

EXTERNAL

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**FRANCE: @LATEST DEVELOPMENTS IN THE CASE OF MICHEL LUCIA - A
CONSCIENTIOUS OBJECTOR TO MILITARY
SERVICE**

Update to information given in AI Index: EUR 21/04/93 and 21/05/93)

On 19 May 1993 Michel Lucia appeared before the Tenth Criminal Chamber of Paris Tribunal (10ème chambre correctionnelle du Tribunal de Grande Instance de Paris) for sentencing on two charges of insubordination (refus d'obéissance) brought as a result of his refusal - on two separate occasions - to perform military service. The public prosecutor requested the court to pass a sentence of one year's imprisonment for each offence, however, the court postponed sentencing until 13 October 1993.

Amnesty International adopted Michel Lucia, a 22-year-old conscript, as a prisoner of conscience during a period of imprisonment between 19 January 1993 and 24 March 1993. Although he had presented an application for conscientious objector status to the authorities, it was rejected on the grounds that it had been made outside the time limits laid down by law.

Michel Lucia was brought up in the Jehovah's Witness faith and, although he ceased to be a Jehovah's Witness some two years before commencing military service, he retains a number of fundamental ethical beliefs based on the teachings of the Jehovah's Witnesses, with regard in particular to their respect for life, belief in pacifism and refusal to bear arms.

In November 1991 Michel Lucia reported to a selection centre for national service in Limoges for the tests which all conscripts undergo in order to determine the branch of national service to which they will be assigned. He states that at that time he was in confusion over his conscientious beliefs, having just left the Jehovah's Witness community, but that he informed the authorities at the centre of his reservations about the personal use of arms and indicated that he would probably ask to carry out his national service as a conscientious objector. However, no information was reportedly given to him regarding the procedures to be followed in order to obtain conscientious objector status nor regarding the time limits within which an application for conscientious objector status should be presented.

He had taken no further steps towards obtaining conscientious objector status by the time he was ordered to report to military barracks in Monthléry on 6 October 1992. He states that when he reported to barracks his reservations about the personal use of arms had already matured into profound conviction. However, he apparently believed that he would be assigned to a post where his opposition to the personal use of arms would be taken into account. He was therefore distressed to find that he had been assigned to a combat unit.

After a few weeks he concluded that further military service was incompatible with his conscientiously-held beliefs and on 15 November 1992 submitted a formal application for conscientious objector status to the national service authorities, followed on 20 November by a letter explaining his convictions in detail. However, his application was rejected on 2 December 1992 on the grounds that it had been made outside the stipulated time limits. Under current legislation applications for conscientious objector status must be presented, at the latest, 15 days before call-up to active military service.

On 4 January 1993 Michel Lucia submitted an appeal against the December decision to Poitiers Administrative Tribunal and on 9 January also sent an appeal to the Minister of Defence, asking him to review the decision. He is still awaiting the outcome of these

appeals. On 18 January 1993 he refused to perform any further military service and on 19 January was placed under arrest at military barracks in Monthléry while awaiting trial on a charge of insubordination.

Meanwhile, CIMADE - a humanitarian organization based in Paris which is officially registered as a body in which recognized conscientious objectors may carry out their alternative civilian service - stated that it was ready to offer civilian service to Michel Lucia.

On 3 March 1993 Michel Lucia was transferred from military barracks to the civilian prison of Fresnes and was tried by a Paris court (10^{ème} chambre correctionnelle du Tribunal de Paris) on 24 March 1993. The court found him guilty of the offence of insubordination but postponed sentencing until 19 May 1993. The court also authorized his provisional release pending sentencing.

However, Michel Lucia's obligation to perform military service remained and, following his release, he was recalled by the army. He presented himself at barracks on 1 April 1993 but refused orders to put on military uniform and perform military service. He was again placed under arrest on a charge of insubordination and on 2 April appeared before the same Paris court which had heard the first charge against him in March. The court postponed full consideration of the case until 19 May 1993 and released Michel Lucia into provisional liberty.

Michel Lucia remains liable to further recall by the army and, therefore, further prosecution and imprisonment if he continues to refuse military service.

AMNESTY INTERNATIONAL'S CONCERN

Amnesty International takes no position on whether or not states should provide for conscription and does not oppose the right of a state to request a citizen to undertake alternative civilian service. Nor does it agree or disagree with the motives of conscientious objectors. The organization works for the release of individual objectors who fall within its guidelines on conscientious objection (see attached) and works for the development of law and procedures which make due provision for conscientious objectors.

Amnesty International believes that Michel Lucia's refusal of military service is the result of his conscientiously-held beliefs; he has also made his conscientious objection clear to the authorities. His criminal prosecution is the result of his application for conscientious objector status being presented outside the stipulated time limits. Under current French legislation governing conscientious objection to military service, there is no provision for individuals to present a request for conscientious objector status after incorporation into the armed forces.

However, Amnesty International believes that conscientious objectors to military service are exercising their fundamental human right to freedom of conscience and that they should therefore have the right to claim conscientious objector status at any time, both up to and after incorporation into the armed forces. Amnesty International is also concerned that conscripts for national service in France often appear to receive insufficient information on the procedures to be followed in order to obtain conscientious objector status.

Amnesty International is, therefore, calling for all charges against Michel Lucia to be dropped and for him to be released from the obligation to perform military service, granted conscientious objector status and allowed to perform alternative civilian service, as he has requested.