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Athens 10/12/2016

### **Call to boycott the Conscience Examination Committee**

The Association of Greek Conscientious Objectors calls on those who have submitted applications in order to be recognized as conscientious objectors and perform alternative service, to boycott, from now on, the Conscience Examination Committee. The existence of a committee, which, like another Holy Inquisition, interrogates the conscientious objectors, violates any sense of the protected right to freedom of conscience.

Furthermore, this interrogation, under the threat of rejection and the subsequent sanctions for insubordination in case the rejected persons insist in their conscientious objection, leads to the collection of data (profiling) of people, based, among other things, on their political beliefs, which they are kept in records of the Ministry of National Defence. What's even worse, the Committee has recently exercised unacceptable pressure to the conscientious objectors under examination, in order to reveal other comrades in their political activities,<sup>i</sup> sometimes even asking the latter to act as testifiers in order to confirm the claims of the applicants. This results either in the profiling of persons beyond the objector under examination, or in the rejection of any applicant who refuses to do so.

Often, there have been also complaints of misrepresentation of what the conscientious objectors had said, in the written records, even after the practice of recording the interviews has started.

Moreover, the composition of the present committee, with the participation of military officers, is unacceptable in itself, both for us as conscientious objectors, as well according to the international standards. The same is true for the fact that the decision is taken by the (Deputy) Minister of National Defence. While, in the past, there was even a case, as proven by the records, where the Committee hold a session with more military officers present than those stipulated by the law.

The committee has lead to gross discrimination against those objectors stating ideological grounds, with about half of them being rejected throughout the years, as well against those objectors stating religious grounds if they are not baptized Jehovah's Witnesses.

We would like to remind that the present procedure of examination of conscientious objectors in Greece, violates even the international human rights standards, as it has been pointed out by all the institutional international and domestic bodies:

– The European Parliament has repeatedly stated through its resolutions that no committee can penetrate the conscience of an individual and has asked for a declaration to be sufficient for someone in order to be recognized as objector.<sup>ii</sup>

- Furthermore the [Greek] Ombudsman has challenged the procedure of examination of objectors through interview stating that “Personal interview as a mean to ascertain reasons of conscience is controversial *per se* insofar it submits an internal esprit to an examination of sincerity”.<sup>iii</sup>

- The demand to abolish the examination by a conscience examination committee is supported as well by the Hellenic League for Human Rights.<sup>iv</sup>

- In any case, even when there is an examination, the UN Human Rights Committee<sup>v</sup> and the Commissioner for Human Rights of the Council of Europe<sup>vi</sup> have asked, for this examination to be placed under the full control of civilian authorities, outside the Ministry of Defence.

- The Parliamentary Assembly of the Council of Europe has set specific basic principles as of the procedure, stating among other things that where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, the decision-taking body shall be entirely separate from the military authorities and its composition shall guarantee maximum independence and impartiality.<sup>vii</sup>

- Similar recommendations have been made by the National Commission for Human Rights, which, in any case, has asked for the composition of the Conscience Examination Committee to be changed by adding more civilian, i.e. non military, members.<sup>viii</sup>

- While it is known that the European Court of Human Rights has recently convicted Greece in the Papavasiliakis' case, not only because of the capability of the Conscience Examination Committee to hold a session with a majority of military officers, but also because the final decision of the Minister of Defence on the basis of a draft ministerial decision following the Committee's proposal, does not afford the requisite safeguards of impartiality and independence.

Based on all the above, and before the intertemporal intransigence of all governments to proceed, at least, to a change of the procedure of examination and of the composition of the committee, we don't have other choice than calling the conscientious objectors to boycott it. We call on conscientious objectors to report and declare before the Conscience Examination Committee that they refused to be examined and to answer to their questions.

We stress the fact that this should by no means result to their rejection, moreover since, according to the current legislation, even if they do not report, their application should be put into judgment.<sup>ix</sup>

Abolish the examination of objectors and the Conscience Examination Committee!

The right to conscientious objection is inalienable! Not even one hour in the army!

Association of Greek Conscientious Objectors

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i See a relevant denunciation in the text (in Greek) “[My experience from the examination for my recognition as a conscientious objector by the competent committee](#)”.

ii European Parliament, Resolution on Conscientious Objection [known as the Macciocchi Resolution] 7 February 1983, as published in the Official Journal of the European Communities C68, 14 March 1983, para. no 3 (page 15), and Resolution on conscientious objection and alternative civilian service [known as the Schmidbauer Resolution], 13 October 1989, as published in the Official Journal of the European

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- Communities C291, 20 November 1989, para. A (p. 123) and para. 4 (p. 124).
- iii Ombudsman, Examination of applications for recognition of conscientious objectors, (in Greek) <http://www.synigoros.gr/?i=metaxeirisi.el.imnode2.264999>
  - iv See Letter of the then Chair, Dimitris Christopoulos, on behalf of the Board of the Hellenic League for Human Rights (2005) (in Greek) <http://www.hlhr.gr/index.php?MDL=pages&SiteID=471>, para. 6.
  - v UN Human Rights Committee, Concluding observations on the initial report of Greece, 25 April 2005, CCPR/CO/83/GRC, para. 15. UN Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, CCPR/C/GRC/CO/2, paras. 37-38.
  - vi Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, Follow-up report on the Hellenic republic (2002 – 2005), 29 March 2006. [https://wcd.coe.int/ViewDoc.jsp?id=984125#P135\\_14233](https://wcd.coe.int/ViewDoc.jsp?id=984125#P135_14233), para. 34.
  - vii Council of Europe, Parliamentary Assembly, Resolution 337 (1967), Right of conscientious objection, para. b2.
  - viii GNCHR, Observations on article 12 of the bill of the Ministry of National Defence “Settlement of issues concerning transfer of soldiers, care for staff and other provisions” (Conscientious Objectors), (20.1.2016), III, Special Observations on article 12 of the bill, para. 4.
  - ix Decision of the Minister of National Defence Φ.420/79/81978/Σ.300/21-12-2005, (Government's Gazette B, 1854/29-12-2005), article 3, para. 5.



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Athens 14/12/2016

## **Solidarity with the 3 conscientious objectors who refused to be examined by the Conscience Examination Committee**

On Monday 12 of December, a few days after the anniversary marking 30 years from the first declaration of refusal to enlist on ideological grounds of Mihalis Maragkakis, three new conscientious objectors proceeded to an unprecedented, as for Greece, massive refusal to be examined by the Conscience Examination Committee.

Specifically, the 3 conscientious objectors, responding to the Call to boycott the Conscience Examination Committee, issued by the Association of Greek Conscientious Objectors (AGCO), they reported to the Ministry of National Defence. Upon their arrival, the 3 conscientious objectors stated to the Ministry's employee who was escorting them, that they have a common stance, and therefore they wanted to enter altogether in the room in order to declare orally the reasons for holding this stance and to collectively present their protest. When she passed this information to the president of the Committee, Mr. Theodoros Raptis, member of the State's Legal Council, who was entering in the same time, he responded that these things will not be discussed in the corridor, without showing the minimum interest to know what exactly the three objectors had asked for.

Although it was obvious that this was not a common examination, the people of the Ministry of Defence and of the Conscience Examination Committee who are in charge, after a new demand of the 3 objectors to collectively appear before the committee, they refused to allow them and called them to enter separately, saying that the interview is personal, as the records should be kept separately - something which was finally proved to be a pretext, since the same committee later refused to keep anything from the objectors' oral statements in the records, if they refuse to be examined.

The first conscientious objector, who was called in, submitted an official stamped document of the Association of Greek Conscientious Objectors with the Call to boycott the Conscience Examination Committee and declared that responding to it he refuses to be examined by this problematic committee. The next two objectors, stating that they, too, respond to the AGCO's call, they also submitted their own "Common declaration of conscientious objection and refusal of examination by the Conscience Examination Committee". It is illustrative of the committee's hostility that it emphatically refused to accept any oral statement of the third objector, when he refused to be examined but attempted to justify his stance.

It is stressed that although the cases of the 3 conscientious objectors are each one at a different stage, this was not the first time to report to the Committee for none of the 3 of them.

The Association of Greek Conscientious Objectors denounces:

- The attempt to isolate and separate the 3 conscientious objectors as an attempt to break their spirit and to negate the collective character of their protest.
- The fact that the president of the Conscience Examination Committee, member of the State's Legal Council, stated that nothing of what was said during the successive protest of the 3 conscientious objectors will not be written in the records, although it was obvious that a member of the Committee was keeping records of anything that was said.
- The fact that the president of the Conscience Examination Committee tried to prevent some of the conscientious objectors to explain the reasons of their stance or to read their personal declaration.
- The fact that the 3<sup>rd</sup> objector was falsely told that his common declaration with the 2<sup>nd</sup> one, had been already read before the Committee by that one.
- The direct threat of the president to press charges against one of the conscientious objectors when he denounced that in a previous examination of him, after which he had been rejected, the records had been manipulated.
- But also the hostile behaviour of the president in general, not only during this, but also during other sessions as well. It is indicative how easily the president throws accusations against the objectors who are examined and their supporters for [allegedly] "committing criminal offences", like in the previous session when he deemed as a criminal offence the certificate submitted by an objector, that he had worked as a volunteer in a cultural center, because it was not clear in it that the center had been closed down since then. As a result he "kicked out" the examinee, who was later called once again to report to the committee without any explanation about why he has suffered this military-style harassment of being put out twice.

We will not tolerate any manipulation of the records about what was said during the protest of the 3 conscientious objectors. We will not tolerate any arbitrary rejection of the 3 conscientious objectors because of their completely lawful protest. We remind that according to the legislation<sup>i</sup> they didn't even have to report to the Committee, and even if they hadn't report, their applications should have been examined. Nevertheless, these conscientious objectors reported and, to the extent that they were permitted, they explained, orally and in writing, the reasons why they refuse to answer to the Committee's questions. Their stance had been completely lawful, on the contrary what is illegal according to international law is this Conscience Examination Committee.

As it has been analyzed in detailed and documented in the call for boycott, the current procedure of examination, the particular Conscience Examination Committee and the fact that the final decision is taken by the (Deputy) Minister of National Defence, violate all international human rights standards and have been condemned by all the international and domestic institutional human rights bodies.

We call for the 3 conscientious objectors to be recognized as such.

We call on the rest of the conscientious objectors due to be examined, to hold the same strong stance before this unacceptable Conscience Examination Committee.

Solidarity with the 3 conscientious objectors who refused to be examined by the Conscience Examination Committee.

Abolish the examination of objectors and the Conscience Examination Committee!

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i Decision of the Minister of National Defence Φ.420/79/81978/Σ.300/21-12-2005, (Government's Gazette B, 1854/29-12-2005), article 3, para. 5.