



P R E S S R E L E A S E

EBCO urges Greece to stop the persecution of Nikolaos Xiarhos and all other Greek conscientious objectors

Brussels, 4 June 2012

In view of the new trial of Greek conscientious objector Nikolaos Xiarhos tomorrow, EBCO calls on the Greek authorities to stop the continuous persecution of Nikolaos Xiarhos and all other Greek conscientious objectors and fulfil the international obligations of Greece by fully respecting their human rights, both in law and in practice.

"We strongly condemn the Greek practice of criminalisation of conscientious objection. It's high time Greece meets the European and international standards. It's just unacceptable that Greek citizens have to appear before military courts and face prison sentences just because of their conscience. It's even more unacceptable that this can take place repeatedly for the same reason, in breach of the "ne bis in idem" principle that one cannot be tried twice for the same offense", Mr. Friedhelm Schneider, EBCO's President, said today. "This violates 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'", EBCO's President added.

Alexia Tsouni from Greece, Board Member of EBCO, will be present at the trial tomorrow to demonstrate international solidarity and to defend Nikolaos Xiarhos.

At the age of 22, Nikolaos Xiarhos, who was a professional soldier in the Greek Navy, took leave and went to Sweden where he was baptized as a Jehovah's Witness, in 1989. He came back to Greece in November 2006 and was sentenced to 6 years imprisonment for desertion. He appealed against this verdict and was sentenced by the Appeal Military Court of Athens to 3 years imprisonment suspended for 5 years in September 2008. On 08/08/2010 he was sent a bill of indictment by the Judicial Council of the Naval Court of Piraeus for a second charge of desertion for the period starting from the day of his trial in the Military Court until June 2007 when his resignation was accepted. On 16/02/2011, the Judicial Council of the Appeal Military Court of Athens heard the appeal of Nikolaos Xiarhos against the bill of indictment by the Judicial Council of the Naval Court of Piraeus for the second charge of desertion. In March 2011 his appeal was rejected and a 3000 Euros bailment was imposed on him, which he paid. On 12/01/2012 Nikolaos Xiarhos would have been tried for the second charge of desertion by the Naval Court of Piraeus but the trial was postponed to 05/06/2012 because of lawyers' strike.

In 1997, Greece was by 19 years the last of the then members of the European Union to accept conscientious objection to military service and make a substitute service available for conscientious objectors by Law 2510/1997. Law 3421/2005 and recent Law 3883/2010 have amended some of the provisions of Law 2510/1997, but in many respects the law still falls far short of international standards. EBCO's detailed concerns are analysed in its Submission to the UN Universal Periodic Review 11th session of the UPR Working Group, May 2011, on Greece.

EBCO was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. It enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. It provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. It is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. It is a full member of the European Youth Forum since 1995.