal sense, as you became a soldier and you have no right to CO anymore!)
- Only the institutions paid from the state budget can employ COs
- The institutions within the Civilian Service system have to reimburse some money to the Ministry of Defence for having COs (it looks like setting up a "rent-a-recruit" project)

Once, we found out about this, we started to make a lot of noise in Belgrade and got support from many media, NGOs, some political parties... The representatives of the Army openly said that the purpose of this regulation is to significantly reduce the number of COs, as the barracks are getting empty and "if this trend continues, Serbia will be the first country with a collective CO" said one general. At least they are not hiding their intentions.

More and more institutions are saying that they cannot pay any money to the MoD. It seems that the whole system is going to collapse soon if we don't do something. In Many cities, like in Novi Sad for example, not a single CO started his civilian service in March, and it is not sure what will happen in June and September. There is about 7.000 COs on the waiting list at the moment and about 8.000 performing the civilian service.

Hope we can do something about it!

Best regards, Igor Seke

## SERBIA II

### **Open letter from Serbian citizens living abroad to the Parliamentarian Assembly of the Council of Europe, the European Parliament and the member states of the European Union**

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Dear Sir/Madam,

We would like to ask for your help concerning the situation affecting many citizens of Serbia and Montenegro who now live in exile.

At the beginning of the war in the region of former Yugoslavia during 1991 and 1992, approximately 500.000 mainly young and highly educated people had left the country. A recent study by the ministry of emigration of the Serbian Republic states that there is a total of 12 million Serbs and 4 million live outside the region of the former Yugoslavia.

The young men who happened to be outside Yugoslavia and did not join the Yugoslav army during the war between 1991 and 1999 are left in exile unable to return to Serbia and Montenegro without a risk of arrest! We'd like to describe this unacceptable position to you in the reminder of this letter.

Under a law of the former Yugoslavia, all conscripts who wanted to emigrate were obliged to apply for permission to do so from the Yugoslav Army High Command. In the chaotic situation that existed during the war it was difficult, complicated if not impossible to obtain such permission. Many conscripts had no option but to leave Yugoslavia without an agreement from the army.

To worsen the situation further, during the NATO bombing of Serbia in 1999, Milosevic's regime in Serbia and Montenegro, had changed the upper age limit for conscripts from 27 to 35 years of age. This was done to ensure that the men who have so far evaded the military service couldn't do so any more. This has meant that the men who have emigrated in the early years of the war could not return

back to the country without being arrested , sent to serve the military service and any prison sentences.

Under the Dayton agreement in 1995 and the Kumanovo peace accord signed with NATO in 1999, the general assembly of the former Yugoslavia (then consisting of only Serbia and Montenegro) had adopted an amnesty for those men for have refused to fight for the Yugoslav army during the war. However, those conscripts who didn't serve the military service or have not responded to drafts were still required to join the army.

Those men emigrated during the war between 1991 and 1999 had settled in their adopted countries, studied, found employment, established their families and have fixed assets. They are well-respected members of their communities. All have settled immigration status and some now have dual nationality. Serving the military service lasting almost twelve months is impossible due to the commitments to their families, the company where they work and any repayment commitments for loans they might have raised.

Under Article 305 of the Law on Army of Serbia and Montenegro, the Army should ensure better treatment of those men who have dual nationality. They should be relieved of their duty. In most of the cases, applications on the basis of dual nationality are refused from the behalf of the Army High Command. Furthermore, attempts to renounce their original nationality were refused on the basis that the men have not served their military service. This has left the men with dual nationality in situation they can not resolve.

At the end of 2004, the defence minister, Mr Prvoslav Davinic, has made a statement that the problem facing conscripts now living abroad should be resolved. According to him, a decree should have prevented the army conscripts entering Serbia and Montenegro from being arrested at the borders. Further, Mr Davinic had announced that an adopted bill would finally resolve the issue: the army conscript would need to report to the embassy where he lives and submit an application for relief from the military service duty. The necessary documents for the application needed to show their residency in the settled country: proof of employment, school or university enrolment or financial commitments. The minister has also announced that the conscripts over the age of 35 would be automatically relieved of their military service duty.

The announcement has been widely published by the media in Serbia and Montenegro and also posted on the web site of the Ministry of Defence. This has received very positive response from expatriates. It seemed that many of those men who have not visited their country for as long as 13 or 14 years would now have a choice to do so.

The news about arrests of two men at the border of Hungary and Serbia soon followed. The men had their passports confiscated and they where asked to pay bail fees of 3000 euros.

Refusals for the relief from the military service duty had increased in their frequency. Virtually all applications have been refused since then, despite earlier assurances from minister Davinic for a revised policy towards the conscripts. A fee of 50 euros was charged for the application and an equivalent amount was charged for collection of the response even if the response was negative.

As a group of Serbia and Montenegro expatriates, we have sent an appeal to Minister Davinic. In a reply, made via a press announcement, the Minister alleges that no promises for revised policies towards conscripts were made. The summary of the reply was "No one has made any promises". The military authorities meanwhile continue with arrests of conscripts at the frontiers of Serbia and Montenegro. Our applications for the relief from duty, which have been submitted according to the rules of the Ministry of Defence, continue to be dismissed without a reason for refusal. The response usually states "the conscript does not meet the criteria".

We would like to appeal for you help and assistance with resolving this long standing and senseless situation. It is apparent that there is no official body in Serbia and Montenegro that is in a position to help us. We would kindly like to ask you for assistance in the search for an acceptable solution. We would also like to ask you raise and discuss this issue with the authorities of Serbia and Montenegro.

We believe that everyone has a right to visit relatives and friends in the country of their domicile. This kind of measure of rebuilding trust has been organised even between enemies of war in the cases of Korea and Cyprus. We truly believe that time has come, the time when this problem finally needs to be resolved.

With hope that you will be able to provide assistance with this matter, we remain

Yours faithfully

## **Bosnia-Herzegovina**

A new CO law on conscientious objection? (draft law presented on 26 January 2005) - excerpts

### ***Law on Alternative Service***

#### Article 1

Alternative service shall be served by conscientious objectors – persons who are not willing to discharge military duties in the Army of Bosnia and Herzegovina due to their philosophic, ethical, religious or moral attitudes. The persons shall perform other duties determined in this Law.

An alternative service conscript is any man fit for military service who is registered in military records of the relevant municipal offices of the Federation or the Republika Srpska Ministry of Defense, who has been granted the status of alternative service conscript or conscientious objector by the Commission for Alternative Service.

#### Article 2

Alternative service shall last 6 months. The duration of alternative service shall not be longer than one and a half times the term of military service.

For those alternative service conscripts who are transferred from military to alternative service, one day spent in military service shall be counted as a day and a half in alternative service.

Eight hours spent in alternative service shall be counted as a day in alternative service.

For those alternative service conscripts who are transferred from alternative to military service, one and a half day spent in alternative service shall be counted as a day in military service

#### Article 3

Alternative service conscripts shall serve their alternative service in legal persons operating in scientific, educational, cultural, sports, social, health care, ecological, sanitary or humanitarian line of work in Bosnia and Herzegovina as humanitarian, non-profitable organizations in the general public and non-governmental sector (hereinafter: "legal persons").

The legal persons under paragraph 1 above shall be specified by the Commission for Alternative Service.

#### Article 4

If possible, alternative service conscripts shall be placed in posts suitable to their professional qualification, knowledge and aptitude, if such posts are available in the legal persons they are being sent to for service. At the same time, the posts shall not be in any way of a punitive or degrading nature.

As a rule, an alternative service conscript shall be sent to perform alternative service in his place of residence or, if it is not possible, in a place which is nearest to his place of residence.

An alternative service conscript shall not be sent to a legal person in which he is employed at the moment of the sending or in which he worked one year ago.

...

#### Article 5

In the course of alternative service, alternative service conscripts shall perform all jobs in the line of work of the legal person they are serving in, which the authorized person of the legal persons shall order in a decision, under condition that the jobs ordered do not require higher education or working experience than the conscript has.

Rights of alternative service conscripts related to their status shall be protected in pursuance of the law; alternative service conscripts shall not be subjected to any discrimination (they shall not be dismissed from employment in the event of serving alternative service or the fact that they served alternative service shall not be the reason for not getting employment).

## II CONSCRIPTION

...

### Article 7

The relevant municipal office of the Federation Ministry of Defense and the RS Ministry of Defense shall provide conscripts of the Federation and RS respectively with written information, during registration, and with oral information, during conscription, about the right to conscientious objection and the right to alternative service, which they can exercise by filing an application for alternative service, and with other information respecting the duration of alternative service, the application procedure, rights of conscientious objectors and appeal procedure.

The Commission for Alternative Service shall not grant the status of alternative service conscript to the following persons:

1. a conscript who is finally sentenced to juvenile prison or a non-suspended prison sentence for having committed a criminal offence until he serves his sentence or is released on parole;
2. a conscript against whom a detention correctional measure or security measure of obligatory psychiatric treatment and confinement in a mental institution is ordered – for as long as the measure is ordered;
3. a conscript against whom a criminal procedure is initiated because of a criminal offence prosecuted ex officio – until the proceedings is completed.

...

## III APPLICATION FOR ALTERNATIVE SERVICE

### Article 13

Any person liable to conscription may apply for the status of conscientious objector, e.g. for alternative service. Any conscript who deems that he meets requirements for alternative service shall submit an application with the Commission for Alternative Service.

In his application for alternative service, a conscript must state grounds for which he is requesting alternative service, personal details, contact information, education, working experience and his preferences which may be relevant for selection of a legal person or a post in alternative service.

### Article 14

An application for conscientious objection can be submitted at any time during military service: before starting the service, during the service or after the service;

...

## III Consideration of Application for Alternative Service

### Article 15

The Ministry of Justice of BiH shall be in charge of the organization and implementation of alternative service. ...

...

### Article 19

The Commission for Alternative Service shall refuse an application for alternative service on the following grounds:

1. when the conscript has been found guilty of a criminal offence committed by use of fire arms with a legally valid court decision;
2. when the conscript did not state grounds for which he is requesting alternative service., or the reasons are not in accordance with the Article 1 of this Law.
3. when the conscript possesses fire arms, and has a license for fire arms.

...

#### Article 25

An appeal against the decision of the Commission for Alternative service may be lodged to the Appellate Commission within 15 days, from the day of receipt of the decision of the Commission. An appeal against the decision of the Commission for Alternative Service does not stay the execution of the decision above.

...

A decision of the Appellate Commission is final.

...

An administrative dispute may be instituted against a decision of the Appellate Commission before the Court of BiH.

...

#### Article 38

A person who has completed alternative service shall get the status of an alternative service reservist.

...

#### Article 40

Members of alternative service reserve force (herein after: alternative service reservist) shall be members of civil defense and take part in various forms of alternative service and in the event of acts of God, war or other imminent danger they do jobs assigned to them by bodies in charge of civil defense.

An alternative service reservist may spend in alternative service maximum 15 days a year.

...

#### Article 43

Any alternative service conscript or alternative service reservist shall not be liable to alternative service:

1. at the end of calendar year when he turns 60 years of age,
2. if he is assessed unfit for alternative service,
3. if his Bosnia and Herzegovina citizenship terminates.

#### Article 47

*On 15 May* - the International Day of Conscientious Objectors, managers of legal persons in which alternative service is served shall give one day off to all alternative service conscripts. ☺

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