

EXTERNAL

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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

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ADOPTION OF PRISONER OF CONSCIENCE - FRANCE

The case of Alain CAZAUX

Alain Cazaux, a 22-year-old car mechanic from Bayonne, in the Basque region of Southern France, is currently serving a sentence of 12 months' imprisonment as a result of his refusal, on grounds of conscience, to perform military service. He is a 'total objector', that is, he did not apply for conscientious objector status and rejects alternative civilian service as well as military service. He bases his objection to both military and civilian service on his anti-militarist and political beliefs. He rejects the institution of the army in itself and also considers the French political authorities and the French army to be forces of occupation in the Basque region; he supports the eventual creation of an autonomous Basque state composed of the Basque provinces of both France and Spain. He also considers the current length of civilian service in France to be punitive.

Alain Cazaux was ordered to commence his military service on 1 October 1993. However, he had already publicly announced his intention of refusing military service during a press conference held a few days earlier on 29 September. As he did not obey the call-up order an arrest warrant was issued in his name.

He was detained by gendarmes in the early hours of 23 June 1994 while he was putting up wall-posters in the village of Cambo-les-Bains. Later that day he was transferred in handcuffs to an army centre in Auch where he was held for a few hours before being escorted to the local railway station. He was then given orders to report for military service at Castel-Sarrasin army barracks and issued with a railway ticket for the journey. However, instead of travelling to the barracks he returned home, thus becoming liable for a charge of desertion from the armed forces.

He was rearrested by gendarmes in Arcangues (Arrangoitze) on 11 October 1994 and escorted to Castel-Sarrasin army barracks. On arrival he was brought before the colonel in command who asked him three times to put on army uniform and serve in the regiment. When he refused the colonel ordered him to spend 80 days in isolation. He was locked in a cell where he was held in isolation for six days, with a one hour exercise period taken alone. On 17 October he was brought before the colonel who once again asked him three times to put on army uniform and serve in the regiment. Alain Cazaux continued to refuse the order, thus becoming liable for a charge of insubordination (refus d'obéissance). Later that day Alain Cazaux was transferred to a prison in Toulouse.

On 15 November 1994 a court in Toulouse (Tribunal correctionnel de Toulouse) sentenced him to 12 months' imprisonment for desertion and insubordination. According to the latest information available to Amnesty International he is currently detained at St Michel Prison (Maison d'arrêt) in Toulouse.

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 an essential component of the right to conscientious objection to armed service is that alternative service should not be imposed as a punishment for such objection. International standards on conscientious objection to compulsory military service also advocate a non-punitive length of civilian service.¹

Civilian service in France is, at 20 months, twice the length of ordinary military service. Amnesty International considers that is a punitive length and that the service does not provide an acceptable alternative to military service. Those like Alain Cazaux, who are imprisoned as a result of their rejection, on grounds of conscience, of both services are considered, therefore, to be prisoners of conscience.

Amnesty International has adopted Alain Cazaux as a prisoner of conscience and is appealing for his immediate release.

¹ Recommendation R (87) 8 on Conscientious objection to compulsory military service, adopted by the Committee of Ministers of the Council of Europe on 9 April 1987 states, in paragraph 10, that: "Alternative service shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits."

Resolution 1989/59 on Conscientious objection to military service, adopted by the UN Commission on Human Rights on 8 March 1989 (reaffirmed by Resolution 1993/84 adopted on 10 March 1993), in paragraph 4: " Emphasizes that ... alternative service should be of a non-combatant or civilian character, in the public interest and **not of a punitive nature.**"