

POLAND

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EXTERNAL

Dariusz Matczak - Conscientious Objector

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AI Concern: Amnesty International regards Dariusz Matczak, as a prisoner of conscience, detained because he refused on grounds of conscience to perform military service. Although there is provision in Polish law for alternative service outside of the military, this right is not in practice available for all conscientious objectors.

BACKGROUND INFORMATION: Dariusz Matczak requested to perform alternative service due to his personal pacifist convictions which forbade him from serving in the military. His application was turned down by the Regional Drafting Commission. He was ordered to report for military service, refused to comply and was subsequently tried in April 1993. Dariusz Matczak was sentenced to imprisonment of one year by the Wrocaw Military Court. He appealed, but his appeal was turned down in May and he was imprisoned in early August, exact date unknown.

It appears that his request to perform alternative service because of his pacifist convictions was turned down due to his being a member of the Roman Catholic Church and the authorities' view that as the Roman Catholic Church does not object to the carrying out of military service, this overrides his personal convictions. Amnesty International knows of other similar recent cases in Poland where young men have been refused alternative service for the same reasons.

In Poland all men over the age of 18 are liable for conscription. The normal duration of such conscription is 24 months. In July 1988 the Polish Parliament approved changes to the military draft law to allow 36 months' alternative service for conscientious objectors in non-military institutions. In October 1990 military service was reduced to 18 months and alternative service was likewise reduced to 27 months. In January 1991 military service was reduced to one year. It is not known what effect this had on alternative service but it is probable that it was reduced correspondingly to 18 months.

According to the conscientious objectors' organization "Objektor", which has branches in several Polish cities, about 4,000 people apply annually for alternative service. Most of the requests are granted although sometimes, especially in small towns, attempts are made to intimidate conscientious objectors, or their applications are, like Dariusz Matczak's, turned down. An article in *Glos Szczecinsko* of 10 August 1993 reported that 40 conscientious objectors have been tried by the military courts in Poland in 1993.

### Information regarding Conscientious Objection

Amnesty International's guidelines concerning conscientious objection to military service state:

- "1. A conscientious objector is understood to be a person liable to conscription for military service, or to register for conscription for military service (even where there is no military service) who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives, refuses to perform armed service or any other direct or indirect participation in wars or armed conflicts.  
.....
2. Where a person is detained/imprisoned because he or she claims that he or she on the grounds of conscience described in paragraph 1 above objects to military service, or to registering for conscription to military service, Amnesty International will consider him or her a prisoner of conscience, if his or her imprisonment/detention is a consequence of one of the following reasons:  
(...)
- c) The recognition of conscientious objection is so restricted that only some and not all of the above-mentioned grounds of conscience or profound conviction are acceptable."

Amnesty International considers Dariusz Matczak's objection to serving in the military to fall within the guidelines detailed above. Amnesty International considers him to be a prisoner of conscience and calls for his immediate and unconditional release.