

EXTERNAL

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@ADOPTION OF PRISONER OF CONSCIENCE - (SWITZERLAND)

The case of Stefan Hasinger

Stefan Hasinger, a 24-year-old printer from Stäfa, near Zürich, is currently serving a seven-month prison sentence passed in September 1990 for refusing to perform military service. Amnesty International believes his refusal of military service is the result of his conscientiously-held beliefs and considers him to be a prisoner of conscience.

Military service is a binding obligation under the Swiss Federal Constitution and male citizens carry out a total of approximately 10 months' service between the ages of 20 and 42; there is no provision for alternative civilian service. In a national referendum held on 2 June 1991 a majority of voters approved a government bill amending the Military Penal Code and altering the penalties available for certain categories of conscientious objection to military service. However, the new provisions apply only to conscientious objectors tried and sentenced after 15 July 1991. Further background information on conscientious objection to military service in Switzerland is given in the Appendix.

Stefan Hasinger carried out his military recruit school training, as ordered, in 1988 but in a letter dated 25 September 1989 he informed the military authorities of his refusal to perform any further military service. Judicial proceedings were opened against him when he failed to report for a refresher course of military training in October 1989 and for subsequent shooting practice and kit inspection in November and December 1989.

Stefan Hasinger explained the ethical grounds for his refusal of military service in a public statement sent to the military authorities in 1989 and during his trial by a military divisional tribunal in Glarus on 21 September 1990. He stated that, as he had matured, his views and beliefs had developed. He now found any further military service, either armed or unarmed, to be incompatible with his respect for life and human dignity and with his ideal of peaceful coexistence between nations. He believed in the importance of personal example in advancing the cause of peace and considered that by refusing to bear weapons and to learn how to kill he would make a positive contribution towards his ideal of world peace. He therefore felt compelled to refuse to serve in the army in any capacity. He also stated that he was prepared to carry out an alternative civilian service, were this to exist in Switzerland.

In its written verdict, the military tribunal acknowledged the presence of certain ethical considerations in Stefan Hasinger's decision to refuse military service but concluded that the reasons for his refusal were predominantly egoistic and, to some extent, political. The tribunal did not, therefore, consider that he qualified for a sentence of arrêts répressifs/Gefängnis in den Formen der Haft, a more lenient form of imprisonment of up to a maximum of six months available to conscripts sentenced before 15 July 1991 whom the courts considered to be suffering a "severe conflict of conscience" on "religious or ethical grounds".

Stefan Hasinger was sentenced to seven months' imprisonment, plus costs of 510 Swiss francs and excluded from further military service. He commenced his sentence in Gmünden prison in November 1991 and, if granted remission of sentence for good behaviour, may expect

to be released into conditional liberty after completing two-thirds of his sentence.

Place of detention: Strafanstalt Gmünd
9052 Niederteufen
Switzerland