



The Right to Refuse to Kill

The European Bureau for Conscientious Objection Newsletter Summer 2005

European Bureau for Conscientious Objection International Secretariat

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For the Human Right to Conscientious Objection!

Free Conscientious Objector Mehmet Tarhan!

Conscientious objector Mehmet Tarhan was arrested on April 8, 2005 in Izmir to perform his military service against his will. He refuses any military service for reasons of conscience. He has also stated clearly that he does not want to be discharged on the basis of his homosexuality.

The Military charged him with "insubordination in front of his unit". He also was maltreated at the military prison in Sivas by other prisoners, was blackmailed and threatened with death.

On June 9, Mehmet Tarhan was released from prison, but transferred to the military authorities and immediately called up again. He was again charged with insubordination. In similar cases, this cycle has been repeated several times.

All countries of the European Union have passed regulations for the right to conscientious objection. Turkey continues to ignore the criteria for the human right to conscientious objection, that have been set by the Council of Europe, the European Parliament, and by the United Nations Human Rights Commission.

We, the undersigning organisations and individuals therefore protest strongly against the treatment of conscientious objector Mehmet Tarhan.

We, the undersigning organisations and individuals demand from the Turkish state to immediately release Mehmet Tarhan, and to recognise the human right to conscientious objection.

Bir İnsan Hakkı Olan Vicdani Ret İçin! Vicdani Retçi Mehmet Tarhan'a Özgürlük!

Vicdani retçi Mehmet Tarhan, 8 Nisan 2005 günü isteği dışında askere götürülmek için İzmir'de gözaltına alındı. Tarhan, vicdani nedenlerle her türlü askerlik hizmetini reddediyor. Ayrıca eşcinsel olmasından dolayı çürüğe ayrılmak istemediğini de net olarak duyurdu.

Mehmet Tarhan'a "toplu erat karşısında emre itaatsizlikte ısrar" suçlamasıyla dava açıldı. Bundan da öte, Sivas Askeri Cezaevi'nde başka tutuklularca kötü muameleye uğradı, haraca bağlandı ve ölüme tehdit edildi.

Mehmet Tarhan, 9 Haziran günü tahliye edildi. Ancak doğrudan askeri yetkililere teslim edilerek yeniden birliğe gönderildi. Kendisine karşı "emre itaatsizlikte ısrar" suçlamasıyla bir dava daha açıldı. Daha önce de benzer vakalarda böylesi bir döngü yaşanmıştır.

AB üyesi ülkeler vicdani redde ilişkin yasal düzenlemelere gittiler. Türkiye ise, Avrupa Konseyi, Avrupa Parlamentosu ve Birleşmiş Milletler İnsan Hakları Komisyonu'nun bir insan hakkı olan vicdani redde ilişkin tanımladığı kriterleri görmezden gelmeye devam ediyor.

Bu nedenlerden ötürü aşağıda imzası bulunan kurumlar ve kişiler olarak vicdani retçi Mehmet Tarhan'ın gördüğü kötü muameleyi en ağır biçimde kınıyoruz.

İmzacı kurum ve kişiler olarak, Türkiye Cumhuriyeti'ni Mehmet Tarhan'ı zaman yitirmeksizin serbest bırakmaya ve vicdani reddi bir insan hakkı olarak tanımaya çağırıyoruz.

İMZACI KURUM VE KİŞİLER

<p>Austrian Friedensrat, Almanya einsiedlerinternational, Almanya Autismata Kampasız Romalılar, Hırvatistan AGE for War Resisters' Support and Solidarity, Avusturya Association of Greek ODI, Yunanistan ehat Schomburg, Almanya Stützpunkt bei DFD'nin Hessen, Almanya Comité Louis Lacombe, Fransa Connection e.V., Almanya Deutsche Friedensgesellschaft/Verenigde Kriegsdienstgegnerinnen DFD-191, Federal Bonn, Hessen ve Rheinland-Pfalz Eyalet Kurultayları, Münster, Göttinge, Almanya Entreeen Antidiskriminatie Initiative, Entree / Almanya Europäer Bureau for Conscientious Objection (EBCO) Sozialistische Gesellschaft für Befreiung der Kriegsdienstverweigerer (SGBF), Almanya Forum voor Vredesactiviteit, Belçika Friedenszentrum e.V. Braunschweig, Almanya grassrootsinitiative, Almanya Gruppe für eine Schweiz ohne Armeesystem, İsviçre KOE/ÖZD, Almanya Initiativen Schwaben, Lüdenscheid Iniciativa Antidiscriminació para sa Direcció Humanas (IADH), Angola / Almanya</p>	<p>Kampagne gegen Wehrpflicht, Zwangsarbeit und MMR, Almanya Kampanye für Grundrechte und Demokratie, Almanya Kürt ve Türk Savunma Kuruluşları (KTSK), Türkiye / Almanya Military Emergency Network (MEN), ABD / Almanya Mouvement de l'Objection de Conscience, Fransa New Profile, İsrail Norsk Fredsbevegelse, Norveç Ömer Rüdiger Leibler (ÖRL), Almanya Pais, Hollanda Osaker Council for European Affairs International Foundation for Peace and Future Research, Norveç Türkiye Kültür Bakanlığı, Türkiye Union Française de France, Fransa War Resisters' International (WRI) War Resisters' League, ABD Waffen an Etade, Schwaben & Karadağ Deutscher Rat für Recht und Schutz der Kriegsdienstverweigerer aus Deutschensprachen e.V., Almanya Sam Bennett, Avrupa Parlamentosu Clausius Roth, Almanya Federal Parlamentosu Markus Michel, Almanya Federal Parlamentosu Tessa Pflüger, Avrupa Parlamentosu Uta Zapf, Almanya Federal Parlamentosu</p>
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<http://www.schweiz-ohne-armee.org> Daha fazla bilgi için: <http://www.schweiz-ohne-armee.org> | www.war-res.org | www.connection-4w.de | www.einsiedler.org

Advertisement to support Turkish conscientious objector Mehmet Tarhan published on July 30, 2005, in the Turkish daily newspaper Cumhuriyet. He has been sentenced to four years of prison in September 2005

EBCO member in Russia under pressure

Dear colleagues, regional authorities suspended the activities of the Nizhnii Novgorod Society for Human Rights a EBCO member organization from Russia. I am sending attached the statement of amnesty international with background information. Probably Victor Gurskiy and his colleagues will need support. Best regards,

Maria Sannikova – EBCO board member, Centre for the Development of Democracy and Human Rights/ NGO Coalition "For a Democratic Alternative Civil Service", Berlin: +49(0)30-861-33-09; Moscow: +7(095)203-91-96

Russian Federation: Nizhnii Novgorod Society for Human Rights ordered to halt activities

The well-respected Russian human rights NGO, the Nizhnii Novgorod Society for Human Rights, today reportedly learned of an official decision to suspend their organization's activities. According to Victor Gurskii, chairman of the organization and also a professional doctor, at 10am local time two representatives from the registration chamber of the Ministry of Justice burst into Victor Gurskii's consultation room while he was receiving patients, disrupting the consultation. Reportedly, the representatives brought into the room two people they found on the street outside, who were not sober at the time, to serve as witnesses. According to Victor Gurskii, the representatives told him that there had been a decision to suspend the work of the organization, and attempted to hand him a copy of the decision. Viktor Gurskii told Amnesty International that he refused to accept the document while he was consulting patients and requested them to come back another time.

Amnesty International is very concerned at this latest incident in a worrying trend of Russian authorities putting pressure on human rights defenders and human rights organizations who carry out legitimate and valuable work in the field of human rights in Russia. Amnesty International calls on the Russian authorities to halt the targeting of human rights organizations and to demonstrate that they not only tolerate but also respect and defend the right of individuals and organizations to be truly independent voices in society.

Background: The Nizhnii Novgorod Society for Human Rights was registered in 1993 and is one of the oldest and most high-profile human rights NGOs in the region. In cooperation with other NGOs, in particular, the Nizhnii Novgorod-based Committee Against Torture and the Russian-Chechen Friendship Society, it conducts human rights monitoring, organizes campaigns, offers free legal consultations to

individuals, and publishes material, including the *Pravozashchita* newspaper. It has been at the forefront of a campaign for the right to conscientious objection, and work against torture.

The Nizhnii Novgorod Society for Human Rights has been in correspondence with the registration chamber of the Nizhegorodskii branch of the Ministry of Justice since February 2005. Since this time the Ministry of Justice has required the organization to submit documentation, which the organization has done. However, the decision to suspend the organization's activities is reportedly based on the grounds that the organization has not submitted required information. The organization considers that it has been complying with all its legal obligations in this respect and according to Viktor Gurskii, a court on 19 April 2005 found that the organization had not violated the administrative code in its correspondence with the registration chamber of the Ministry of Justice.

The Nizhnii Novgorod Society for Human Rights is not the only human rights organization currently under pressure in Nizhnii Novgorod. Amnesty International has detailed an apparent campaign of harassment and intimidation against the Russian-Chechen Friendship Society. The organization is undergoing a criminal investigation into the publishing activities of the organization, as well as simultaneous checks by the tax authorities and checks by the Ministry of Justice. At the same time, one staff member, Oksana Chelysheva, has been the subject of threatening leaflets which have been distributed in Nizhnii Novgorod.

Source: AMNESTY INTERNATIONAL, AI Index: EUR 46/022/2005
News Service No: 154 / 3 June 2005

**NIZHNII NOVGOROD HOSTED THE FIRST ALTERNATIVE SERVICE IN
RUSSIA FROM 1998 – 2002 SUPPORTED BY THE PROTESTANT
CHURCH PEACE GROUP IN ESSEN.**

COALITION OF NON-GOVERNMENTAL ORGANISATIONS
«FOR DEMOCRATIC ALTERNATIVE CIVIL SERVICE»



RESULTS OF HUMAN RIGHTS MONITORING OF THE AUTUMN 2004 DRAFT CAMPAIGN IN RUSSIAN
FEDERATION (SUMMARY)

(full Russian version is available at <http://ags.demokratia.ru/library/?content=book&id=68>)

The development of civil society and the rule of law in Russia, the implementation of the constitutional principle whereby human rights and civil liberties are recognized as priorities require an effective mechanism enabling civil society to monitor the government agencies' human rights performance. All areas of the government, except specific data declared state secrets and classified information by law, must be transparent to the public. This applies in the first instance to those governmental institutions, which can directly affect human rights and civil liberties by their operation, including those responsible for military conscription and draft and for assignment to alternative civil service (ACS).

The Russian Constitution declares the defense of Fatherland "duty and responsibility of the Russian citizen" (part 1, article 59), but it clearly indicates that Russian citizens perform their military duty "in accordance with the federal law" (part 2, article 59).

This constitutional provision implies that the organization of conscription and draft, as well as the military service itself, must be in strict compliance with procedures established in federal legislation. Any digression from these procedures during a draft campaign, *inter alia*, strip military service of its constitutional meaning and transform it into a punitive exercise affecting defenders of Fatherland.

It should be noted that Russia does not establish universal military duty. It means that authorities responsible for conscription and drafting must make sure that men of conscription age subject to call-up are not singled out as targets for discrimination and suppression. Those men who, by law, can be drafted have the same rights as the rest of Russian citizens, including those of the same age who are not subject to draft. In this context, protecting the dignity, rights and liberties of current and potential conscripts becomes a priority.

Between October 1st and December 31st, 2004, the All-Russian NGO Coalition for Democratic Alternative Civil Service monitored human rights and documented violations associated with the Autumn 2004 draft campaign. The monitoring effort involving 33 regional human rights NGOs covered 30 Russian regions.

The data have been collected from more than 3,200 conscripts and their families who have complained to NGOs involved in the monitoring; other sources included information provided by government authorities and mass media reports of relevant violations over the period in question.

Again, it should be noted that for objective reasons, the data available to human rights NGOs reflect but a fraction of all violations associated with the Autumn 2004 Draft Campaign -

which is due, *inter alia*, to the fact that NGOs are limited in their possibility to obtain information, and in particular to the closed and secretive nature of agencies responsible for military draft, their unwillingness to engage in constructive cooperation with NGOs and their overall negative attitude to civil society monitoring of military conscription and drafting.

MAIN TYPES OF DOCUMENTED VIOLATIONS

1. Conscripts are required to show up at the draft committee outside the period of official draft campaign or before they are due to be called up It has been widely reported that draft committees often require conscripts to show up in their office for call-up before the official start of the draft campaign or before this category of conscripts is due to be drafted. This pattern of non-compliance with drafting schedules and procedures has been described as pervasive and massive. A number of cases have been documented where conscripts were forcefully brought to draft committees and call-up centres to be sent to barracks.
2. Conscript are given misleading information This section describes cases where members of military conscription committees and military draft boards intentionally withheld from conscripts vital information about their rights or even lied to them in order to make them believe they had no options available, while in fact the problem could be dealt with by legal means. A number of examples have been reported where conscripts and their parents were subjected to pressure or intimidation.
3. Violations associated with health check-ups Cases reported under this section show that not infrequently, men are called up, although they are entitled to an exemption or a deferral due to their medical condition. Violations associated with health check-ups are reported to be the most common type of violations during the Autumn 2004 Draft Campaign in all subjects of the Russian Federation covered by monitoring, without exception.
4. Military conscription committees assuming the powers of draft boards One of the key issues in military conscription and drafting is that military conscription committees (military bodies) often assume the powers granted by law to draft boards - which are civilian, rather than military bodies with decision-making authority. Military conscription committees unlawfully take over some of the functions and powers they are not entitled to, and so usurp the prerogatives of draft boards, leading ultimately to violations.

5. Breaches of procedure by draft boards Breaches of procedure by draft boards undermine compliance with applicable legislation. This section looks into breaches of procedure by draft boards, such as failure to document their decisions properly and to communicate them to conscripts.

6. Call-up of young men entitled to deferrals or exempt from military duty This section reports cases of call-up affecting men not subject to conscription or entitled by law to deferrals or exemptions from military duty.

7. Violations associated with assignment to alternative civil service (ACS) as a substitute for military service This section offers a brief overview of the Federal Law on Alternative Civil Service and associated practices. In particular, discriminatory nature of the law is emphasized. Very few men opt for ACS, because - as NGOs believe - the ACS Law is repressive and amounts to punishment for convictions. This position is shared by the UN Human Rights Committee¹. However, fewer violations have been reported in this sphere than in the sphere of military call-up. Monitoring has not detected any significant tendency to deny applicants for ACS their right to be assigned to alternative duty, or any major cases of discrimination against this group in the context of draft campaign.

8. Living conditions in call-up centers Call-up centres have been found to be mostly inaccessible for civil monitoring; generally, living conditions there have been described as satisfactory. Nonetheless, in some cases they were found to be overcrowded (with the number of conscripts exceeding the standard). Besides, conscripts sometimes had to spend more time in call-up centres than legally required, before being transported to barracks.

9. Prosecutorial oversight over call-up procedures Prosecutorial offices have generally been found to respond in a timely manner to complaints about violations associated with military draft. However, prosecutorial reviews of draft committees and conscription boards rarely lead to any legal action. In many cases, prosecutorial reviews are mere formalities, rather than effective enforcement of laws and regulations applicable to military draft. It has also been reported that prosecutors sometimes fail to respond to complaints filed by human rights NGOs; moreover, prosecutors' offices themselves have been found in violation of the law in a number of cases.

10. Civil society monitoring of the draft This section features a number of examples of interaction between human rights NGOs and government agencies. There is a notable lack of a shared NGO position on the issue of cooperation with authorities. The section looks at the nature of cooperation between NGOs and conscription boards, and at the possibility for NGOs to initiate publications in mass media about military draft-related issues.

A major difficulty encountered in the process of monitoring was the reluctance of most victims to have their names mentioned in the report. **The reason they gave in most cases was their fear of repression by draft committees and unwillingness to pursue their complaints with prosecutors.** Our monitoring has shown that violations by authorities responsible for military conscription and draft affect a major portion of the Russian population. One of the factors enabling authorities to violate conscripts' rights is the victims' **lack of awareness of their rights and ways to defend them, and skepticism with regard to access to legal redress.** Other factors include unacceptable current practices of applying relevant legislation and outrageous non-compliance by government offices and officials with applicable laws and regulations. Moreover, legislation regulating military conscription and draft is itself deficient. These factors combined affect civil liberties and social rights of a large number of people, ranging from the right to personal integrity and judicial protection to the rights to health care and education.

CONCLUSIONS AND RECOMMENDATIONS

Our monitoring has shown that the current human rights situation in the sphere of military conscription and drafting is a problem of national scale that is not limited to military authorities. The situation will further deteriorate, unless the public and the government join their efforts in responding to the imminent threat. The demographic situation in Russia has been recently described as critical or even catastrophic. Each year, Russia loses more than 750,000 people on the average due to natural causes. Under these circumstances, the Russian government needs to focus its attention on the problems of military conscription endangering the health of many young men of reproductive age.

As the first and foremost condition for correcting the situation, the government should recognize the seriousness of the problem with military conscription, the dangers it contains for the government as well as the public, and the need to take concrete measures to ensure human rights and civil liberties protected by international treaties, the Russian Constitution and other legislation.

By presenting this report to the Russian government and to Russian and international public, the Coalition for Democratic ACS reaffirms that compulsory military draft in Russia as such inevitably causes massive human rights violations. **The existence of military duty in its present form in Russia is incompatible with the country's progress towards the rule of law and integration into international community.** The Coalition advocates for an effective military reform, for a strong but compact professional army, and for a speedy abolition of compulsory draft.

The Coalition is convinced that Russia's federal and regional legislators, executive authorities, judiciary, local self-government, Russian and international public, and mass media should be made continuously aware of human rights violations associated with military draft and of the need to reform current practices of conscription boards and draft committees in the interests of protecting human rights.

¹ United Nations Human Rights Committee, Concluding Observations on Implementation by the Russian Federation of the International Covenant on Civil and Political Rights, 6 November 2003, CCPR/CO/79/RUS. Pp. 6-7.

This report contains detailed recommendations to executive authorities and legislators, prosecutors, local self-government, conscription boards, military authorities, medical boards and other governmental and non-governmental institutions whose decisions and actions affect human rights and civil liberties in the context of military conscription and assignment to alternative civil service.

FURTHER PLANS OF THE COALITION FOR DEMOCRATIC ACS

Monitoring human rights in the context of military draft is a key focus for the Coalition. Human rights NGOs will maintain this effort, adding new regions and working to strengthen cooperation across regions. In 2005, for the first time, the Coalition will monitor military draft throughout the year. This new study will focus, in particular, on identifying the effectiveness of measures to ensure human rights and civil liberties in the sphere of military draft, which we hope the government will adopt based on the findings of this report.

To Turnaround a Course Going From Bad to Worst:

Some Thoughts for a New Momentum to CO Movement in Eastern and South Eastern Europe

I think that the last couple of years and especially the first months of 2005 showed that we face a changed (worst) situation regarding the recognition of the conscientious objection right in the Eastern part of the European continent. What I mean is that during the 90s in many countries of this region, governments, political parties, institutions, media, and the society, were open to new ideas and thus the lobby work to promote the right to refuse to kill was relatively easy going and productive. The majority of these countries were in a transition and it was not so difficult to achieve changes in laws and practices towards the most advanced Western European standards on this matter. As a result the recognition of the CO right and the practice of alternative service are in a satisfactory level in almost all the countries of Central-Eastern Europe.

On the other hand the situation is very bad in the ex-Soviet countries (with the exception of the Baltic ones) plus Finland, and the southern Balkans (Albania, Greece, Turkey, and Cyprus). Also, the transitory period seems to have reach to an end. All of these countries are now members of the Council of Europe, I think. The perspective for participating in the European Union is something faraway in the future since the last EU expansion (for those that are not already members and Turkey that is a peculiar case). In these countries we are facing a more or less fixed situation with not satisfactory or not at all recognition of CO right, accompanied with prosecutions, trials, imprisonment, and even tortures for the COs. Also, for the parties, organizations, media, and the society of these countries CO issue seems to be very marginal, something like an annoyance.

In this difficult framework we need more concrete action for these countries. The joint statement of EBCO, WRI, and Amnesty International on Greece is a good step to the right direction. I believe there is need for a wide campaign to address the different aspects of the problem: emergency actions for trials, arrests, etc.; political pressure on governments, parties and institutions; information and public awareness, especially among the youth; support of the weak COs organizations (where they exist), or help to establish such organizations where they are not exist. Of course, these (and maybe other) suggestions are not unprecedented but they have to be better coordinated in order to give a new momentum to conscientious objection movement in Eastern and South Eastern Europe.

Yiannis Glarnetatzis / Vice-President of EBCO / Secretary of the Association of Greek COs

GREECE

The lawyer of the JW called me to tell me that **Georgios Koutsomanolakis**, a JW CO was arrested and detained previous Thursday 12 May in Rodos island and yesterday he was transferred in Korydalos prison, Athens, where he will remain imprisoned (!) until his trial next Monday 23 May. Koutsomanolakis was **charged with insubordination in 1979 (!)** at capital offence level (major crime because Greece was then under general mobilization, not minor crime/misdemeanour like it is now that we are in peace time) because he was a CO at a time when there was no alternative civilian service. He left in exile and asked political asylum in Germany, which he was granted. (Since then he lives in Germany, now he probably came for a few days)

Alexi Tsouni, AI Athens May 20, 2005

SERBIA

Yesterday (April 27th 2005) the border police arrested and released after 7 hours Mila Vrsajkov, wanted for draft evasion. He was arrested at the Backa Palanka border crossing. Milan has both Serbian and Slovenian citizenship, and those who have double citizenship serve the army only if they themselves decided to do so. Milan said that everyone was treating him correctly, no one therathend him, but that he was captured illegally for 7 hours in custody. Since he was 17 he lives in Slovenia. Evenmore, he was arrested as a Slovenian citizen because he and his wife crossed the borders with Slovenian passports. Before going to Serbia, Milan called the Serbian consulate and he was told that he will have no problems crossing the border, and the similar answer they got from the General Headquarters of Serbian-Montenrgrin Army.

Igor Seke / EBCO Balkan April 28, 2005

SERBIA

EBCO Letter to Ms. Doris Pack MEP Head of the Delegation of the European Parliament for Western Balkans

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.

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 who 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. The men who 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, the Law on Army of Serbia and Montenegro 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. Aleksandra Adaković and Nenad Ristić had their passports confiscated and they were 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 Defense, continue to be dismissed without a reason for refusal. The response usually states "the conscript does not meet the criteria".

On April 11th 2005, a group of Serbian citizens who live abroad and cannot return to Serbia due to the arrest warrant issued by the Army sent a letter to President of Serbia, Mr. Boris Tadic. Mr. Tadic held an urgent meeting with the Minister of Diaspora, Mr. Vukcevic and Minister of Defense, Mr. Davinic where withdrawal of all the arrest warrants against the recruits who live abroad had been agreed. However, reactions from the State Prosecutor were negative, as there is no legal background for withdrawal of the arrest warrants.

Therefore, the group of Serbian recruits in Diaspora defined three main requests:

- Law on Amnesty
- Returning the upper age limit for conscription back to 27 years
- All those who have permanent residence abroad should be allowed in a simple and clear way to change their status from recruit/conscript to member of the reserve (as proposed by minister Davinic for those who have more than 35 years)

The group maintains <http://www.dijaspora-vojna-obaveza.info> and has members in Austria, Canada, Cyprus, France, Germany, Holland, Hungary, Italy, Slovenia, Spain, Switzerland, Sweden, UK, USA and Venezuela.

Igor Seke / EBCO Balkan

June 5, 2005

Latest news: In August 2005 the Parliament of Republika Srpska decided to abolish its own army, after there was no agreement on a joint defence and conscription and CO policy in BiH possible.

SERBIA

Today the Ministry of Defence of Serbia and Montenegro announced that 5000, or 55,5%, out of 9000 recruits called-up for June 2005 applied for conscientious objectors status. In a press statement published by the Ministry in a very angry tone they say this is an obvious "misuse of the right to conscientious objection" and that in order to encourage more recruits to do the military service they will "cut the military service to 6 or 7 months and leave 13-months civilian service for conscientious objectors". At the same time the Minister of Finances said that they Army will be getting less and less money, as the money is needed to recover the economy of the country. It is curious that both the Minister of Defence and the Minister of Finances come from the same political party, "G17".
Igor Seke June 28, 2005

GREECE

Yesterday (22/8/05) the **Court Martial of Xanthi convicted Boris Sotiriadis to 3,5 years (yes years!) of imprisonment** for draft evasion in peace time. The Court didn't suspend the imprisonment term and so while Sotiriadis appealed the decision he was taken to the Military Prison of Thessaloniki. Boris Sotiriadis is Jehovah's Witness, migrant from ex-Soviet Union, with Greek origin, and when he acquired Greek citizenship he was asked to perform 3 months of military service. He asked to perform alternative service as a CO but since he had served in the Soviet army in the past, he was not granted CO status and was asked to go to a military unit in Didymoticho, a town in Evros (Maritsa) river in the borderline with Turkey. He went there and refused to perform military service and from there he was driven to the Court Martial of Xanthi. It is worth noting that the sentence is heavier from the last ones we had before the enacting of the law 2510/97 for the alternative service when the Greek army was still on general mobilization.

Yiannis Glarnetatzis August 23, 2005

The Military Court of Appeal in Athens accepted today the application of Boris Sotiriadis to be released until his appeal trial. Three defence witnesses testified: Boris' wife, Spyros Apergis as board member of AI Greek Section and Yiannis Glarnetatzis as vice-president of EBCO. (Sotiriadis chose not to come to the trial and he remained in the prison of Thessaloniki to avoid the transferring procedures). The prosecutor suggested that Sotiriadis should be released on terms: 1000 euros bail and with the obligation to present himself at the local police station every 15 days. The court finally decided to release him with the only restriction not to leave the country, no bail was imposed (the lawyer said that they are poor family, with 2 children of 3 and 9 years old and the wife is unemployed). The president of the court said that the appeal court will be set soon. Now, on the exit of the prison Sotiriadis will be given a call-up paper for the military camp again because the 3 months of his military duty have not passed yet. Obviously he will refuse again to obey and we will see what it will happen: either they will ignore him until his appeal court (the good scenario) or they will prosecute him again for disobedience (the bad scenario). In any case, the good thing for now is that he is not in prison any more, at least for now!

Alexia Tsouni September 20, 2005

Written question to the European Council By MEP Raul Rueda Romaveal

(1) Is the council planning to take any action to end discrimination and illegal persecution of male citizens in Greece who refused military service by reasons of conscience more than 10 years ago and are still deprived from basic civil rights?

(2) has the council taken action to protect citizens in Greece from punitive length of alternative service for conscientious objectors contradicting the European Parliament recommendations proposed by, MEP Macchiocci from 1983, MEP Schmidbauer from 1989, MEP Karel de Gucht from 1991, MEP Bandrés Molet and Bindi from 1995.

(3) has the council taken action to protect Greek citizens against repeated prosecution and conviction for the same offence in violation of article 14, paragraph 7 of the International Covenant on Civil and Political Rights that "no one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country".

Date: 21/04/2005

BULGARIA

EBCO-meeting in Plovdiv Saturday 18th of June 2005

Present: Vesselin Iliev, Jordi Tolra, Sarah Araya, Yiannis Glarnetatzis, Andreas Speck, Hans Dijkman

Conscientious Objection in Bulgaria

From members of the YSPDB we received a translation of the law on conscientious objection in Bulgaria, with an explanation of the main points of this legislation. (The reader of this report may visit the website of the QCEA in Brussels: www.quaker.org/qcea, look under *The Right to Conscientious Objection for latest QCEA Report*, and scroll down in this report to Bulgaria. Here you find an excellent and recently written description of the situation on CO in Bulgaria)

(You can find this report also on the EBCO website!

www.ebco-beoc.org) GG

Participants of the meeting decided to make a critical fact-finding report on this matter that can be spread to the government in Bulgaria, and to international and European organisations that can influence and improve the situation on CO in this country. What I write here are critical remarks on the topics in this law we discussed, that may be used to deliver such a report.

Public information about CO-regulations in Bulgaria

It is widely unknown that there is a legal possibility to refuse military service. The government gives no information to conscripts. In "Conscientious objection to compulsory military service", a brochure of the Directorate General of Human Rights of the Council of Europe – further in this report referred to as CO-brochure of the CoE – page 5: "The United Nations Commission on Human Rights, the Council of Europe and the European Parliament have urged governments to ensure that individuals who object to compulsory military service on grounds of conscience have the opportunity to perform alternative service. They have asked that: - information on the status of conscientious objector and the means of obtaining such status be readily available to all those liable to be conscripted to the armed forces". Page 7 "If young people of conscription age are to have a real choice and be placed at equal footing, the authorities must inform them that it is possible to perform civilian service and indicate the various forms such service may take. This information may be provided in explanatory booklets. The state itself is responsible for providing all the relevant information or enabling the private organisations concerned to disseminate such information."

Time limits for the CO-application

Submitting CO-applications is only possible "not later than one month from the announcement of the decision by the chairman of recruitment committee about his ability to carry out military service"(article 7 paragraph 2 of the Bulgarian law on CO). Registering outside this period is not possible.

This is contradictory to article 3 of the same law: "All men – Bulgarian citizens, suitable for conscription, have a right to ask for replacement of their military obligations with alternative service, when they do not want to serve with weapons, in realization of their Constitutional rights: liberty of conscience, freedom of thought and free exercise of religion". It is also against the rule, written in the CO-brochure of the CoE, that "individuals be allowed to register as conscientious objectors at any time before, during or after their conscription or performance of military service".

Religion

Article 5 paragraph 2 of the Bulgarian law on CO: "The department of religion under the Council of Ministers presents, ex officio, to the Committee of Alternative Service information about the religious communities".

Procedure

Applications must be made to the local military commander, who forwards it to the alternative service committee. 30 Days after the session of the committee a written motivation of the decision of the committee is enunciated(formally given).Appeal is possible to the Minister of Labour and Social Policy, who can return the application for a new consideration of the same committee, in the case that "the decision is not made according to the procedures for applications stated in this law". This does not sound as a new investigation about the validity of the decision of the committee. When there is a positive decision of the committee and the request for the alternative service is accepted, the committee also decides the place for realisation of the alternative service and the beginning of the execution of it. Against this decision no appeal is possible.

Alternative service.

Article 6 paragraph 1 (Bulgarian Law on CO): "Alternative service is executed in: the military forces, organisations and departments financed by the government, in municipality and state factories in positions, which do not require carrying or using weapons". This means that the committee on alternative service can decide that the conscientious objector has to do his alternative service in the army, and no appeal is possible against this decision. This violates another written rule in the CO-brochure of the CoE: "the alternative service be clearly civilian.....".

Length of alternative service

Article 15 of the Bulgarian law on CO: "The term of peacetime alternative service is one and a half times longer than the term for regular military service."

The CO-brochure of the CoE: "the alternative service duration be such that it cannot be considered punitive. "

Page 6. of the same brochure: " Amnesty International has asked the member states of the European Union to make it clear, through a European Parliament resolution, that recognition of the right to conscientious objection to military service and the introduction of alternative, civilian service of a duration that cannot be considered punitive be included among the criteria for the admission of new members to the European Union in the future." The term mentioned in this Article 15 can only be considered as punitive.

Friendly agreement

A matter of special importance is the so-called "friendly agreement" of May 2001.

After complaints of Bulgarian conscientious objectors to the Bulgarian State the European Court and the Bulgarian government agreed on a friendly settlement.

According to this settlement substitute service will have to be of equal length as compared to military service, and substitute service needs to be civilian without military involvement. Our conclusion from what we have written here can only be that the Bulgarian government does not live up to this friendly agreement. We cannot understand and accept that Bulgaria does not execute its agreement with the European Court of Human Rights.

Hans Dijkman, EBCO Secretary General

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