

DECISION No. 34/1993 (GREECE)*

Communication addressed to the Government of Greece on 22 February 1993.

Concerning: Dimitrios Tsironis, on the one hand, and the Hellenic Republic, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.*

3. (Same text as paragraph 3 of Decision No. 43/1992).

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Greece. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.*

5. Dimitrios Tsironis, aged 21 was reportedly arrested in March 1992 at the Army Camp in Kozani. Mr. Tsironis, who is a Jehovah's Witness, reportedly resisted serving in the armed forces in any capacity because of his religious beliefs. In the absence of any provision in Greece for performing alternative civilian service, in June 1992 Mr. Tsironis is said to have been sentenced to four years' imprisonment by the Military Court of Thessaloniki. During the first month of his imprisonment Mr. Tsironis was reportedly held in a disciplinary cell and was allegedly subjected to physical and psychological ill-treatment. He is currently said to be detained at Sindos Military Prison where he was reportedly transferred in April 1992. Greek law apparently allows those who object to military service on the ground of conscience to perform unarmed military service lasting twice as long as military service.

* It may be noted that after the present decision was adopted, the Working Group received a detailed reply from the Government of Greece, dated 5 September 1993, on the case in question. The allegation of ill-treatment contained in the communication received from the source and transmitted to the Government, is firmly denied. The Government's reply was transmitted, together with the present decision, to the Special Rapporteur on the question of torture.

This seems to be unacceptable to Mr. Tsironis, since he believes that such service furthers military aims. It seems that those similarly situated as Mr. Tsironis, who refuse to do any form of military service are given four-year prison sentences which are reduced to about 30 months if they do prison work.

6. The facts suggest that Mr. Tsironis was subjected to physical and psychological ill-treatment in a disciplinary cell before he was transferred to Sindos Military Prison in April 1992. Such treatment is in violation of article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights. In respect of the posture of Mr. Tsironis that his religious beliefs entitle him to object to compulsory military service and do not permit him to perform unarmed military service, since such service furthers military aims, it is difficult to conclude that military service or unarmed military service is per se incompatible with the religious beliefs of Mr. Tsironis who is a Jehovah's Witness. Being a Jehovah's Witness does not confer on Mr. Tsironis a right to refuse on grounds of conscience to perform armed or unarmed military service.

7. In the light of the above the Working Group decides:

(a) The detention of Dimitrios Tsironis is declared not to be arbitrary.

(b) The Working Group decided furthermore, to transmit the information concerning the alleged ill-treatment to the Special Rapporteur on the question of torture.

Adopted on 29 September 1993