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COMMISSION ON HUMAN RIGHTS
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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
CONSCIENTIOUS OBJECTION TO MILITARY SERVICE,
THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Written statement* submitted by international fellowship of reconciliation (Ifor), a non-
governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 January 2005]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Concerning: death penalty imposed to conscientious objectors to military service

Conscientious objectors are civilians who refuse to fight in the army. This right has been recognised to them by the comment 22 of the International Covenant on Civil and Political Rights as part of the right to freedom of thought, conscience and religion according to the Universal Declaration on Human Rights article 18.

The resolution 1998/77 of the Commission calls on states to establish independent and impartial decision making bodies to determine whether a conscientious objection is genuinely held in a specific case (operative part number 3). In spite of this resolution COs are still accused of desertion in many countries and put before military tribunals. In time of war they are at risk to be condemned to death penalty according to the legislation of those countries.

Mr Emmanuel Decaux, expert at the Sub Commission on Human Rights in his report on military tribunals E/CN.4/sub.2/2004/7 considers that COs are civilians who should be tried in civil courts under the supervision of ordinary judges (paragraph 44)

The Sub Commission in its resolution E/CN.4/Sub.2/2004/L.38 on the administration of justice, rule of law and democracy urges all states that still maintain death penalty to ensure that it cannot be imposed on civilians tried by military courts or by courts in which one or more of the judges is a member of the armed forces and to abolish in law such application (operative part number 3)

It follows that COs could not be condemned to death penalty by a military tribunal. In fact still in many countries the legislation authorises this practice accusing COs to be deserters.

In order to prevent in the future such drastic events we ask to introduce in the resolution of the Commission on death penalty the wording of the resolution 1999/4 of the Sub Commission which says: **the Commission urges all states that maintain the death penalty not to apply the death penalty for refusal to undertake military service where the refusal to undertake military service is the result of conscientious objection to such service.**

The COs will then be examined by independent and impartial body and submitted to a civilian service according to the law in conformity with article 8, paragraph 3, alinea II of the International Covenant on Civil and Political Rights.
