

The Right to Refuse to Kill



The European Bureau for Conscientious Objection Newsletter

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European Bureau for Conscientious Objection

International Secretariat 81 A Avenue Jan Stobbaerts, B-1030 Brussels, Belgium

Tel.: +32 2 215 7908 Fax.: +32 2 245 6297 E-mail: ebco@ebco-beoc.org

Petromelidis' Case transferred to Civilian Court – Victory for Greek Objectors

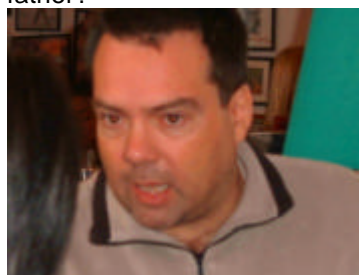
Claude Verrel, Gerd Greune from EBCO and Andreas Speck from WRI accompanied by law student Leila Drake from Leuven participated at the Navy Court Martial trial in Thessaloniki (see picture) on 19 February 2004 against the Greek Conscientious Objector Lazaros Petromelidis.



Court entrance with crowd

Accompanied by a group of important Greek lawyers and defended by the former Head of the Military Court Adam Papadamakis (professor at the Law Faculty of the Aristotle University of Thessaloniki) the short "ceremony" in the Thessaloniki Navy Court Martial was filled with Greek COs from all over the country, representatives from Amnesty International, and professors from Thessaloniki University, when the prosecutor opened the case by proposing that the military court should not deal with this case as it would not be competent for a non-military civilian worker. The defender joined this proposal. The court took note of this and after a short interruption decided by 4 to one (two officers, two military lawyers against one judge) to send this case to the civilian court of Kilkis (in

whose region is the institute where L. Petromelidis was called for alternative service). This was the first time in Greek military history that a military court had decided it was "not competent" to try a conscript who had been sent to jail, called up again and again over the years, lost his civil rights and passport, freedom and human dignity. Lazaros Petramelidis (picture) left Thessaloniki as a free man. Now he no longer has to show up every 2nd week at his local police station in Piraeus, no fine, to call up again. Is he really free? Would he get his passport now, at 43 no longer a conscript? His family leaving for non-EU holidays without father?



Lazaros Petromelidis

The EBCO-delegation arrived in Athens on 17 February heading for the International Press Centre in the City Centre (picture right) addressing an impressive crowd of Greek journalists with quite extensive press coverage the next day in major newspapers. Among the speakers Popi Lygovardi representative of the Greek Ombudsman for Human Rights and the Amnesty



Press conference in Athens

International speaker in Athens Kostas Papaioannou. Gerd Greune and the speaker of the local CO Association (Dimitris Sotiromolos) had a meeting with Evangelos Denaxas, the Director of the Human Rights Unit of the Greek Foreign Ministry, responsible for EU Human Rights policies - not Greece, he said - speak to the Defence Ministry on this issue. Greece's image defending Human rights in the world but not being able to apply simple standards valid in Europe for more than 25 years is not the best in Brussels, and the European Parliament has repeatedly stated their concern about the treatment of Greek COs. The Council of Europe demands that civilian service must be organized outside the military context. The Defence Ministry and military courts should therefore no longer be involved in this matter. "We will try to solve the problem", Denaxas said, "the Defence Ministry promised to create a formula for a solution."

At a meeting with the Chairperson of the Human Rights Institute Alike Maragopoulou (retired Law

professor) the EBCO/WRI delegation discussed the situation of Greek alternative service working conditions and the punitive regulations. The Commission reports regularly to the Greek government on HR violations in Greece and has put the CO question many times to the Greek authorities. The Greek CO groups will provide the Commission with up to date information to draft a proposal for a new alternative service law in line with Council of Europe requirements.



Meeting at the Polytechnic University in Athens

In Athens and Thessaloniki our friends organized public meetings at the local universities (photo above) with a good response from students and academics, and local NGOs. The meetings talked about the experiences of COs in France and the EU and Council of Europe standards, the political context of conscientious objection and the role of alternative service in countries where conscription still exists.

At Thessaloniki University Claude, Andreas, Yannis and Gerd were invited by the Student radio (1431 AM) for a 90-minute discussion on conscientious objection in Europe.

Thanks to this impressive effort of the Greek CO community together with immense hospitality, meeting old friends and new activists, giving us hope that the Greek CO drama is getting closer to an end.

Other Greek CO stories



Spyros Psychas

At the age of 46 this week our old friend Spyros Psychas finally ended his time as conscript and received a Greek passport, now being able to travel as a free citizen.

Nikos Kapanikas

During his first trial in Thessaloniki in 1995, Nikos Kapanikas was supported by MEP Wilmya Zimmermann. His last trial was in 2001. In prison for four months he has not been called to alternative service and received his full citizen rights and passport upon leaving the military prison. He is working as teacher in the tourist business and in a cafeteria.

Georgios Karatzas

CO whose alternative service lasted 30 months at Lefki Municipality in Crete, daily working time 7½hours with a monthly "salary" of: €200. Without financial support from neighbours and his family he would have not been able to pay for his accommodation. He appealed to the Greek ombudsman for Human Rights to have the same social rights during service as the rest of his team. He is particularly fighting for the right to participate in trade union activities, including strikes.

Gerd Greune

Statement of the International Delegation

Thessaloniki, February 19

The Naval Court Martial of Thessaloniki decided today in the case of conscientious objector Lazaros Petromelidis not to be competent for trying a conscientious objector once he has been transferred to

alternative service. For the first time in Greek CO history the legal dispute has been accepted that conscientious objector cases are civil cases without further court martial involvement.

The legal measures against Lazaros Petromelidis have been lifted. The deposit paid to secure bail will be paid back, and no longer does he have to report to his local police station every second week.

The international delegation welcomes that from now on conscientious objectors won't be tried by court martial and will be under civilian jurisdiction for matters related to alternative service. The delegation hopes that this decision will finally, after 18 years, lead to an end of the persecution of conscientious objectors, such as repeated call-up, reporting to the police, withholding of passports, etc.

However, Greece still has to solve several problems in relation to the right to conscientious objection. The Greek law on conscientious objection from 1997 needs to be amended to meet European standards, as demanded by the European Parliament and the Council of Europe. In particular, the punishment of conscientious objectors through punitive alternative service conditions – in terms of length, service far away from home, and payment of salaries, which do not even cover the basic cost of living – has to come to an end.

The international delegation expressed its commitment to continue to support conscientious objectors in Greece.

Gerd Greune, Claude Verrel
EBCO

Andreas Speck
WRI

Unsatisfactory Russian CO Law has come into force



On 1 January 2004 the Russian Law on Alternative Civilian Service (ACS) came into force. However, this law could be more precisely called a “law on no alternative.”

The law, adopted by the State Duma in June 2002, provides the longest civilian service in the world. Its duration is 1.75 times longer than compulsory military service, thus making it 42 months.

Conscientious objectors are not given a choice between real civilian service in social institutions and mere non-combatant duty within military organisations; the decision about where the conscript will serve is made by military commissars. In violation of the Constitution, the law obliges young men under age to submit their application for civilian service to a military commissar's office and to prove their convictions in front of a draft board half a year before conscription.

The law is aimed at “punishing” conscientious objectors for their convictions and making the ACS so unattractive that very few people will apply.

During the past decade Russian NGOs have taken a lead in the public debate about the ACS in Russia from the human rights perspective. In January 2002, when different drafts of the law on the ACS were discussed in the Russian Parliament, fifty key non-governmental actors in the field of the ASC from 25 Russian regions established a Coalition ‘For Democratic Alternative Civilian Service’ for more consolidated and effective lobbying for a liberal law. Unfortunately, so far the NGOs have not

succeeded in attaining their objective.

In autumn 2003 experts of the Coalition participated in putting together an alternative NGO report for the UN Committee for Human Rights and included in it information about the situation with regard to implementation of the right to conscientious objection and alternative service. At the time, the law had already been adopted by the Duma but had not yet come into force. The alternative report by Russian NGOs was presented on 23-24 October at the 79th Session of the UN Committee parallel to the governmental report.

In its concluding observations the UN Committee for Human Rights noted that the Russian Law on ACS “... appears to be punitive in nature ... Furthermore, the law does not appear to guarantee that the tasks to be performed by conscientious objectors are compatible with their convictions”. The Committee recommended Russia to “...reduce the length of civilian service to that of military service and ensure that its terms are compatible with articles 18 and 26 of the [International] Covenant [for Civil and Political Rights].” (Right to freedom of expression, conscience and religion and Right to freedom from discrimination on any ground including religion, political or other opinion).

This clear wording of the UN Committee's observations, which are typically formulated in a more diplomatic language, is of course a great achievement. But the recommendation

itself is not legally binding for Russia. Theoretically the government can forget about it for the next five years.

After the adoption of the law the Coalition actively took part in drafting and lobbying for amendments aimed at liberalisation of the law. But none of these amendments has been passed. The Ministry of Labour and the Ministry of Defence, which are in charge of applying the law on ACS, successfully blocked the proposed amendments. They claimed that there is no reason to alter the law before it has proved its shortcomings in practice.

Moreover, Kremlin-controlled centrist and nationalistic parties won the last Duma elections on 7 December 2003. No liberal party is represented in the Russian Parliament anymore. It doesn't leave much hope of possibly improving the law on ACS through lobbying the deputies.

According to the law, conscientious objectors who are subject to conscription in autumn 2004 should apply for alternative service before 1 April 2004. But the state machinery is not ready for the introduction of ACS. The government has not yet enacted the various necessary regulations for organisation of ACS and a list of occupations for conscientious objectors. Regional authorities, not being provided with administrative rules and procedures, simply ignore the law's coming into effect. Members of draft boards, who are going to face the first conscientious objectors in several weeks, do not

have any instructions on how to act.

How does the Coalition "For Democratic Alternative Civil Service" act in this situation? Firstly, we do not stop trying to improve the unfair legislation. The Coalition provides support to those conscientious objectors, who are ready to file complaints with the Constitutional Court to challenge the constitutionality of the Law on ACS. The first complaint of Mikhail Fadejev, a conscientious objector from the city of Perm, was already filed with the Constitutional Court on 23 January 2004. We are also going to bring cases to the European Court of Human Rights.

We continue to promote a liberal concept of civilian service among government officials and politicians. The Coalition in cooperation with the Heinrich Böll Foundation has successfully lobbied for the inclusion of civilian service into the agenda of the annual Russian-German Forum "Petersburg Dialogue", which was established on the initiative of Vladimir Putin and Gerhard Schröder to stimulate a dialogue between civil societies of the two countries. On 2-3 February 2004 an international conference "Alternative Civilian Service in Germany and Russia" took place in Moscow under the aegis of the "Petersburg Dialogue." Bundestag deputies, experts of governmental, social and military agencies, representatives of churches and NGOs from Germany shared their visions and practical experience in organizing liberal alternative service with their Russian colleagues.

Secondly, the Coalition cooperates with the Russian

Ministry of Labour in drafting regulations for the organisation of the ACS. Hopefully, with help of these regulations it will be possible to mitigate the negative effects of the repressive provisions of the law.

Thirdly, NGOs - members of the Coalition provide young men with legal consultations and support. Although a lot of young men are interested in alternative civilian service, only a few of them are going to apply for it under the present law.

We believe that the position of young men objecting to both military service and the existing "parody" of civilian service legitimised in Russia at the moment, can be interpreted as a natural human striving for protection of one's life and dignity.

Present legislation gives some opportunities to avoid both military service and the "non-alternative" civilian one.

According to various expert assessments, at least 90% of young Russian men of conscript age have diseases which give them a right to deferment of conscription or a full draft exemption. We recommend to young men to check up on their health properly and to defend their right not to perform service if they are not able-bodied.

At the same time we support those objectors who wish to perform alternative civilian service despite its punitive nature. Members of the Coalition will closely monitor the work of draft boards and the application of the ACS in Russian regions.

After the years of "legislative vacuum" the situation of conscientious objection in Russia is going to change dramatically and probably not in a positive way. That is why the attention of the European public to the situation in Russia and its support to our work are

extremely important for us at the moment.

Maria Sannikova, Centre for the Development of Democracy and Human Rights
Coordinator of international activities of the NGO Coalition "For Democratic Alternative Civilian Service"

MEP Leinen calls for European Civilian Service

On the occasion of the current debate in Germany about abolishing conscription and civilian service, German Member of the European Parliament Jo Leinen argued for the introduction of a "European Civilian Service".

In addition to their commitment for society and environment, young people would have the opportunity to get know a European neighboring country and a foreign language. The "European Civilian Service" could help to create a European identity and consciousness among the youth and gradually among the entire population, Jo Leinen said. The proposed "European Civilian Service" would kill two birds with one stone: It would benefit the social services and deepen the friendship between the different European countries.

Leinen called on the German Federal Government to plead for the project of a European civilian service in the Council of Ministers. Similar requests have recently been made in Belgium and Italy. The "European Civilian Service" could be based on the European Voluntary Service for young people between 18 and 25, but would need a broader and more solid basis, Leinen explained.

Finnish Total Objector's Asylum Request rejected by Belgian Supreme Court

The Raad van State (the highest administrative court of Belgium) has rejected the appeal of Jussi Hermaja, a Finnish conscientious objector, against the refusal of the Belgian state to grant him political asylum. After hearing the arguments of Jussi Hermaja in January (photo), the judge has finally decided that the asylum procedure should not be restarted.



Jussi Hermaja with his lawyer Smittens

The Finnish authorities will now have to decide whether to ask Belgium for his extradition.

In October 2001, conscientious objector Jussi Hermaja fled Finland after being sentenced to 197 days in prison for refusing to take part in both the military service and the alternative civilian service. Jussi's asylum application was refused by the Commissioner General for Refugees (Commissariaat Generaal voor de Vluchtelingen).

To Jussi it is clear that the court's decision is clearly a political one: Belgium does not want to cause any diplomatic irritation with Finland. Granting Jussi asylum would have also set an example for other total objectors from other EU-countries with punitive alternative service. Despite this setback, Jussi and the NGOs that assist

him, EBCO and its Belgian member organization Forum voor Vredesactie tried to get support from the European Parliament.

His case was explained and discussed with Esko Seppänen (Leftist), Ernst Guelcher (Green) and Matti Wuori (Green). Matti Wuori, a famous lawyer and politician in Finland who has defended conscientious objectors in front of court many times, showed particular interest. It was made clear that the bad situation for COs and the public attitude in Finland is not caused by rational arguments but by a problem of mentality, as Wuori said: "The Finnish are still fighting the Winter War against the Russians in their heads." It is not likely that Finnish society and politicians will change their positions unless external, international pressure is generated. Therefore Belgian MEP Ernst Guelcher, who has also been active in the field of CO, underlined that it is important to mention Finland, like Greece, in the EU's annual Human Rights Report for its discriminatory civilian service.

Also in order to increase pressure, Wuori promised legal help for the lawsuit filed with the European Court of Human Rights in Strasbourg.

No Abolition of Conscription in Republika Srpska

The lower house of the Bosnian Serb parliament approved eight constitutional amendments on 29 November aimed at meeting NATO's criteria for accepting Bosnia as a member of the Partnership for Peace programme and transferring formal control over the Republika Srpska's military to the Bosnian Presidency. The social-democratic opposition was not successful with its goal of abolishing conscription in the Bosnian entity. Instead, the length of compulsory military service will be shortened from twelve to four months. Another amendment sets the long-term goal of creating a solely professional army. Critics therefore believe that a legal basis for conscription is no longer given. Even more the new law has been criticised for its superficial character: Critics charge that the changes are cosmetic and will not substantially alter the fact that Muslim, Croat and Serb leaders retain effective control of what remain in practice three separate, ethnically-based armies. Supporters of the new legislation argue that it is a necessary first step toward establishing a truly unified military structure.

Bulgarian Youth in Favour of Civilian Service – if they know about it

A quick survey conducted by our Bulgarian member „Youth Society for Peace and Development on the Balkans“ showed that most young people do not know about the possibility of conscientious objection and performing civilian service. Still, most of them will/would object if called up; mainly not for reasons of conscience but rather due to the bad reputation of the army. The persons asked, students from Plovdiv; also showed interest in participating in a CO-campaign.

Serbian Province of Vojvodina takes steps towards Civilian Service

On Monday, 23 February, Nenad Canak, President of the Parliament of the Autonomous Province Vojvodina met with representatives of the Serbian Conscientious Objection Campaign. On this occasion Mr. Canak expressed his willingness to fully support the development of civilian service, and to fully include authorities of Vojvodina in that process.

As a first step, Mr. Canak agreed to send a letter as a President of Vojvodina to every recruit between 17 and 21 years of age living in the province, in which he will inform them about the possibility of civilian service for those who object to military service. This letter will be sent during the first week of March.

As a second step, the Parliament of Vojvodina will adopt a decision that will allow civilian service for objectors in all organizations and institutions founded by the Vojvodina authorities. Beside that, the Parliament of Vojvodina will send a recommendation to all municipal authorities in the province to do the same. At the moment it is possible to serve civilian service only in institutions that are founded by the Republic of Serbia. Igor Seke and Goran Dukovic will have a chance to address members of Vojvodina's Parliament on Friday, 27 February and explain the necessity of such a step.

Mr. Canak said that he believes that the final aim should be absolute demilitarization of the province. During the wars in

the former Yugoslavia, almost 40% of the male population of Vojvodina was sent to fight in Croatia and Bosnia, and the largest number of people who refused to fight and deserted came from this province.

Igor Seke, EBCO Balkan

Armenian CO Law slightly improved and passed – CoE reacts ambivalently

The final version of the Armenian Law on Alternative Service was adopted at its third reading on 17 December 2003 and will come into force on 1 July 2004. The definitive text of the law contains several improvements changing or weakening some of the extremely restrictive regulations laid down in the previous draft version. These improvements concern:

a) the accessibility of alternative service also for objectors who are not members of a registered religious organisation, [Art. 3 reads: "A citizen subject to compulsory military conscription has the right to do alternative service, if ... the bearing, keeping, maintaining, and using of arms contradict his religious belief or convictions." According to the head of the Armenian delegation to the CoE this formulation means that civilian service shall be open to COs refusing military service for religious belief or (other) convictions. As to the future practice of the law it must be observed closely whether Armenian COs will really be recognized due to religious as well as to non-religious grounds.]

b) the establishment of a non-military "alternative labour service",

c) the reduction of the former professional discrimination for conscientious objectors.

In all other points the shortcomings criticised before have not been changed essentially. Especially the excessive length of "alternative labour service" (42 months) remains in contradiction with European standards demanding a civilian service, which should be neither deterrent nor punitive in character.

On 27 January 2004 the Parliamentary Assembly of the CoE adopted Resolution 1361 "Honouring of obligations and commitments by Armenia". The first part of par. 22. plays down the problems whereas the second part criticizes the length of alternative service:

"The assembly welcomes the adoption of the law introducing an alternative military and civilian service broadly consistent with [???] Parliamentary Assembly Recommendation 1518 (2001) on exercise of the right of CO to military service in CoE member states. However, it considers the length of the alternative civilian service, set at 42 months, unacceptable and excessive and asks that the law should be amended on this point, reducing the length of service to 36 months before it comes into force on 1 July 2004."

EBCO Delegate to the CoE
Friedhelm Schneider

CoE Resolution on Turkey calls for Conscientious Objection and Civilian Service

On 3 March 2004, the Council of Europe passed a resolution on Turkey in which it pointed out the progress and the failures on the country's way towards the European Union. The CoE congratulates Turkey for making so much progress within such a short time, especially in the fields of human rights, the rule of law, minority protection and demilitarization. But it is made clear that the steps taken so far are not enough and that the government has to continue its reform efforts to fulfill the criteria for EU-accession. The emphasis of the criticism lies on the role of the security institutions like the military and the police. In point seven of the resolution it is said:

"With regard to institutional arrangements, the Assembly congratulates Turkey on reducing the role of the National Security Council to what it should never have ceased to be, namely a purely consultative body concerned with defence and national security. ... Turkey must now complete this reform by taking the necessary steps to exclude army representatives from civil bodies ... and to establish parliamentary oversight of military activities, particularly from a financial standpoint. Despite Turkey's geostrategic position, the Assembly also demands that Turkey recognise the right of conscientious objection and introduce an alternative civilian service.

EBCO welcomes the CoE resolution and especially the demands regarding CO and alternative service. Hopefully, the Council's call will increase pressure on the Turkish government to change the current situation

Israeli Refuzniks visit European Parliament

A four person delegation representing the Israeli CO organisation „Refuznik Parents' Forum“ visited the European Parliament in Strasbourg on March 9-11, 2004 including Alma Yitshaki, who was released from military prison last year and Daniel Tsal who received his call-up for April 13, but will refuse to serve.

First, the delegation met with MEP Jan Dhaene (Socialist), who is Vice-Chairman of the EP Delegation for Relations with Israel. Dhaene, who himself refused to serve in the Belgian army, but was permitted to perform civilian service instead, expressed surprise and dismay at the lack of such an arrangement in Israel. He is now planning visiting the resisters in jail during his next trip to Israel. The delegation also met with Menendez del Walle and Johannes Swoboda, both Socialists and members of the EP Delegation for Relations with the Palestinian Legislative Council: The two MPs suggested the composition of a draft resolution protesting against the CO situation in Israel. In addition to the contacts with single MEPs, the Israeli delegation also attended a plenary meeting of the Socialists and a meeting with members of the United Left fraction.

The central event of the delegation's stay was a public discussion which gave the opportunity to present the case and to answer questions. After each member of the delegation had spoken and received applause from the audience, Simona Halperin of the Israeli delegation to

the European Union who had asked to be present, was given the floor. She argued that based on the fact that Israel is a democracy; the imprisoned CO's should go to the High Court of Justice. She also stated that pacifism is recognized as a basis for exemption but not for selective refusal.

All of these points were discussed and refuted in detailed by the delegation.

The delegation also met with a 30 Green MEPs and the initiative "Jewish -Arab Collective and Citizens for Peace."

The delegation summarized its visit: "We have every reason to believe that the visit was highly successful and will serve as the beginning of additional intensive contacts with European friends."

Refuznik visits Brussels

On February 16, Israeli objector Ilan Moradi visited Brussels. On that occasion, EBCO arranged a meeting with Member of the European Parliament Jo Leinen (Socialists) from Germany, active in the field of conscientious objection, to discuss the CO situation in Israel.



Moradi and MEP Leinen

27-year-old Moradi, who is now studying in Paris, refused to obey orders in the occupied territories during his military service. He was thrown into military jail for several months before he was excluded from the army- officially on the grounds of mental confusion.

Germany Set to Abolish the Draft

Young German men could soon be free of compulsory military service. But abolishing the draft may pose a serious problem for the social system, which depends on those men that opt for the alternative -- community service.

German politicians have long been debating plans to abandon the draft in favour of a professional army. But getting rid of conscription would also entail an end to its alternative -- community service. The details are as yet unconfirmed, but the government this year looks set to shorten the length of compulsory community service from ten to nine months -- the same that is required for military service. This would be the first step towards phasing out both military and community service by 2008. A government spokeswoman declined to comment on the reports ahead of a meeting on Thursday, when the Minister for Family Affairs Renate Schmidt, is due to present her report on the future of community service. A coming catastrophe? Around 90,000 young German men are registered yearly for community service, and approximately 80 percent end up working in hospitals or senior citizens' homes doing essential work such as driving ambulances, caring for the disabled and elderly, and delivering meals. Charitable organizations fear there will be "catastrophic" consequences for healthcare in Germany if this inexpensive and valuable workforce were to disappear. Joachim Kendelbacher from the Workers' Welfare

organisation told Deutsche Welle that his organisation, which currently employs around 6,000 people doing their alternative community service, would suffer heavily if their jobs were to be cut. "We'll have to consider if the services these young people are doing can be totally abolished," he said. "In some sectors this will certainly be the case. I'm thinking of services like going for walks with old people in the nursing homes, reading literature to old people or doing office work. If these services are cut this definitely means a loss in quality." Schmidt has said that, should community service be cut, she is demanding a five-year phase-out period. "Assuming that the decision to end community service comes in this year, we'd need until 2010 to come to terms with the reorganization that would be needed," she said. "We can't just get rid of conscription overnight. Otherwise essential social structures would simply break apart." Schmidt said that she is generally not against mandatory service. "But the duties of the armed forces have changed. Aside from this, we can't provide for the military when, each year, we're only getting less than half of the people up for service into the military." Holding onto compulsory community service once military service is abolished would be unconstitutional in Schmidt's view. She says voluntary service should receive more recognition and more financial backing, perhaps from the €885 million a year currently spent on the community service programme.

German Defence Minister Peter Struck is already preparing the armed forces structurally for the post-conscription era of fewer troops and a tighter budget. He's reported to be planning cuts in armament projects for a projected saving of €26 billion. Over the weekend, Struck said that in times when Germany is having to enforce painful cuts in the social and welfare system, the armed forces also have to expect budget cuts.

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Contributors:

Tobias Ehlich, Germany
Gerd Greune, Belgium
Vesselin Iliev, Bulgaria
Maria Sannikova, Russia
Friedhelm Schneider, Germany
Igor Seke, Serbia

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