

EXTERNAL (for general distribution)

AI Index: EUR 17/02/94
Distr: UA/SC

UA 85/94 Legal Concern/Medical concern/
Prisoner of Conscience

4 March 1994

CYPRUS

Theocharis Theokli THEOCHARIDIS (aged 53)

Amnesty International has been informed that 53-year-old Jehovah's Witness Theocharis Theokli Theocharidis will be called before the Court on 22 April 1994 for refusing to perform reservist military exercises due to begin on 28 April 1994 and faces a possible term of imprisonment of between one to five months. He is married and a father of two.

His religion does not permit him to serve in the armed forces in any capacity. As a Jehovah's Witness, he is opposed to performing any form of military service. Amnesty International believes that his imprisonment would be merely for exercising of his right to freedom of thought, conscience and religion.

He served a two-month prison sentence in June 1991, paid a fine of \$100 dollars in November 1991, and was given a three-month suspended sentence on 8 January 1992 for failing to perform reservist exercises on previous occasions. He has extremely poor eye-sight and suffers from enlargement of the heart and high blood pressure. His applications for exemption from military obligations on health grounds have not been accepted so far. If he is imprisoned again Amnesty International will consider him a prisoner of conscience.

BACKGROUND INFORMATION

In Cyprus all men between the ages of 18 and 50 are liable for military service and men under the age of 50 without dependants are required to participate as reservists in military exercises. However, there are also military exercises for reservists discharged from the normal military duties and for which men can be called up to the age of 55. The aim of these exercises (ethnofilaki - National Guard) is to keep the reservists up to date with military development and new armaments.

In January 1992 the Cypriot House of Representatives headed by former President George Vassiliou passed legislation recognizing for the first time in Cyprus the right to have conscientious objections to military service. The legislation made provision for alternative service which was, however, out of line with international standards in a number of crucial respects: it is punitive in length, and the right to transfer to the alternative service is suspended during periods of emergency or mobilization. The new legislation provides for 34 months unarmed service, in uniform and in military camps, or 42 months of civilian service. In both above cases the length of the unarmed service (42 or 34 months as against the 26 months of ordinary military service) remains punitive. The right to transfer to alternative service from military service is suspended during periods of emergency or general mobilization. Moreover, since it is necessary for those called up for military service to enlist before they may apply to perform alternative service, the new legislation would be unacceptable to most conscientious objectors and as far as Amnesty International knows, no one in Cyprus has yet applied for recognition as a conscientious objector under the new provisions. By mid-1992 convictions had resumed at their previous rate with conscientious objectors being

sentenced to longer terms of imprisonment than ever.

Cyprus is a member of the Council of Europe and the United Nations and a participating state in the Conference on Security and Co-operation in Europe (CSCE). These bodies have adopted the following resolutions and recommendations, all of which urge member states to recognize the right to conscientious objection and adjust their national legislation to make provision for alternative civilian service:

The United Nations Commission on Human Rights: Resolution 1989/59, which was reaffirmed in 1991 (1991/65), recognizes "the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights" and recommends that Member States provide alternative service "in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature".

Council of Europe: Recommendation No. R (87) 8 of the Committee of Ministers to Member States Regarding Conscientious Objection to Compulsory Military Service, recommends that governments of member states make provision in their legislation for conscientious objectors to have the right to perform alternative service which is not of a punitive nature. However, the Cypriot Government has reserved the right not to comply with the recommendation in paragraph 9 that alternative service "shall be in principle civilian and in the public interest".

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in Greek, English or French or in your own language:

- stressing that in view of Theocharis Theokli Theocharidis's poor health he should be exempted from any military exercise.
- pointing out that if he is imprisoned Amnesty International would consider him to be a prisoner of conscience.
- calling for the introduction of a wholly civilian service of non-punitive length in line with the Resolution 1989/59 of the United Nations Commission on Human Rights and with the Recommendation No. R(87) 8 of the Council of Europe.

APPEALS TO

1) Mr Glafcos Klerides,
President of the Republic of Cyprus,
Presidential Palace, Nicosia, Cyprus.

Faxes: 2-445016

Salutation: Dear President

2) Dr Konstandinos Iliadhis,
Minister of Defence, Ministry of Defence,
Emmanouil Roidi 4, Nicosia, Cyprus.

Telex: 6006 MOD CY

Salutation: Dear Minister

3) Mr Alexandros Evangelou,
Minister of Justice,
Ministry of Justice,
1 Diogenes St, Engonti, Cyprus.

Faxes: 2-461427

Telexes: 6116 MINJUST CY

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO: diplomatic representative of Cyprus accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 April 1994.