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Amnesty International  
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United Kingdom

@CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

January 1991

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Introduction

Under its mandate, Amnesty International works for the release of prisoners of conscience, persons who are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour, or language, provided that they have not used or advocated violence. Specifically, Amnesty International's policy guidelines concerning conscientious objection to military service read as follows:

"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 or more of the following reasons:

"a. the legal code of a country does not contain provisions for the recognition of conscientious objection and for a person to register his or her objection at a specific point in time;

"b. a person is refused the right to register his or her objection;

"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;

"d. a person does not have the right to claim conscientious objection on the above-mentioned grounds of conscience or profound conviction developed after conscription into the armed forces;

"e. he or she is imprisoned as a consequence of his or her leaving the armed forces without authorization for reasons of conscience developed after conscription into the armed forces, if he or she has taken such reasonable steps to secure his or her release by lawful means as might grant him or her release from the military obligations on the grounds of conscience or if he or she did not use those means because he or she has been deprived of reasonable access to the knowledge of them;

"f. there is not a right to alternative service which is of purely civilian character and under civilian control;

"g. the length of the alternative service is deemed as a punishment, determined on the basis of all relevant factors including:

- whether the authorities have indicated that the length of alternative service is intended to be punitive as compared with military service;

- whether the authorities have failed to offer adequate justification as to the non-punitive nature of any period of time by which alternative service exceeds that of military service;

- whether time spent in alternative service exceeds the total amount of time spent in military service, including basic training or reserve duty.

"3. Where there is a provision for conscientious objection which satisfies the criteria in paragraph 2, a person should not be considered a prisoner of conscience, if he or she is not willing to state to the decision-making authorities the reason for his or her conscientious objection, where this is required by the law of the country, unless this reason can be inferred from all the circumstances of the case.

"4. A person should however not be considered a prisoner of conscience if he or she is offered and refuses comparable alternative service which is of purely civilian character and under civilian control."

Amnesty International takes no position on whether or not states should provide for conscription. Nor does it agree or disagree with the motives of conscientious objectors. The organization works for the release of individual objectors who fall within the guidelines set forth above, and works for the development of law and procedure which make due provision for conscientious objectors.

In its 1988 report, "Conscientious Objection to Military Service" (AI Index: POL 31/01/88), submitted to the United Nations (UN) in February of that year, Amnesty International detailed its concerns in 23 countries where conscientious objection and alternative service were governed by laws which might lead to the imprisonment of persons whom the organization would consider prisoners of conscience. Those countries were Argentina, Austria, Bulgaria, Cyprus, Czechoslovakia, Federal Republic of Germany, Finland, France, German Democratic Republic, Greece, Hungary, Israel, Italy, Norway, Poland, Romania, Somalia, South Africa, Spain, Sweden, Switzerland, USSR and Yugoslavia. The present report provides updated information as of January 1991 (in a few cases as of February 1991) on the countries contained in the February 1988 submission (with the exception of the former German Democratic Republic), where the organization's concerns have substantially changed or changes in law or practice have been proposed since then. This report also includes information on the situation in China.

Attached as Annex 1 are a selection of recent cases known to Amnesty International which illustrate the organization's continuing concerns arising from the imprisonment of conscientious objectors.

Annex 2 provides a summary of such information which is available to Amnesty International concerning provisions for conscription, conscientious objector status and alternative service in a total of 106 countries, including countries not dealt with in the body of the paper. This information has also been updated and extended since the 1988 paper.

The right to refuse military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as laid down by Article 18 of the Universal Declaration of Human Rights. This freedom is also set forth in the International Covenant on Civil and Political Rights (Article 18), the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 9), the American Declaration on the Rights and Duties of Man (Article 3), the American Convention on Human Rights (Article 12) and the African Charter on Human and Peoples' Rights (Article 8). The first three of these conventions do not permit derogation from the right to freedom of conscience under any circumstances. The African Charter on Human and Peoples' Rights does not envisage suspension of any of its provisions.

Resolution 1987/46 adopted by the UN Commission on Human Rights views objection to military service on conscientious grounds as "a legitimate exercise of the right to freedom of thought, conscience and religion". It recommends that states refrain from subjecting conscientious objectors to imprisonment. It also recommends provision for alternative service and impartial decision-making procedures for the application of such service.

More recently, in March 1989 the Commission on Human Rights adopted resolution 1989/59, reaffirming the right to conscientious objection. It appealed to states to alter existing legislation, if necessary, to permit conscientious objection. It recommended in "States with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting such persons to imprisonment". It emphasized that "such forms of alternative service should be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature". The Commission

on Human Rights will address the question of conscientious objection to military service again in 1991 at its 47th Session. Amnesty International hopes that the Commission will take further steps at this session to strengthen protection of the right to conscientious objection and to encourage all states to ensure the fullest implementation of this right.

Recommendation No. R(87)8 of the Committee of Ministers to Member States of the Council of Europe Regarding Conscientious Objection to Compulsory Military Service of 9 April 1987, while not making explicit reference to the right to freedom of thought, conscience and religion, similarly supports the provision of alternative service. It also recommends that such service "shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits."

In October 1989, the European Parliament passed a resolution calling for "the right to be granted to all conscripts at any time to refuse military service, whether armed or unarmed, on grounds of conscience", urging that "a declaration setting out the individual's motives should suffice in order to obtain the status of conscientious objector" and urging and that the right to alternative military service be recognized in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The latest development concerning recognition of the right to conscientious objection came at a recent session of the Conference on Security and Co-operation in Europe (CSCE). At the CSCE Conference on the Human Dimension, held in Copenhagen in 1990, the 35 participating states, noting that the UN Commission on Human Rights had recognized the right to conscientious objection, agreed to consider introducing, where not already in existence, "forms of alternative service, which are compatible with the reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature". The states also agreed to make information on this issue available to the public, and to keep the matter under consideration.

In some of the countries mentioned in this report there is no legal provision for conscientious objection, and persons objecting to military service on the basis of conscientiously held beliefs are routinely imprisoned. In other countries, only limited grounds for refusal, such as religious motives, are deemed acceptable, and those who object on other grounds may be imprisoned.

Amnesty International is also concerned that in some countries the alternative service cannot be considered to be "of purely civilian character and under civilian control", and objectors may be imprisoned for refusing such service on grounds of conscience. In other cases, alternative service may be as much as twice as long as military service. Amnesty International would regard a conscientious objector imprisoned for refusing to perform alternative service as a prisoner of conscience where the length of alternative service is such that it could be deemed "a punishment for his or her conscientious objection".

In some cases, conscientious objectors who have been imprisoned may be liable to be imprisoned again if, after having served their sentence, they persist in refusing to perform military service.

Amnesty International is also concerned that in some countries there is no provision to ensure that persons may seek conscientious objector status at any time, including after entry into military service. One aspect of this issue is the problem of persons who join the armed forces voluntarily and later,

for reasons of conscience, develop an objection to military service and are prosecuted for refusing to perform such service.

In some countries the right of persons who join the armed forces voluntarily to seek the status of conscientious objector is so restricted as to make it impossible to exercise it effectively. Amnesty International recently adopted Sergeant George Morse, a soldier in the United States (US) Army, as a prisoner of conscience after he was sentenced to five months' imprisonment in December 1990 for refusing to obey an order to help prepare supplies for troops in Saudi Arabia. He was scheduled for discharge on 20 December 1990, but in August 1990 President George Bush issued an order allowing the military authorities to suspend all provisions for discharge from the Army for reasons of "national security". Sergeant Morse attempted to file for conscientious objector status in November 1990 when his division was alerted for duty in the Gulf. Although the US Army permits soldiers to apply for conscientious objector status, it refused to process his application under the new military regulations preventing soldiers alerted for deployment to the Gulf from filing such applications until after their arrival in Saudi Arabia. Sergeant Morse then refused on conscientious grounds to participate in preparing equipment for Saudi Arabia while his application was pending.

Amnesty International is also concerned about reports it has received in some countries of forcible conscription into the armed forces which, by its very nature, offers no possibility at all to seek conscientious objector status and where indeed persons who attempt to resist conscription may suffer various human rights violations including extrajudicial execution, torture or arbitrary detention. This may occur in a country where conscription does not legally exist, such as the Philippines, but where forcible conscription occurs in the context of armed conflict between government and insurgent forces.

In the Philippines there are persistent reports that people living in areas of suspected rebel activity are forced by military or paramilitary authorities to join paramilitary auxiliary units known as Civilian Armed Forces Geographical Units (CAFGU). According to these reports, those who refuse are often accused of being rebels or rebel sympathizers; this makes them vulnerable to various kinds of human rights violations such as arbitrary detention, torture and extrajudicial execution. Some of those who refuse have reportedly suffered extrajudicial execution, at least partly as a consequence of their unwillingness to join the CAFGU. In addition former rebels are often reportedly recruited under duress by military authorities.

In Cote d'Ivoire the practice of forcibly conscripting critics and opponents of the government has been used in the past against journalists and students. For example, in 1980 and 1981, some 18 journalists who had reportedly been active members of a trade union association were forced to serve 12 months in the army before being allowed to return to their professional jobs. More recently, in late 1987, at least 15 trade unionists were taken into custody in Abidjan, of whom ten were later forcibly conscripted into the army. Such practices have also reportedly occurred in Zaïre where unemployed youths are reported to have been forced into military service in various parts of the country and where anti-government demonstrations have apparently led to the forcible conscription of many students. There have also been reports of youths, especially the unemployed, being forcibly conscripted in various parts of the country.



In El Salvador, where conscription is provided for by law, military units are given a quota to fill and have often simply rounded conscripts up from the streets without prior warning. Minors have also been forcibly recruited.

Guatemala is another country that has practised the forcible conscription of minors in rural areas for many years, along with a program of ordinary military conscription.

## Argentina

Military service in Argentina is compulsory for men over 18 years of age, and no provision exists under present legislation for seeking exemption on grounds of conscience. By law all men over 18 must serve a maximum of one year's military service, although during 1987 the length was temporarily reduced to six months.

In December 1984 a draft bill was presented to Congress, under which Argentine citizens could apply for exemption from military service on the grounds that it would be incompatible with their moral or religious convictions.

The draft bill presented to Congress in December 1984 included provisions which would permit those exempted from military service to undertake social work instead. However, this bill has not since been enacted and under the legislation currently still in force no provision for alternative service exists.

In October 1990 the National Executive Power (The President) refused to ratify Law 23.852 by which the children and brothers of people who had "disappeared" before December 1983 were to be exempted from military service.

Law 23.582 had been passed by both the chamber of deputies and the senate.

Those who refuse to perform military service may be subject to up to four years' imprisonment. Amnesty International has in the past received reports of a number of Jehovah's Witnesses who have been imprisoned (or in some cases fined) for refusing military service.

## Austria

Men in Austria between the ages of 18 and 35 are liable for call-up into the army. The right to refuse military service on grounds of conscience is set forth in Article 2 (1) of the Law on Alternative Service.

Provisions have existed since 1975 for conscientious objectors to perform alternative civilian service. However, applications to perform alternative civilian service have to be submitted either as soon as a person has been declared fit to perform military service or up to fourteen days after the order for call-up has been issued. The period of alternative service is normally eight months, the same length as military service, and Amnesty International considers the nature of alternative service to be satisfactory and "outside the war machine".

In order to seek permission to perform alternative service, a candidate must submit a written application to the appropriate military command. It is then sent to the Alternative Service Commission, which summons the applicant for an oral hearing. The applicant must show both in his written submission and at the oral hearing that, apart from cases of personal defence or assistance in an emergency, he rejects the use of force against another person for serious reasons of conscience and would thus experience a severe conflict of conscience by performing any form of military service. If the application is rejected, on the grounds that the candidate has failed to convince the Commission that he would experience a severe conflict of conscience in performing military service, the applicant may appeal to the Higher Alternative Service Commission within fourteen days of receiving the rejection. If this appeal fails, a complaint may be sent to the Constitutional Court within six weeks.

In the event of an application being rejected, a new application to perform alternative service may not be made for one year following the rejection by the Alternative Service Commission. During this period the applicant may be liable for call-up into the army, and, if he does not comply with the order to perform military service, may be prosecuted under Article 7 of the Military Penal Code (unauthorized absence from the army), and/or Article 12 of the same law (refusing to obey a military order). Since 1987, if found guilty, conscientious objectors to military service may be sentenced to up to two years' imprisonment. Amnesty International has adopted eight conscientious objectors as prisoners of conscience. Their applications had been turned down because the Alternative Service Commission considered that the men had not presented their convictions in a credible manner and that performing military service would not cause a severe conflict of conscience for them. Amnesty International believes that their applications, although rejected, were based on sincere grounds of conscience.

### Bulgaria

Military service in Bulgaria is compulsory for all men over 18. In August 1990 it was reduced from two years to 18 months. Although the right to conscientious objection is not guaranteed by a concrete legal provision, in the past the government had issued a number of decrees which gave the possibility for young men to satisfy their regular conscription obligation by working in certain industrial sectors over a period of five years. This form of non-combat duty covered young men who had worked in construction and building, metallurgical plants, shipbuilding, geological prospecting, and oil and gas mining. Conscripts working in these sectors were not subject to the rights and duties of those serving in the army, but enjoyed all the rights and obligations of the Labour Code. Young men could also satisfy their military service obligation when admitted as students in certain professional disciplines, which were thought to be important for the national development, provided they committed themselves to working for at least ten years in their special field. These decrees were abolished on 21 August 1990. A new law on alternative service for conscientious objectors is said to be in preparation.

Article 361 (1) of the criminal code allows for up to three years' imprisonment for evading military service.

### China

Military service is compulsory in China where all male citizens aged 18 must register; however, not all are called up for military service. The Local People's Armed Forces Departments select the individuals to be called up on the basis of the needs of the People's Liberation Army and on medical and political criteria. Those called up may not normally refuse to do the military service, although in certain cases - for example if the conscript is the sole wage-earner in his family, or is studying in certain schools - the draft may be delayed. Women may volunteer.

Those who are not drafted for military service are liable to undergo a period of military training, the length of which varies according to the level of education of the individual and to the reserve grade to be reached. There is no legal recognition of conscientious objection and no provision for alternative service.

Local governments are in effect given quotas of recruits each year. Whereas a number of poor provinces receive more voluntary applications than they can handle, draft avoidance is reported in the richer provinces of eastern China. National legislation is not known to detail the penalties applicable to peacetime draft-dodgers and local governments are reported to impose local measures, such as fines.

In September 1989, first-year students at Beijing University and at Shanghai's Fudan University were sent for a compulsory one-year period of military training. The scheme was renewed for first-year entrants to these and other universities in September 1990. It was introduced following the pro-democracy protests of the Spring 1989, in which university students had a leading role. No alternative to this military training was offered, and it was understood that students who refused to undergo the training would be expelled from the universities. No information is available to Amnesty International on any refusals by students to perform military service, or expulsions for such refusal.

### Cyprus

Conscientious objection is not provided for by law in Cyprus, where all men between the ages of 18 and 50 are liable for military service and reservist exercises. Religious ministers, monks and deacons of officially recognized religions are exempt from service. Military service lasts for 26 months and reservist exercises are held every two to three months and last from several hours to several days.

No alternative civilian service is available for objectors to military service, nor is there any provision for unarmed military service. In April 1987, when the Committee of Ministers of the Council of Europe adopted its Recommendation regarding Conscientious Objection to Compulsory Military Service, the Representative of Cyprus reserved the right of his government to comply or not with paragraph 9 of the Recommendation, which states that "Alternative service, if any, shall be in principle civilian and in the public interest. Nevertheless, in addition to civilian service, the state may also provide for unarmed military service, assigning to it only those conscientious objectors whose objections are restricted to the personal use of arms."

Conscientious objectors are sentenced by Nicosia Military Court and serve their sentences in Nicosia Central Prison. Normally those convicted for refusing to perform military service are sentenced to between four and six months' imprisonment. Reservists are generally given prison sentences of between several weeks and four months. Conscientious objectors in Cyprus normally serve the first two months of their sentences in full and 25 days of each remaining month.

In September 1985 all imprisoned conscientious objectors were granted amnesties following a decision by the Supreme Court. Although Jehovah's Witnesses continued to be called up, their call-up papers did not specify a date by which they had to present themselves to the military authorities. In 1989 the military authorities began once again to imprison conscientious objectors. In 1989 Amnesty International was aware of two imprisoned conscientious objectors, one a Jehovah's Witness and the other a conscientious objector on moral or political grounds. During 1990 some thirty Jehovah's

Witnesses were imprisoned. A number of these men had already served prison sentences prior to the amnesty of 1985.

In September 1988 a draft law providing for alternative service for conscientious objectors was submitted to the House of Representatives. If passed, the law would recognize the right to conscientious objection for the first time in Cyprus. The length of the proposed service would be punitive: a three-year unarmed military service or a four-year service outside the military sphere in a Civil Defence Force or a social service and it was not clear whether the alternative service being offered would be completely civilian in character and under civilian control. It was also unclear whether the draft law made provision for men who have completed military service and declare their conscientious objection when they are called up to perform reservist exercises. Also the legislation did not take into account conscientious objection on non-religious grounds. In July 1990 President Vassiliou informed Amnesty International that the draft legislation would probably be enacted before the end of 1990. However, by the end of January 1991 it had not been debated by the House of Representatives.

#### Czech and Slovak Federal Republic

In the Czech and Slovak Federal Republic (CSFR) all men over 18 face compulsory conscription. On 2 January 1990 its length was reduced to 18 months. On 14 March 1990 the Federal Assembly of the CSFR accepted the new Law on Civilian Service (Act 73/1990), which provides for a civilian alternative to military service. Article 1 of this new law states that civilian service is open for all those citizens whose religious beliefs or moral convictions hinder them from performing active military service. It may be performed in non-profit making organizations, that is, health service, social sector, protection of the environment, fighting the consequences of natural disasters and other community welfare areas. Civilian service is one and a half times longer than military service.

Article 12 of the new law provides for between six months' and three years' imprisonment for those who intentionally avoid civilian service. At the end of 1990 there were no reports of people imprisoned for refusing conscription.

#### Federal Republic of Germany

Military service is compulsory for men between the ages of 18 and 28 in the Federal Republic of Germany. Conscientious objection to military service is provided for in Article 4(3) of the Constitution of the Federal Republic of Germany, which stipulates that: "No person should be forced to perform armed military service against the dictates of their conscience. Further details are regulated by Federal law." Those who object to military service on conscientious grounds are required to undertake alternative service, which includes the possibility of service outside the country's military and defence system, for a period of fifteen months, in place of the twelve months' military service.

According to Article 5.2 of the law currently regulating conscientious objection (Kriegsdienstverweigerungsneuordnungsgesetz), a first-time applicant who has not yet been called up is to be recognized as a conscientious objector if the reasons given in the application are "appropriate" (geeignet).

In practice, according to a report by the government, an application is not adequate if it is based exclusively in reasons that are not "conscientious".

According to the Federal Constitutional Court, recognition of conscientious objector status requires a decision on "conscientious grounds", which include "every serious moral decision, based on categories of good and evil, which the individual feels morally binding, so that to act against such a decision would result in a severe conflict of conscience". A few applicants, whose objections Amnesty International believes to be based on genuinely conscientious grounds, have been turned down. Since 1985 the organization has worked on behalf of eight imprisoned conscientious objectors, all of whom had made unsuccessful applications to do alternative civilian service (this figure does not include imprisoned conscientious objectors in the former German Democratic Republic). Amnesty International believed that their objections were based on genuine grounds of conscience.

In the Federal Republic of Germany those who have not been called up for military service and who are first-time applicants for conscientious objector status cannot be called up until a decision has been made on their application.

However, conscripts whose first applications have been rejected and who make subsequent applications can be called up and, if they fail to cooperate, they face military arrest or imprisonment. Some applicants in this situation follow call-up requirements but then refuse to obey all or some orders, in which case disciplinary action is taken and they may be placed under military arrest for up to 21 days. This action may be repeated upon further refusals to obey orders.

Thereafter, conscientious objectors may be prosecuted under Article 109 of the Penal Code (refusal to perform military service), which provides for up to five years' imprisonment or a fine; under Article 16 of the Military Penal Code (desertion), which provides for up to five years' imprisonment; or Article 20 of the Military Penal Code (refusal to obey orders), which provides for up to three years' imprisonment. Prosecution may even occur when the applicant receives recognition as a conscientious objector after having been charged, for example, with refusal to obey orders. If recognition of conscientious objector status is granted after a court sentence has been passed the sentence is not necessarily reversed.

Following conviction for refusing to perform military service, a conscript may again be called up and again prosecuted for failure to comply. As a result, multiple convictions for refusal to do military service may occur.

### Finland

The temporary law on alternative service, which became effective at the start of 1987, was to be given a trial period of five years. Before its expiry in 1992, a review of the law and its success in application was to be carried out. In February 1989 the Ministry of Defence set up a working group to review the 1987 temporary law and to consider alterations to be made in the drafting of a permanent act to succeed it in 1992. The working group was composed of representatives of the Ministries of Defence, Labour, and Justice, as well as members of the military command known as the General Staff. The working group's report, published in February 1990, revealed that a majority of its members were of the opinion that the length of alternative service should be approximately 14 to 16 months (the normal length of military service for conscripts is eight months). The minority opinion, held by representatives from the Ministries of Justice and Labour, favoured an alternative service

of 11 to 12 months. The majority of the group argued that an alternative service of substantially longer length than ordinary military service was necessary in order to provide an adequate test of the sincerity of the objector's convictions in the absence of examination boards (prior to 1987 conscientious objectors were questioned by an examination board about their reasons for applying for such status). They also argued that some discrepancy between the length of alternative and military service is justified by the fact that conscripts generally serve longer hours each day (often seven days a week) than conscientious objectors performing alternative service, and are usually required to perform more physically and intellectually demanding tasks. The minority of the group held to the view that the existing system of an individual declaration of ethical or religious objection should be sufficient, and that no other guarantee of genuine conviction was needed.

When the contents of the draft law were made public in late 1990, details of the proposed provision on the length of alternative service in the new legislation were not included. However, in May 1990, information from the Ministry of Labour suggested that the new provision on length will most likely represent a compromise between the two opinions expressed in the working group by calling for an alternative service of 12 to 13 months. The new legislation is now expected to come before parliament in early 1991. The organization will continue to monitor the progress of the legislation in the coming months.

As of January 1991 Hannu Puttonen is the only imprisoned conscientious objector known to Amnesty International, his case is dealt with in Annex 1.

#### France

The right to conscientious objection was first legally recognized in France in December 1963 under Law 63-1255, the main provisions of which were incorporated into the Code du service national introduced in June 1971. Under Article L. 116-1 of Law No. 83-605 of July 1983 which modified the Code du service national, those who declare themselves opposed to "the personal use of arms" for "reasons of conscience" will be accepted for alternative civilian service in a State administration or in local organizations of a social or humanitarian nature "of a general interest". However, under Article L. 116-2 applications for conscientious objector status must be submitted, at the latest, within 30 days of the order for call-up being issued.

In recent years several conscripts have received insufficiently detailed information on the procedures to be followed in order to obtain conscientious objector status and the right to perform alternative service. As a result, their applications for conscientious objector status have been rejected on the grounds that they were received outside the stipulated time limits and they have been imprisoned for refusing to perform military service. Amnesty International believes that conscientious objectors are exercising their right to freedom of conscience and that they should therefore have the right to claim conscientious objector status at any time.

Recognized conscientious objectors are required to carry out alternative service for a period of 24 months - that is, twice the length of ordinary military service. Alternative service is organized and administered by the Ministry of Social Affairs and National Solidarity and, although the nature of that service is in Amnesty International's view satisfactory and outside the military framework, the organization considers its length to be punitive.

Several hundred conscientious objectors to the national service laws are imprisoned each year, the vast majority of them Jehovah's Witnesses who reject both the military and alternative service offered to conscripts in France. Amnesty International believes that, because of its punitive length, the current civilian service available to conscientious objectors does not provide an acceptable alternative to military service and that those imprisoned as a result of their conscientious rejection of both services are prisoners of conscience. In recent years conscripts refusing to comply with the national service laws have received sentences of up to 15 months' imprisonment, although higher penalties are also available under current legislation. Conscripts who object to military service and also refuse to apply for conscientious objector status and alternative service may be charged with insoumission (failure to report for national service), which is punishable by a sentence of between two months and one year's imprisonment; refus d'obéissance (insubordination - generally refusal to wear army uniform or carry a fire-arm), which is punishable by up to two years' imprisonment or, occasionally, with desertion, punishable by up to three years' imprisonment.

Conscripts who apply for and are granted conscientious objector status but then refuse to carry out alternative service may be charged with insoumission or with desertion from alternative service. They may also lose their status as conscientious objectors. Recognized conscientious objectors who refuse to carry out more than one year's alternative service, in protest against its punitive length, may be charged with insoumission or with desertion from alternative service. They may also lose their conscientious objector status and become liable for call-up to military service to complete 24 months of national service. In some cases an objector may be regarded as unsuitable for military service after being arrested and charged and is thus released from further military obligations. However, he must still stand trial on the charges brought and therefore, in theory, may still be liable to imprisonment.

### Greece

At any given time there are some 400 conscientious objectors in prison in Greece, all of whom Amnesty International regards as prisoners of conscience.

There is no provision in Greek law for alternative civilian service for conscientious objectors. Conscription and conscientious objection is regulated by Law 1763, passed in March 1988. Conscientious objectors on religious or philosophical grounds are permitted to perform unarmed military service lasting twice as long as ordinary military service. All able-bodied men aged between the ages of 19 and 49 are liable to conscription with the exception of religious ministers, monks and novice monks of recognized religions and fathers of four or more children.

In practice, however, the recruiting authorities, the Ministry of Defence and the military courts have failed to exempt a number of ministers of the Jehovah's Witness faith, despite the fact that the Jehovah's Witness faith has been legally recognized in Greece for many years. These men have been sentenced to terms of imprisonment, like other Jehovah's Witness conscientious objectors.



Conscientious objectors are usually sentenced to four years' imprisonment under Article 70 of the Military Penal Code charged with "insubordination during a period of general mobilization". Greece has been in a state of general mobilization since the Cyprus crisis of 1974. All conscientious objectors are sentenced by military courts. A number of conscientious objectors have received harsher sentences of up to five years' imprisonment and several have been given the additional punishment of five years' deprivation of civil rights, meaning they will not be permitted to vote, to be elected to parliament, to work as civil servants, to be issued with a passport or a licence to set up their own business for five years after their release from prison. Men considered to be "family providers" are given shorter sentences, usually of about two years' imprisonment.

Conscientious objectors sentenced to four years' imprisonment usually serve about three years of their sentence before they are released, spending two years in a military prison, Avlona Military Prison, and one year in an agricultural civilian prison, Kassandra Agricultural Prison. In Kassandra they are able to work and thereby can reduce their remaining sentence by one half. During 1990 transfers between Avlona and Kassandra were severely restricted. If this practice is maintained the total time spent by conscientious objectors in prison will increase.

Currently all imprisoned conscientious objectors are Jehovah's Witnesses. By the end of 1990 some 40 conscientious objectors, who were not Jehovah's Witnesses, had declared their conscientious objection to military service on a variety of grounds but had not been charged or imprisoned. However they are not permitted to leave the country as the authorities refuse to issue them with passports. Amnesty International knows of two conscientious objectors on non-religious grounds, Michalis Maragakis and Thanasis Makris, both now released, who were imprisoned for their refusal to perform military service. Thanasis Makris has been deprived of his civil rights until the age of 50 [see above] and Michalis Maragakis cannot be issued with a passport.

In July 1988 the Greek Government announced draft legislation which would offer alternative civilian service for conscientious objectors for the first time. The proposed service was double the length of military service. By the end of 1990 this legislation had not been submitted to the Greek Parliament for debate.

### Hungary

In Hungary all men over 18 are liable for compulsory conscription. In December 1988 the parliament amended the Constitution in order to establish a legal basis for legislation allowing an alternative to military service. In March 1989, 80 conscientious objectors, including all conscientious objectors adopted by Amnesty International as prisoners of conscience, were granted amnesties and released from prison. The parliament subsequently adopted a new national defence law in June 1989. Under this law, an opportunity exists in Hungary for men of military age who have not taken the military oath, and for men in reserve status, to perform "duties primarily of a health care and social welfare character" as part of the civilian service. The law also provided for unarmed military service, based on a decision by the committee which "examines conscience" and by the recruiting command. As a second alternative, civilian duty may involve only non-profit work performance for the public good. In August 1990 military service was reduced to 12 months' plus 10 months' reservist

duties. Unarmed military service was correspondingly reduced to 15 months' duration plus seven months reservist duty, while civilian service was reduced to 22 months' duration with no further call-up.

Article 366 of the Criminal Code allows for up to five years' imprisonment (five to 15 in wartime) for those evading conscription. At the end of 1990 there were no reports of people imprisoned for refusing conscription.

### Israel

Military service and reserve duty are compulsory in Israel for both men and women, who are conscripted at the age of 18. Non-Druze Israeli Arabs and Druze women are exempt. Jewish male scholars studying at Yeshiva schools are given automatic postponement until they pass the age of service (although they may have the option of rotating their studies with military service), and Druze males are also granted postponement if they wish to study in religious institutions. Conscientious objection is not recognized by law as legitimate grounds for exemption, although conscientious objectors may be exempted on grounds of "unsuitability".

Under Article 39 of the Defence Service Law of 1986, women may be exempted if they can satisfy the authorities that their conscience, religious way of life of the family or religious convictions would prevent their performing military service. Both men and women may also apply for exemption for "special reasons" under Article 36 of the Defence Service Law, which are defined as reasons connected with the requirements of education, security settlement or the national economy, for family reasons or for other reasons. Application under this article requires that the individual claiming "special reasons" write to the conscription administration.

Both men and women do occasionally apply for exemption on grounds of conscience (or unsuitability), in which case each application is dealt with on an individual basis and may be subject to negotiation. Some people may be permitted to do some form of alternative service within the framework of the army or parallel civilian service (such as hospital work). Those who object to serving in Lebanon or the Occupied Territories may be offered military service within the "Green Line". However, the availability of alternative service is left to the discretion of individual commanding officers.

If an application for exemption from military service or from serving in Lebanon or the Occupied Territories is refused and the person in question continues to refuse military service, they may be disciplined or court-martialled. Dozens of objectors regarded by Amnesty International as prisoners of conscience have been imprisoned for periods of between 7 and 56 days in recent years, although sentences of up to one year's imprisonment or more may be imposed. Anyone helping a conscientious objector to avoid military service may be liable to a fine or two years' imprisonment pursuant to Section 35(a) (2) of the Defence Service Law.

### Italy

The right to conscientious objection has been legally recognized in Italy since 1972, when Law No. 772 was passed (subsequently amended by Law No. 695 of December 1974). Conscientious objector status and alternative service are available

to conscripts who declare themselves opposed to the use of arms in all circumstances for fundamental reasons of conscience based on religious, philosophical or moral convictions. Political grounds are not mentioned as valid grounds for conscientious objection to military service.

Applications for conscientious objector status are decided by the Minister of Defence with the advice of a committee composed of a judge of the Court of Cassation, a general or admiral, a university professor in moral disciplines, a state prosecutor and an expert in psychology. The decision may be appealed in the first instance to a Regional Administrative Tribunal and a further appeal may be lodged with the Consiglio di Stato (Council of State).

The law makes no provision for a conscript to apply for conscientious objector status after incorporation into the armed forces. Applications for alternative service must be made within 60 days of registration for national service.

Alternative civilian service in various organizations is available to all recognized conscientious objectors but Article 5 of Law 772 directs that it should be eight months longer than ordinary military service. However, in July 1989 the Constitutional Court found Article 5 to be unconstitutional and considered that the greater length of alternative service was a sanction against conscientious objectors. In August 1989 the Minister of Defence issued a directive allowing all recognized conscientious objectors to terminate their alternative service after 12 months, thereby making it effectively equal in length to ordinary military service.

Failure to comply with the national service laws may result in sentences of between six months' and two years' imprisonment. In recent years over 500 conscientious objectors to the national service laws have been imprisoned each year, the vast majority of them Jehovah's Witnesses. Until the Constitutional Courts ruling in July 1989 all imprisoned conscientious objectors were considered prisoners of conscience by Amnesty International. However, because alternative service is now the same length as ordinary military service, conscientious objectors imprisoned since August 1989 are no longer considered prisoners of conscience.

In April 1989 the Defence Committee of the Chamber of Deputies finalized the text of a new draft law to replace Law 772. Its proposals included widening the grounds on which conscientious objector status might be granted, reorganizing the administration of alternative service and reducing the length of alternative service from 20 to 15 months. However, the draft law made no provision for individuals to claim conscientious objector status after incorporation into the armed forces. The text was drawn up on the basis of a number of draft bills put forward by various political parties and was approved by the government. However, it had not been approved by parliament by the end of 1990.

Meanwhile, in July 1990, the Senate approved a draft law reorganizing national service which proposed - inter alia - that from 1 January 1992 both military and alternative service should be 10 months in duration. At the end of 1990 the draft law was awaiting examination by the Chamber of Deputies.

## Norway

Military service is compulsory in Norway. All men between the ages of 18 and 44 are eligible for conscription. The length of service is 12 months in the army or 15 months in the navy or air force.

The right to conscientious objection is recognized in an amendment to the Military Penal Code of 1922 and is further regulated by the law of 19 March 1965 on Exemption from Military Service for Conscientious Grounds, and the Royal Decree of 3 June 1966. According to the Supreme Court, political, ethical and religious reasons for objection are equal as long as these reasons have led to a pacifist point of view. Absolute pacifism is not demanded, but the Supreme Court has ruled that an individual who is prepared to take part in armed defence under certain circumstances cannot be exempted. Applications may be rejected if they are based on purely political motives.

Alternative service for recognized conscientious objectors, which is administered by the Ministry of Justice, is performed for a period of 16 months and may be carried out in the health and social sectors, in civilian service administration, humanitarian organizations, museums and research institutions.

There is no unarmed service within the Norwegian army. A conscientious objector, having completed his alternative service, may be recalled for refresher courses in civil defence corresponding to the reserve exercises of military conscripts.

Applications for conscientious objector status (which can be made either at the time of conscription or during military service) are submitted in writing to the military unit, the enrolment board or the War Commissioner's Office, and are passed from the War Department, with its opinion on the merit of the application, to the Chief Police Officer, who interviews the applicant. The case is then forwarded to the Ministry of Justice for the final decision on the application. An appeal against the decision can be lodged in the Lower Court, subsequently in the Court of Appeal and finally in the Supreme Court.

If the final appeal is rejected the objector can then be imprisoned. Conscripts whose applications for conscientious objector status have been rejected and subsequently refuse call-up orders, or those who refuse all forms of national service, military or alternative, may be sentenced to three months' imprisonment under paragraph 35 of the Military Penal Law for Unauthorized Absence from the Military Service.

Conscripts who have been imprisoned, whether for refusing all forms of service or because their applications for conscientious objector status have been refused, may also be subject to call-up a second time on their release. If they continue to refuse military service a second sentence of three months' imprisonment may be imposed. Thereafter the person in question will lose the right to perform military service. However, as of January 1991 Amnesty International knows of no imprisoned conscientious objectors in Norway.

On 13 June 1990, the Norwegian Parliament adopted a new law extending the right of conscientious objection to those refusing to perform military service on the grounds of their opposition to nuclear weapons. The law took effect on 1 January 1991. However, the precise meaning of the new law is as yet unclear. It would appear to be the case that only those who object to the existence of nuclear weapons will be exempted from military service. Those individuals who have objections only to the specific use of nuclear weapons as envisaged in the present NATO defence system are not likely to be granted

an exemption. It is thought unlikely that the matter will be clarified until the Supreme Court has had to rule on a case involving the issue. As it usually takes several years for such a case to progress from the county court stage to the Supreme Court, it may be some time before the implications of the new law in practice are made clear.

#### Poland

In Poland all men over 18 are liable for conscription. In July 1988 the Polish Parliament approved changes to the military draft law to allow 36 months' - as opposed to the normal 24 months' military service - 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 was not known what effect this had on alternative service, but it is probable that it was reduced correspondingly, that is to 18 months.

In June 1989 the authorities released the text of a new oath of allegiance which omitted reference to the Soviet army. In the past, a number of prisoners of conscience had been imprisoned for refusing to swear the oath because of its reference to "fraternal alliance" with the Soviet army. As of December 1990 all conscientious objectors adopted as prisoners of conscience by Amnesty International had been released.

Article 305 of the criminal code allows for imprisonment of between six months' and five years (three to ten years in wartime) for evading conscription. As of December 1990 there were no reports of people imprisoned for refusing conscription.

#### Romania

Military service is compulsory under the constitution, and there are no legal provisions recognizing the right to refuse to serve in the armed forces on grounds of conscience. Past Romanian authorities have stated that members of certain religious denominations are in practice allowed to perform non-combatant military service, but such exemptions appear to have been granted in an arbitrary fashion.

In January 1990 military service in Romania was reduced from 16 to 12 months. In March, however, it was prolonged to 14 months "to keep the stability of the army".

Article 348 of the penal code makes evading military service punishable by from six months' to five years' imprisonment or from three to ten years' imprisonment during wartime.

#### Somalia

A law providing for compulsory military service for all able-bodied citizens between the ages of 18 and 40 was enacted in Somalia in April 1981 but was not immediately implemented. The Minister of Defence announced in November 1983 that conscription for males, lasting for two years, would begin in January 1984. On 28 June 1985 two amendments were made to the law, reducing to 18

months the period of compulsory military service for graduates of higher education institutions and making women eligible for conscription between the ages of 18 and 30, instead of up to the age of 40. Military conscription does not appear to have been applied systematically. However, the law makes no provision for conscientious objector status.

Amnesty International has received reports of people refusing military service in Somalia being forced into the army. In addition, the organization has received reports of substantial numbers of Ethiopian refugees in refugee camps in Somalia being forcibly conscripted into the Somali armed service since 1986. Some are believed to have previously fled Ethiopia to avoid military service there. There appears to be no legal basis for their conscription.

There is no alternative service available to those who object to military service on grounds of conscience.

Since 1984 Amnesty International has received reports of people being arrested for refusing military service on conscientious or other grounds. While some are reported to have been forced into the army, others have been imprisoned, often for suspected opposition to the government or suspected sympathy with opposition organizations. Amnesty International has also received allegations that some people have been shot dead by the security forces while attempting to resist conscription.

In January President Mohamed Siad Barre was overthrown by an opposition coalition. The attitude of the provisional government to conscription and conscientious objection is unknown.

### South Africa

In South Africa military service is compulsory for all white men between the ages of 18 and 55. After completing their initial one year of service they are liable to serve another 720 days of "camps" until they reach the age of 55. The length of the initial period of service was reduced from two years to one by the State President in an announcement in December 1989.

Other important changes affecting conscientious objectors occurred during 1990. In February 1990 the Minister of Justice halved the period of alternative community service for those classified as religious objectors. Prior to this, alternative service for military objectors was required for a continuous period of six years, one-and-a-half times longer than military service. At the same time the minister agreed to consider the possibility of remission of sentence for conscientious objectors, a procedure not previously available to this category of prisoners.

In March the Appeal Court ruled that the length of sentences imposed on conscientious objectors charged with refusing to serve in the Defence Force was not mandatory under the provisions of section 126 A(1) (a) of the Defence Act (No. 44 of 1957) and that magistrates could impose sentences at their discretion. This ruling overturned previous trial court interpretations of the Act, and three conscientious objectors were resentenced to shorter periods of imprisonment as a result. David Bruce and Charles Bester, both of whom had received the maximum sentence of six years' imprisonment, were released when their sentences were reduced to 20 months. Dr Ivan Toms, who was out

of prison on bail at the time of his hearing, remained free as he had already served the nine months to which his 18-month sentence had been reduced.

These changes in sentencing procedures represent some amelioration to the situation of conscientious objectors. In the past the courts had interpreted the law as requiring them to impose a maximum sentence of six years' imprisonment (one-and-a-half times longer than the military service then required) for those who refused military service and were not recognized as conscientious objectors. The Defence Amendment Act (1984) provides for recognition as a conscientious objector only of those who fall within narrowly defined religious criteria. These criteria exclude the majority of conscientious objectors. In 1989, for instance, 192 people called up for military service requested exemption on religious grounds, and 1,419 asked for exemption on other grounds. Objectors not recognized as religious objectors continue to be prosecuted for refusing to render military service.

A number of cases are currently proceeding through the courts, but as of January 1991 none are serving sentences in prison.

Since its foundation in 1983 the End Conscription Campaign (ECC) has worked for a change in the law which would provide for alternative service for all objectors. However, in August 1988 the ECC was restricted under the emergency regulations from carrying out its activities. Its members have suffered harassment and detention. In March 1988 the Supreme Court granted a court order restraining the South African Defence Force from harassing and interfering with the organization. In February 1990 State President De Klerk lifted the restriction orders imposed on the ECC and other political organizations. In late 1990 the ECC began campaigning to ensure the safety of a group of conscientious objectors returning to South Africa from exile abroad, some of whom quickly received call-up papers.

### Spain

Law 48/1984 governing conscientious objection and the provision of alternative civilian service in Spain came into force on 28 December 1984. Following its publication, the Defensor del Pueblo (Ombudsman) presented an appeal to the Constitutional Tribunal arguing that it was unconstitutional; the National Court also queried certain provisions of the law. However, in October 1987 the Constitutional Tribunal rejected these appeals and ruled the law constitutional. Under its provisions, conscientious objector status may be granted to conscripts requesting exemption from military service on religious, ethical, moral, humanitarian or philosophical grounds or others of a similar nature. The law makes no specific reference to political motives as constituting valid grounds for conscientious objector status. Conscripts may apply for conscientious objector status "up to the moment of incorporation" into the armed forces and after completing their active military service, when they have entered the reserve; there is no provision to claim conscientious objector status during military service.

Amnesty International believes that conscientious objectors are exercising their 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 their incorporation into the armed forces. Amnesty International considers that conscientious objectors who are denied this right and imprisoned as a consequence are prisoners of conscience. Since the introduction of law 48/1984 at least nine conscripts have been detained for periods of up to

approximately three months after refusing to perform further military service on grounds of conscience. Such objectors face possible prison sentences of between three months and a day and six years, imposed by military tribunals.

Applications for conscientious objector status are dealt with by a National Council on Conscientious Objection, composed of one judge from a higher court, nominees from the Ministries of Justice, Defence and the Presidency, and one conscientious objector. The Council may test the conscientious beliefs of applicants to determine whether there is any inconsistency but may not make any judgment as to the value of those beliefs. According to statistics published by the National Council on Conscientious Objection, during 1990 the Council received 27,398 requests for conscientious objector status and granted conscientious objector status to 21,140 applicants.

Since January 1988 the Council has refused to grant conscientious objector status to applicants submitting a standard declaration drawn up by the Spanish Movement of Conscientious Objectors in which the applicant states that he is a conscientious objector to both military and alternative service but does not explain the grounds of his conscientious objection. Conscripts who then refuse to obey call-up orders to military service are liable to charges of refusal to perform military service. According to the Spanish Movement of Conscientious Objectors, since 1987 over 700 conscripts have announced their refusal to obey call-up orders and during 1989 and 1990 over 50 of them were imprisoned for brief periods after failing to report for military service.

Law 48/1984 also made provision for an alternative civilian service, "consisting of activities of public usefulness" to be performed for a period of between 18 and 24 months by recognized conscientious objectors. However, Royal Decree Law 20/1988 establishing the organization of alternative service, which came into force on 21 January 1988, fixed the normal period of active alternative service at 18 months, six months longer than ordinary military service. Conscientious objectors then enter the reserve until the age of 34. Law 20/1988 allows the government to issue a Royal Decree Law in "exceptional" circumstances such as "serious danger, catastrophe or public calamity", recalling "all or some" reservists to active service for a maximum of 30 days a year so that they may perform civil protection duties. Similarly, in the event of "total or partial national mobilization", the government may issue a Royal Decree Law recalling "all or some" reservists to active service so that they may perform civil defence duties.

Failure to report for alternative service and desertion from alternative service are offenses punishable by prison sentences of between six months and a day and two years, four months; refusal to perform alternative service is punishable by a prison sentence of between two years four months and a day and six years. The first trial of six recognized conscientious objectors for refusing to perform alternative service took place before a civilian court on 21 January 1991. The prosecutor asked for the minimum penalty in all six cases.

Pending the introduction of Law 20/1988 none of those recognized as conscientious objectors could be assigned to any specific alternative service and it was not until early 1989 that the first conscientious objectors began to carry out alternative service. The law directs that objectors spend the major part of their alternative service performing work in the public interest, run by the public administration and non-profit-making charities. The law



also makes provision for a period of basic training for all conscientious objectors, including training in civil defence and protection. However, it appears that training in civil defence and protection is currently undertaken only by conscientious objectors who have chosen to perform their alternative service in this area.

During 1990 the government indicated that a new law being prepared on military service would propose reducing the length of military service from 12 months to approximately nine months or 40 weeks. The draft law was not expected to be submitted to parliament until spring 1991 at the earliest and would not come into force until 1992.

### Sweden

The right to conscientious objection has been recognized since 1929 in Sweden, where military service is compulsory for all men between the ages of 18 and 47. Alternative service, which can be claimed either before registration for national service or during military service, is available to all recognized conscientious objectors and may be performed in fields relevant to society during periods of emergency and war, such as civil defence, railways, telecommunications, health and hospital care, farming, rescue services and work with non-governmental groups. Since 1981 it has been possible to do service in developing countries. Alternative service is supervised by the Board for Administration and Training of Conscientious Objectors and is performed for a period of 12 to 15 months, roughly comparable to the length of military service (from seven and a half to fifteen months). Jehovah's Witnesses are exempt from all service, but other total objectors are not.

The interpretation of the 1978 Law on Weapon-Free Service currently applied concludes that an applicant's attitude to the use of weapons in every possible situation need not be taken into consideration; only the attitude towards the premeditated use of weapons need be considered. An applicant who could not exclude the possibility that in an emergency situation he would use weapons to defend himself or others should not be refused conscientious objector status.

However, the conviction of the applicant must be clearly related to a strong respect for the inviolability of individual human life; conscientious objector status will not be granted if the application is based solely on political grounds.

Applications for conscientious objector status must be made in writing to the conscription authorities or to the troop registration authority, who then forwards them to the Alternative Service Commission, usually composed of a lawyer, members of Parliament and representatives of trade unions, religious institutions or other similar organizations. The Commission appoints a special investigator to interview the applicant and prepare a report with a proposal to the Commission. If the application is refused an appeal may be lodged with the Ministry of Defence. If the appeal is denied and the applicant persists in refusing service, he may be prosecuted for disobeying a military order, in which case he is tried before a civilian court and may be sentenced to a term of imprisonment of up to one year and a fine, in accordance with Chapter 21, paragraph 1 of the Criminal Code.

Unrecognized objectors who have been imprisoned for refusing service may be called up again to perform military service upon their release. If they continue to refuse such service they may be sentenced to a further four months'

imprisonment. The law permits a conscript to be called-up to serve in the army an indefinite number of times, but in practice it is rare that more than two call-up orders are issued.

A revision of the current law, announced in October 1990, proposes the abolition of the present system of examining the individual applicant's grounds for refusing to perform military service before granting him the status of a conscientious objector. The option of performing alternative service will be made available to all men eligible for conscription, without the need for the applicant to have his convictions tested by an examiner. The standing parliamentary committee on defence has unanimously backed the proposed revision of the law. Details of how the new system will work are expected to be made public in the spring of 1991.

### Switzerland

There is no recognition of conscientious objector status in Switzerland, and no provision for an alternative civilian service. The Swiss Government considers that the army is a militia, its role purely defensive, and all citizens must comply with the draft procedures. Although Article 49, section 1 of the Federal Constitution guarantees the inviolability of the freedom of belief and conscience, section 5 of the same article states that "no-one may be freed from performing a civic duty because of his religious beliefs." In addition, Article 18, section 1, states that male Swiss citizens are obliged to perform military service, which effectively overrides the freedom of belief and conscience guaranteed in Article 49, section 1. All male citizens are liable to perform regular periods of military service between the ages of 20 and 42 and for recall in emergencies, up to the age of 50. Those exempted include persons declared unfit for military service on health grounds (physical or psychological), members of the Swiss Federal Council, clerics, prison officers and essential hospital and transport staff.

Under the Constitution, a genuine alternative to national service would require amending most of Article 18 of the Constitution via a public referendum.

(In public referenda held in 1977 and 1984 a large majority voted against introducing a civilian alternative to military service).

There is limited access to unarmed military service in Switzerland for those "whom the use of a weapon would thrust into a severe conflict of conscience because of their religious or ethical convictions". However, in September 1990 parliament approved a bill modifying the Federal Law on Military Organization which was expected to come into force in 1991. Under its provisions an application for unarmed military service would be accepted if the military authorities consider the conscript unable to reconcile armed military service with his conscience because of "fundamental ethical values".

Unarmed military service, which is approximately the same length as normal military service, is generally performed in the medical corps or the aerial protection corps.

However, in recent years new efforts have been made towards introducing an alternative service. In November 1989 the Socialist Party submitted an initiative to parliament which proposed an amendment to the Constitution introducing an alternative civilian service. It had not been examined by parliament by the end of 1990. In September 1990 the Christian Democrat Party launched a popular initiative to collect the 100,000 signatures necessary to

submit a request to parliament for an amendment to the Constitution establishing an alternative civilian service up to one-and-a-half times longer than military service for conscientious objectors.

Persons disobeying or refusing a call to recruitment or military service may be punished by a custodial sentence under Article 81 of the Military Penal Code. Proceedings against objectors fall under the jurisdiction of Military Tribunals. In the first instance the objector's case is heard by a Divisional Court, composed of a president and four other judges. The decision may then be appealed to a Military Appeals Tribunal, and a further and final appeal may be made to the Supreme Military Court. The penalty for ordinary objectors is a period of imprisonment in a civilian prison which can range from three days to three years, although in practice sentences rarely exceed one year.

In most cases imprisoned objectors are granted remission of sentence and released into conditional liberty after completing two-thirds of their sentence.

Since the introduction of Order No 3 of the Federal Council (relating to article 397-bis, paragraph 4 of the Penal Code) in January 1986, the individual cantons have the power to commute at their own discretion sentences of up to six months' imprisonment to sentences of "semi-detention". In such cases the prisoner works in his own or an approved job outside the place of detention during the day. An increasing number of sentences are now being served in this way.

The Revisions of the Military Penal Code which came into effect in 1950 and 1967 introduced modifications to Article 81, allow "privileged" treatment for those whom the courts consider to have acted as a result of a severe conflict of conscience because of their religious or ethical beliefs. This "privilege", allowed under Article 81, section 2, consists basically of a more lenient sentence of up to a maximum of six months, which by law is to be served in a "special" institution during periods of rest or free time. However, in most Swiss Cantons the "special institutions" prescribed by law do not exist, and many conscientious objectors are forced to serve at least part of their sentences in prisons for common criminal offenders, although they are generally able to work outside the prison during the day.

Under the law two conditions must be fulfilled for a conscientious objector to benefit from this "privileged" status: a) the objection must be founded on religious or ethical beliefs; and b) the objector must also suffer a severe conflict of conscience because of these convictions. Interpretations of the law differ. For example, Divisional Courts have sometimes required that the objections be exclusively religious or ethical, rather than mixed with other (especially political) reasons. Military jurisprudence, however, maintains only that religious or ethical motive must be predominant. Courts have tended to use a narrow interpretation of what in any give case may constitute a religious or ethical motive and whether such motives have produced a "severe conflict of conscience" in the face of compulsory military service. In cases where a conscript has offered political reasons, even if based on ethical considerations, the courts have traditionally not accepted the existence of a "severe conflict of conscience" and have imposed higher prison sentences.

Repeated refusals to perform military service may be punished by successively higher prison sentences. However, in practice most "first offenders" are dismissed from the army by the military judge at the time of their trials and are thus freed from further call-up and reimprisonment.

In October 1990 the government proposed an amendment to the military Penal Code, altering the penalties available for certain categories of conscientious objection. Under its provisions, refusal to perform military service would remain a criminal offence. If a military tribunal concluded that a conscript was unable to reconcile military service with his conscience because of "fundamental ethical values", it would sentence him to a period of work in the public interest, ranging from one and a half times the total length of the military service refused up to a maximum of two years. The sentence would not result in a criminal record. However, conscripts considered to be refusing military service on unrecognized grounds would continue to receive prison sentences resulting in criminal records.

The proposed law did not come into force during 1990 as it had to be submitted for approval in a public referendum. Campaigns organized by opponents of the amendment had until mid-January 1991 to collect the 50,000 signatures required to request the referendum. Approximately 70,000 signatures were collected.

The referendum is not expected to take place until June 1991, at the earliest.

#### USSR

There is no recognition of conscientious objector status under USSR law. The rules for compulsory military service in the USSR are set forth in a law passed in 1967 and amended in February 1977, entitled "On Universal Military Obligation". Article 3 states: "All male citizens of the USSR, irrespective of their origin, social or property status, race or nationality, education, language, attitude to religion, type and character of occupation, and place of residence, shall perform active military service in the Armed Forces of the USSR". Article 10 of the same law specifies that male citizens over the age of 18 are liable to call-up for a term of active service, which according to Article 13, varies in duration from one to three years. Article 26 states that the only men who are not subject to this obligation are those under criminal investigation or serving terms of imprisonment. The only legally-approved ground for release from the obligation to do active military service is physical unfitness. Persons suffering from illness which renders them temporarily unfit for military service, as well as certain categories of students and individuals with family obligations, can have their call-up deferred. Those whose military service is deferred can be recalled to active service at any time until they reach the age of 27.

The law makes no provision for non-military alternative service in the USSR. In practice, some evidence suggests that religious objectors such as Baptists, Pentecostals and Seventh Day Adventists who express their willingness to perform unarmed military service may be allowed to do so. It appears that some have been permitted to join a military construction battalion rather than perform armed service. However, such provisions do not exist in any published law and seem to be applied only selectively. Conscripts who serve in construction battalions are still given a military rank and are required to wear uniform.

Penalties for failure or refusal to do active military service are laid down in the criminal codes of each of the fifteen republics of the USSR. Provisions in all cases are similar to those of the Criminal Code of the Russian Soviet Federated Socialist Republic (RSFSR), which provides for prison terms of between one and ten years for evasion of military service (and in some cases for the death penalty in wartime).

Article 80 of the RSFSR Criminal Code is the provision under which current conscientious objectors are charged. It refers to "evasion of regular call to active military service" and applies to those who refuse to respond to call-up in peacetime. People charged with this crime are tried in civilian courts.

If convicted, they may be punished by one to three years' imprisonment; where forgery, deception or self-mutilation is deemed to have been used, the sentence may be increased to up to five years' imprisonment.

There are other articles in the RSFSR Criminal Code that also provide for the punishment of conscientious objectors, including:

Article 249 ("evasion of military service by maiming or any other method") applies to persons already in military service who evade the performance of military duties. Persons charged under this article are tried by military courts, and if convicted may be sentenced to three to seven years' imprisonment in peacetime (in wartime this article carries a possible death sentence).

Article 198(1) ("evasion of training courses or musters and of military registration by person subject to military service") punishes evasion of military duties required of those subject to military service in the reserves by up to three years' imprisonment.

Article 81 ("evasion of call-up by mobilization") carries a term of from three to ten years' imprisonment in peacetime, and from five to ten years' imprisonment or death if committed in wartime.

An official commentary to Article 80 of the RSFSR Criminal Code published in 1984 explains that "[t]here may be various motives for and aims of evasion.

They are not relevant to the designation of the crime and should be taken into account only when passing sentence." An earlier commentary published in 1971 had specified that "religious beliefs" were an "inadmissible pretext" for evading military service, but this clause does not appear in the later commentary. The 1984 commentary to Article 249 cites "refusal to perform military duties under the pretext of religious convictions" as an example of evasion.

Individuals who have served a term of imprisonment for their conscientious objection to military service may continue to be called up for military service after their release until they reach the age of 27, when the obligation to perform military service ceases. Thus, if they continue to refuse they continue to be liable to prosecution and reimprisonment. Amnesty International has also heard of conscripts being confined against their will in psychiatric hospitals, apparently for refusing to take the military oath on religious grounds.

These articles are taken from the RSFSR Criminal Code, which have their equivalents in the other republics. It should be noted, however, that several republics have introduced provisions for an alternative to military service.

These are not recognized by the central Soviet authorities who continue to assert the primacy of their own laws under which there is no such legal provision.

Yugoslavia

A twelve-month term of military service is compulsory in Yugoslavia for all able-bodied males over the age of 18. No exemption or alternative service is provided for by law for those who refuse conscription for reasons of conscience. However, conscientious objectors to military service on religious grounds may do unarmed service within the military.

Conscientious objectors are normally sentenced under the following articles of the Yugoslav Criminal Code: Article 201 ("refusal to obey orders"), which carries a sentence of between three months and five years (one to ten years in "especially serious circumstances"); Article 202 ("refusal to take up and use arms"), which carries a sentence of from one to ten years; or Article 214 ("not responding to military call-up and avoiding military service"), which may be punishable by a fine or up to one year's imprisonment, but up to five years' imprisonment for those who go into hiding to avoid military service or up to ten years' imprisonment for those who go abroad to do so. In time of war all these offences may be punishable by death.

Those who continue to refuse conscription may also be prosecuted and re-imprisoned after being released and again called up. Amnesty International knows of conscientious objectors who have served as many as three prison sentences for repeatedly refusing to do military service.

All persons known to Amnesty International as prisoners for reasons of conscientious objection had been released by December 1989. Amnesty International has not received any recent information about individual imprisoned conscientious objectors, but it has received a report that there are still some conscientious objectors to military service serving prison sentences in Croatia.

ANNEX 1

IMPRISONED CONSCIENTIOUS OBJECTORS:

A SELECTION OF RECENT CASES KNOWN TO AMNESTY INTERNATIONAL

The following are examples of recent cases known to Amnesty International of individuals who have been or are likely to be imprisoned for refusing to perform military service and whom Amnesty International has considered (or will consider, if they are imprisoned) to be prisoners of conscience. It is by no means an exhaustive list of such cases; rather, these examples have been selected as illustrative of the organization's concerns relating to conscientious objection in their countries.

Cyprus - Georgios Anastasi Petrou

Georgios Anastasi Petrou is a Jehovah's Witness. He was sentenced to two months' imprisonment on 17 January 1990 by Nicosia Military Court for refusing on religious grounds to perform reservist exercises. Upon his release from Nicosia Central Prison in March he was immediately called up again. His trial was postponed a number of times and eventually on 13 September he was sentenced to a further three months' imprisonment. Georgios Anastasi Petrou had already served a one-year prison sentence from May 1984 for refusing to perform military service.

Finland - Hannu Puttonen

Hannu Puttonen, a 29-year-old editor, began serving a 12-month prison sentence on 31 October 1990. He first applied for alternative service in February 1988.

His application was accepted and he began his 16-month alternative service on 11 October 1988. After serving for four days, he refused to continue on the grounds that "service time of 16 months is unfair in comparison to service time in the army". At present, Amnesty International has no further information on the reasons for Hannu Puttonen's decision to refuse an alternative service assignment for which he had made an application eight months earlier. However, Amnesty International believes that, as in similar cases, Hannu Puttonen's refusal after his initial application reflects a development of his stated ethical objection to military service and his belief that the state should recognize such an objection without any form of discrimination. He was charged with evading civil service in January 1989, and on 5 April 1989 he was sentenced to 12 months' imprisonment by Mikkeli Rural Court. He appealed this decision in the East Finland Court of Appeal on 21 September 1989, when the court upheld the sentence of 12 months. Amnesty International considers Hannu Puttonen to be a prisoner of conscience.

France - Ludovic Bouteraon

In Spring 1990 Ludovic Bouteraon, a 22-year-old conscript, reported to a selection centre for national service for the three days of tests which all conscripts undergo in order to determine the branch of national service to which they will be sent. Ludovic Bouteraon apparently informed the authorities at the centre of his wish to obtain conscientious objector status and perform

an alternative civilian service compatible with his pacifist beliefs. However, no information was reportedly given to him regarding the procedures to be followed in order to obtain conscientious objector status.

In July 1990 he received a call-up order to military service and on 1 August 1990 reported, as ordered, to an air force base near Strasbourg. However, he immediately declared his conscientious objection to military service and refused to put on military uniform and to carry a fire-arm. He was put under arrest and held at the base until 17 August 1990 when he appeared before a summary court in Strasbourg (septième chambre correctionnelle du tribunal de grande instance) and was sentenced to 15 months' imprisonment for insubordination (refus d'obéissance).

He was then transferred to Strasbourg-Elsau prison and on 21 August 1990 lodged an appeal against his sentence.

On 8 September he wrote to the French authorities, applying for recognition as a conscientious objector and to be allowed to perform alternative civilian service. He explained that, at the time of his conscription he had not been given any information on the procedures to be followed in order to obtain conscientious objector status. In early October, the Minister of Defence rejected his application because it had been made outside the stipulated time limits.

On 13 September 1990 Ludovic Bouteraon was transferred to a civilian prison in Colmar, and on 6 November 1990 Colmar Appeal Court reduced his sentence to 12 months' imprisonment, eight of which were suspended. He was released on 17 December 1990, and relieved from all further military obligations a few days later.

#### France - Thierry Daligault

Thierry Daligault, a 23-year-old scriptwriter, refused to perform military service because of his Christian and pacifist beliefs. He did not apply for alternative civilian service because, among other objections, he considered its' length to be punitive.

He was arrested on 19 July 1990 and imprisoned in the Maison d'arrêt in Rennes, awaiting trial on charges of insoumission (failure to comply with call-up orders) and refus d'obéissance (insubordination).

On 27 November 1990 a civilian court in Rennes sentenced him to 12 months' imprisonment.

#### Greece - Imprisonment of Jehovah's Witness Ministers for their Conscientious Objection

Timothy Kouloubas and Dimitris Tsirlis are Jehovah's Witness religious ministers who have been in prison since March 1990 for refusing to perform military service. According to Law 1763/88 which exempts "ministers, novice monks and monks of a recognized religion" from their military obligations, Timothy Kouloubas and Dimitris Tsirlis should have been exempted from having to perform military service. Prior to their imprisonment, Timothy Kouloubas and Dimitris Tsirlis conducted marriages, funerals and baptisms, all of which



were recognized as lawful by the local prefectures of their congregations. The Jehovah's Witness faith has been a legally recognized religion in Greece for many years. Upon being called up for military service Timothy Kouloubas and Dimitris Tsirlis applied to the recruiting authorities for exemption in accordance with Law 1763/88, but their requests were rejected on the grounds that they were not religious ministers of a "recognized religion".

On 30 April Dimitris Tsirlis was sentenced to four years' imprisonment by the Military Court of Hania. Timothy Kouloubas was given the same sentence on 30 May by the Military Court of Athens. Both men have appealed against these sentences. Their hearings have been postponed twice. The second time Timothy Kouloubas and Dimitris Tsirlis were due to appear before the appeal court, on 27 and 29 November, respectively, their hearings were reportedly postponed in order for the Public Prosecutor to obtain instructions from the Ministry of Defence in the light of a Council of State decision passed in October in favour of another Jehovah's Witness minister, Daniel Kokkalis. The Council of State had ruled that the basis upon which Daniel Kokkalis' appeal had been rejected - a decision issued by the Director of Recruiting at the General Headquarters for National Defence ruling that he was not a minister of a recognized religion - had been unlawful and it annulled this decision. The Director of Recruiting at the General Headquarters for National Defence, had partly based his decision on information he had received from the Ministry of Education and Cults/Section for Heterodox Parties and the Ministry of Defence. In its decision, the Council of State had reiterated that the Jehovah's Witness faith fulfilled the requirement of a recognized religion under the Greek Constitution and invoked Law 1763/88 which exempts ministers of recognized religions from having to perform military service. Despite this decision, Daniel Kokkalis was not released until January 1991 after he had served 34 months of his 48-month sentence which he had reduced in the usual way by working in Cassandra Agricultural Prison.

On 26 February Dimitris Tsirlis' and Timothy Kouloubas' cases are due to be examined by the Council of State. Timothy Kouloubas' appeal hearing has been set for 7 March. By the end of January no date had been set for Dimitris Tsirlis' appeal.

#### Greece - Andreas Christodoulou

Andreas Christodoulou, who before his imprisonment worked as an assistant accountant, was taken into detention on 20 November 1989 after being called up to perform military service. As a Jehovah's Witness his religion forbids him to serve in the armed forces in any capacity whatsoever. On 18 December 1989 he was sentenced to four years' imprisonment by Athens Military Court, charged with insubordination.

Andreas Christodoulou was born on 5 March 1970. His parents Ilias and Maria live in Athens. He has a sister, Angeliki, who is 17 years old, and a brother Giorgos, aged 26, who is being cared for in a special institution as a result of an illness he suffered as a baby. Andreas Christodoulou's family have experienced financial difficulties since his imprisonment as a result of the loss of his income.

#### Israel - Fu'ad Humayd

Fu'ad Humayd, an Israeli Druze aged 40, served a total of 45 days in prison in May and June 1990. He had refused on political and conscientious grounds to perform reserve duty in a military prison in Israel where Palestinians from the Occupied Territories were held. His commanding officer attempted to convince him to serve, and when this failed he was tried by a one-judge military court and sent to serve his sentence in the Atlit prison, where about 30 other Druze were imprisoned at the time for refusing to perform military service.

After his release he was permanently discharged from the armed forces. Since the beginning of the Palestinian intifada (uprising) in December 1987, scores of Israeli Druze have been imprisoned for refusing to perform military duties.

#### Israel - Lieutenant Nir Keinan

Lieutenant Nir Keinan, a deputy unit commander aged 23, was jailed for 35 days in October 1990 for refusing to serve in the Gaza Strip. He was the first Israeli career officer to be imprisoned on grounds of conscience since the beginning of the intifada. After his release in November he was dismissed from the army and reportedly would not be given any command positions during reserve duty.

#### South Africa - A Selection of Recent Cases

Dr Ivan Toms, who in 1979 completed two years' military service, was charged on 12 November 1987 with "refusal to serve" in the South African Defence Forces after refusing to comply with a 20-day military camp call-up. He had previously done non-combatant service. His objections to military service were apparently based on both religious and political grounds, as he stated that he refused "to serve in an army that defends apartheid rather than the whole South African nation". Following conviction he was sentenced to 21 months imprisonment in March 1988. This sentence was reduced on appeal in November 1988, and he was released on bail pending final appeal to the highest court. In March 1990, following a final Appeal Court ruling, he remained free as he had already served the nine months to which his 18-month sentence had been reduced. Ivan Toms is a medical doctor who had set up a clinic for the squatter community of Crossroads, near Cape Town.

David Bruce was charged in July 1988 with refusing to render military service and was the first objector to be sentenced to the maximum penalty of 6 years' imprisonment. His refusal was based on his opposition to apartheid laws and to the role of the South African Defence Force in Southern Africa. After the Appeal Court ruled in March 1990 that it was not mandatory for magistrates to impose the maximum sentence possible under the Defence Act, David Bruce was released on bail pending resentencing. In June 1990 he was resentenced to 20 months imprisonment, and as he had already served more than 20 months in prison he was released unconditionally.

Charles Bester opposed military service as a committed Christian and because he opposed the role of the army in upholding apartheid policies. He was charged in August 1988, when he was 18 years old, with refusing to render military service, and was sentenced in December 1988 to six years' imprisonment.

Following the March 1990 Appeal Court ruling he was resentenced, in August

1990, to 20 months' imprisonment and was released, as he had already served that time in prison.

Saul Batzofin, who had already completed two years military service, was sentenced to 18 months' imprisonment for refusing to serve his "camp" call-ups.

He was granted remission of sentence and released on 31 January 1990 after serving nearly 10 months in prison.

Reverend Douglas Torr, a 26-year-old Anglican priest, was sentenced on 31 July 1990 to 12 months' imprisonment but was released on bail the following day pending appeal. So far no appeal date has been set. Michael Graaf, who has been convicted of refusing to attend military camp, was sentenced on 28 November 1990 to one year's imprisonment suspended for four years provided he carries out community service of 72 hours each month for four years.

#### Spain - Carmelo Sanz Ramiro

Carmelo Sanz Ramiro, a 20-year-old baker from Burgos, was adopted as a prisoner of conscience on 21 May 1990 during his imprisonment in Alcala de Henares Military Prison awaiting trial on a charge of desertion from the armed forces (deserción militar). He had already completed several months service in the army when he concluded that further military service was incompatible with his pacifist beliefs and left his barracks. He was arrested when he presented himself voluntarily at the Military Governor's office in Burgos on 23 February 1990. Approximately one week previously he had submitted an application for recognition as a conscientious objector to the Consejo Nacional de Objeción de Conciencia (CNOC), National Council on Conscientious Objection, which is the authorized decision-making body.

On 19 March 1990, after refusing on conscientious grounds to put on military uniform, he was placed in isolation for several weeks, with his civilian clothing removed. It is alleged that during this period he was given only his underclothing to wear, that his incoming correspondence and reading material were withheld and that, although allowed telephone contact with his lawyer and girlfriend, he was not allowed to receive their visits.

He was released on 25 May 1990 but ordered to report back to barracks to continue his military service.

He was rearrested on 24 October 1990 after failing to comply with this order but released and exempted from all further military service in November, after medical tests had revealed sequelae of tuberculosis.

#### Switzerland- Paul Simon Dorsaz

Paul Simon Dorsaz, a 33-year-old agricultural worker from Fully entered prison on 6 November 1990 to serve a three month sentence for his refusing to perform military service.

After leaving high-school Paul Simon Dorsaz completed a two year agricultural course and then live abroad for approximately 12 years. During this period he was employed as an agricultural worker, first in a community of Christian brothers in France, then a community of the Little Brothers of Jesus in Tanzania where he remained for 10 years before returning to their community in Fribourg. He currently works on his parents' land in Fully.

He was not called to perform military service either in the form of recruit school training or 'refresher' courses until 1989. He was then ordered to attend a 'refresher' course commencing on 28 August 1989 but on 1 August 1989 wrote to the military authorities informing them of his decision to refuse all military service on grounds of conscience.

Judicial proceedings were opened against him in September 1989 and a Military Divisional Tribunal heard his case at Velleneuve on 17 May 1990.

Paul Simon Dorsaz explained to the court that he had a Christian vision of life, based on respect for life and on non-violence. He believed that self-defence was not a Christian concept and could not accept the idea of defending his own life by taking that of another. He also stated that, if he was forced to perform military service, he would be denying his faith and that it would be contrary to what he saw as the purpose of his life on earth.

He was prepared to obey human laws provided that they did not conflict with divine law.

The tribunal recognized that Paul Simon Dorsaz's objection to military service was motivated by deep religious convictions and that he would face a "severe conflict of conscience" and suffer "moral distress" if obliged to perform military service. He therefore qualified for the more lenient sentence of arrêts répressifs, a system of imprisonment allowing approved work to be performed outside the place of detention during the day-time, which is available to those whom the courts consider to be suffering a "severe conflict of conscience" on "religious or moral" grounds.

The tribunal sentenced Paul Simon Dorsaz to three months' arrêts répressifs, plus costs of 600 Swiss Francs and excluded him from further military service.

ANNEX 2

SUMMARY OF INFORMATION CONCERNING AVAILABILITY OF CONSCIENTIOUS OBJECTOR STATUS  
AVAILABLE TO AMNESTY INTERNATIONAL

Further information on countries marked with an asterisk is included in the text of the report.

**1. Current Existence of Conscription**

Afghanistan Conscription exists

Albania Conscription  
exists

Angola Conscription exists

Argentina\* Conscription exists

Australia There has been no conscription since 1973

Austria\* Conscription exists

Bahamas There is no conscription

Bahrain There is no  
conscription

Bangladesh There is no conscription

Belgium Conscription exists. Compulsory military service, regulated by the  
Consolidated National Service Acts of 30  
April 1962 as subsequently amended

Belize There is no  
conscription

Bhutan There is no conscription

Bolivia Conscription exists

Brazil Conscription  
exists

Brunei Conscription exists

Bulgaria\* Conscription exists

Burkina Faso There is no military  
conscription. In September 1990, military training during compulsory military  
service was abolished and replaced by a "civic and patriotic" training. "Civic  
and patriotic" duties last for one and a half months, followed by 10 months  
in the production sector. Military service formerly lasted one year.

Burma no conscription	There is
Cambodia	Conscription exists
Canada conscription	There is no
Cape Verde	Conscription exists
Chile	Conscription exists
China*	Conscription exists
Colombia	Conscription exists
Costa Rica conscription	There is no
Cuba	Conscription exists
Cyprus*	Conscription exists
Czech and Slovak Federal Republic*	Conscription exists
Denmark	Conscription exists, governed by the Law on Military Service of 1980
Djibouti	There is no conscription
Dominican Republic	Currently no conscription, although allowed for in Article 9 of the 1966 Constitution
Ecuador exists	Conscription
Egypt	Conscription exists
El Salvador exists. Forced conscription is also practiced including against minors	Conscription
Equatorial Guinea	There is no conscription
Ethiopia	Conscription exists. Compulsory military service is provided for by Proclamation No.238 of 1983
Federal Republic of Germany	Conscription exists
Finland*	Conscription exists
France*	Conscription exists
Greece*	Conscription exists
Guatemala exists. Compulsory military service is provided for by Article 135 (g) of the	Conscription

1985 Constitution. Forced conscription is also practiced including against minors.

Guinea-BissauConscription exists

HaitiConscription exists. Compulsory military service is provided for by Article 268 of the 1987 Constitution

Honduras  
 Conscription exists, in June 1990 a law to make military service voluntary was rejected in the National Congress. Forcible conscription is also practiced

Hong Kong  
 conscription  
 There is no

Hungary\*Conscription exists

IcelandThere is no conscription

India  
 no conscription  
 There is

IndonesiaThere is no conscription

IranConscription exists

Iraq  
 Conscription exists

Ireland (Republic of)There is no conscription

Israel\*Conscription exists

Italy\*Conscription exists

JapanThere is no conscription

JordanConscription exists

KenyaThere is no conscription

Korea (Democratic People's Republic of) Conscription exists

Korea (Republic of)Conscription exists

KuwaitConscription exists

LaosConscription exists

Libyan Arab JamahiriyaConscription exists

LiechtensteinThere is no conscription

LuxembourgThere is no conscription

Macau  
no conscription

There is

MalaysiaThere is no conscription

MaldivesThere is no conscription

MaltaThere is no conscription

Mexico  
exists

Conscription

MozambiqueConscription exists

NamibiaThere is no conscription

NetherlandsConscription exists.

NepalThere is no conscription

New ZealandThere is no conscription

NicaraguaThere is no conscription. Military service was abolished by the new government in late 1990.

Norway\*Conscription exists

Oman  
no conscription

There is

PakistanThere is no conscription

Panama  
conscription, as the armed forces were dismantled following the US invasion of Panama in December 1989

There is no

ParaguayConscription exists, under Constitution Article 125 and Law 569

Peru  
Conscription exists

PhilippinesThere is no conscription

Poland\*Conscription exists

PortugalConscription exists

Romania\*Conscription exists

Saudi ArabiaThere is no conscription

Singapore  
exists

Conscription



Somalia\*Conscription exists

South Africa\*Conscription exists

Spain\*Conscription exists

Sri LankaThere is no conscription

SudanConscription exists. Existing conscription laws were extended in 1990  
to make military service compulsory for  
all males over 16 years of age

SurinameConscription exists

Sweden\*  
exists

Conscription

Switzerland\*  
Conscription exists

Syria  
Conscription exists

TurkeyConscription exists. Military service is compulsory under Law No. 111

USSR\*Conscription exists

United Arab Emirates  
There is no conscription

United KingdomThere is no conscription

United StatesThere is no conscription

Uruguay  
conscription

There is no

Venezuela  
exists, governed by Article 3 of the Recruitment Law

Conscription

VietnamConscription exists

Yemen (Republic of)Conscription exists

Yugoslavia\*Conscription exists

## 2. Liability for Service

Afghanistan Men above the age of 18

Albania Men above the  
age of 18

Angola All men from 18-50 and women with "special qualifications of interest to the Armed Forces" are liable for military service (Law No. 12/82), but those over 30 will serve only in the Reserve Force. (There are reports, however, of children as young as 16 being forced to conscript).

Argentina\* All men over 18 years of age

Austria\* Men aged between 18 and 35

Belgium Men between the ages of 18 and 45; exemptions for those with special family circumstances

Bolivia Men between the age of 19 and 21

Brazil 18 year old males

Bulgaria\* All men over 18 years of age

Cambodia Males aged 18 to 30; those who have served remain reservists until the age of 45

Cape Verde Currently all men, although the law may change under the new government

Chile Everyone must register at the age of 18, and may be called up between the ages of 19 and 30 (Articles 19 and 28 of Decree Law 2306, Recruitment Law)

China\* Men aged 18 to 22, and men aged 18 to 35 may be drafted into the militia, or into the army during wartime. Although all male citizens aged 18 must register for military service, it is unclear whether all those registered are actually called for military training

Colombia All males at age of 18, including students

Cuba Believed to be men over the age of 16 and under 50

Cyprus\* All men between 18 and 50, except religious ministers, monks and deacons of officially recognized religions

Czech and Slovak Federal Republic\* Men aged between 18 and 38

Denmark Men over the age of 18, the reserve obligation being until the age of 50.

Ecuador age of 20	All men at the
Egypt between 18 and 30	Men aged
El Salvador between the ages of 18 and 20 who are members of poorer socio-economic groups	Unmarried men
Ethiopia	Men between the ages of 18 and 30, although there are reports of juveniles as young as 12 being conscripted. There are also reports of forcible conscription by the military, who "round-up" villagers in rural areas as well as in urban areas. There is an obligation to perform reserve duties from the age of 30 to the age of 50, and since June 1990 retired members of the armed services are called-up also.
Federal Republic of Germany	*Men aged between 18 and 28
Finland*	Men between the age of 20 and 50, and in exceptional circumstances also men between the age of 17 and 20 and 50 and 60. Jehovahs Witnesses are exempt during peacetime.
France*	Men aged between 18 and 50
Guatemala	Men between the ages of 18 and 30. Heads of families and middle-class students are usually exempt.
Guinea Bissau	18 year old males
Greece*	All men between the age of 19 and 49, except those considered unfit to do so. Religious ministers, monks or novice monks of a recognized religion and fathers of four or more children are exempt
Haiti	Believed to be all men over 18
Honduras	Men between the age of 18 and 30 years
Hungary*	All men over 18
Iran over 18	All men
Iraq	Men above the age of 17 (as of February 1991)
Israel*	Men and women over 18, although non-Druze Israeli Arabs and Druze women are exempt. Male religious scholars may be granted postponement
Italy*	Men aged between 18 and 45

Jordan All men over 18, although the maximum age to start service is 38; expatriates are exempted if they pay a specific sum that is currently 6,000 dollars

Korea (Democratic People's Republic of) Not known

Korea (Republic of) Not known

Kuwait Not known

Laos Males from 18; upper limit unknown

Libyan Arab Jamahiriya Men and women between the age of 18 and 35

Mexico Men from the age of 18 to 40

Mozambique Men 18-30 years old, under Law No. 4/78 (Lei do Servico Militar Obrigatorio) and Decreto No. 3/86 (Regulamento Basico do Militar nas Forcas Armadas de Mocambique)

Netherlands Men between the ages of 18 and 35 (40 for non-commissioned officers, 45 for commissioned officers); exemptions for principle breadwinners, "indispensable men", those with two or more brothers who have performed military service, and others with special situations

Norway\* All men between 18 and 44

Paraguay All men over 18 plus women as non-combatants during international war

Peru All men over 18

Poland\* All men over 18

Portugal Men aged 21-45 (18 in wartime);

Romania\* All citizens, male and female

Singapore All men over 18; ministers of recognized denominations are exempt and any other exemptions are solely at the discretion of the President

Somalia\* All men aged between 18 and 40; women aged between 18 and 30, although in practice not conscripted

South Africa\* All white men between the ages of 18 and 55

Spain\* Men between the ages of 18 and 34

Sudan	Not known
Suriname	Men aged 18 or over
Sweden	*All men between the ages of 18 and 47
Switzerland	*All male citizens between the ages of 20 and 42, re-call in case of emergencies extends to the age of 50; members of the Swiss Federal Council, clerics, prison officers and essential hospital and transport staff are exempt
Syria	Men above the age of 18
Turkey	All males in good health
USSR	*All male citizens between the age of 18 and 27, except those who are under criminal investigation, imprisoned or physically unfit
Venezuela	Men between the ages of 18 and 50, governed by Article 4 of the Recruitment Law
Vietnam	Men of 18 years of age and above
Yemen (Republic of)	Males between the age of 18 and 30. If a person lives abroad it is possible to pay a sum rather than be forced to return to perform military service
Yugoslavia	*Able-bodied males over the age of 18

### 3. Length of Service

Afghanistan Four years, followed by a two year gap, and a further two years

Albania Two to three years depending on the branch of armed forces

Angola Three years; four years for higher ranks, and some may be retained longer

Argentina\*Minimum one year, maximum two years

Austria\*Eight months

BelgiumOne year as of January 1988

BoliviaOne year

Brazil\*Two years

BulgariaEighteen months

CambodiaThree years, extendable by an additional six months

Cape VerdeTwo years

ChileUp to two years (article 35 of Decree Law 2306)

China\* Military service: Army 3 years, Air Force and Navy, 4 years. Military training: 30 days to six months

ColombiaTwo years

CubaThree years

Cyprus 26 months

Czech and Slovak Federal Republic\* 18 months

DenmarkOne year armoured, infantry and engineers' divisions; nine months other branches and services

Ecuador One year

EgyptThree years

El Salvador Two years

EthiopiaSix months training and two years service

Federal Republic of Germany\*12 months

France\* Normally one year

Finland\*Normally 8 months

Greece\*As of 1 January 1991: Army service is 15 to 19 months; Air Force service 17 to 21 months; and Navy service 19 to 23 months. Family providers only have to serve 12 months

Guatemala 30 months

Guinea-BissauTwo years

Haiti Not known

Honduras Two years

HungaryAs of August 1990 military service was reduced to one year plus 10 months reservist duties. Unarmed military service was correspondingly reduced to 15 months duration plus seven months reservist duty, while civilian service was reduced to 22 months duration with no further call-up.

IranTwo years (and reserve duty)

Iraq Two years, plus reserve service (length of service extendable during wartime)

Israel\* Three years for men and two for women, plus reserve duty of about one month in every year until the age of 54

Italy\*One year

Jordan Two years, plus five years of nominal reserve duty

Korea (Democratic People'sApparently no set length, but Republic of)reported to last from between seven to ten years

Korea (Republic of)Army and Marine Corps 30 months; Air Force and Navy three years. College students who complete the full course of military drill at school have their military service reduced to 27 months. Various categories of people (those studying abroad at government expense; those in certain technical industries; some scholars, musicians and sports people) receive only three weeks' basic training. Vocational high school teachers have active service for only 18 months but must serve in certain schools for a further 30 months.

Kuwait Not known

Laos	Not known
Libyan Arab Jamahiriya	Two years
Mexico	One year
Mozambique	Two years, although in the past conscripts have complained of serving longer, often three
Netherlands	As of 29 October 1990 reduced from 14 months to one year in practice - formal legislation pending
Norway*	One year Army; 15 months Navy or Air Force
Paraguay	Two years
Peru	From one to two years
Poland*	12 months
Portugal	Twelve to fifteen months Army; 18-20 months Navy and Air Force
Romania	14 months
Singapore	Two years
ordinary military	service;
three years officer	training
Somalia*	Two years (18 months for graduates of higher education institutions)
South Africa*	As of December 1989 the initial period of compulsory military service has been halved from two years to one
Spain*	Ordinary military service one year, although length of service varies between 12 and 15 months according to the branch of the armed forces in which the service is carried out
Sudan	Not known
Suriname	Not known
Sweden*	Seven and a half months to fifteen months
Switzerland*	A total of approximately twelve months
Syria	Two years (extendable during wartime), plus reservist duties
Turkey	18 months; graduates 16 months as an officer or 6 months as a private
USSR*	One to three years active service
Venzuela	Two years



Vietnam Two years successive service

Yemen (Republic of)

Two years

Yugoslavia\*One year

#### 4. Recognition of Conscientious Objection

Afghanistan Not recognized

Albania Not recognized

Angola Not recognized

Argentina\*Not recognized under current legislation

Austria\*Recognized since 1975. Application must be made within 14 days after call-up order issued

BelgiumRecognized by law of 3 June 1964 and subsequent amendments, incorporated in the Royal Order of 20 February 1980. Application must be made within ten days of call-up. Application to be based on compelling conscientious grounds, leading to inability to use arms even in case of national danger. May not be founded exclusively on considerations challenging fundamental institutions of the State.

BoliviaNot recognized

BrazilRecognized on grounds of religious, philosophical or political conviction

Bulgaria\*Not recognized

CambodiaNot recognized

Cape VerdeNot known

ChileNot recognized

China\* Not recognized.  
According to PRC law military service is a duty for "all PRC citizens without distinction of race...and religious creed".

ColombiaNot recognized

CubaNot recognized. Under Article 54 of the Constitution, refusal to defend the country with arms on grounds of religious belief is a punishable offence

Cyprus\*Not recognized

Czech and Slovak Federal Republic\* Recognized on grounds of religious belief or moral conviction

DenmarkRecognized on grounds of religious, philosophical or ethical reasons under Section 51 of Law No. 427 of 30 September 1980. Application must be made within four weeks of call-up.

Ecuador Not recognized

Egypt Not recognized

El Salvador Not recognized

Ethiopia Not recognized

Federal Republic of Germany\*Recognized if objector can satisfy the authorities that objections are based on grounds of conscience

Finland\*Recognized under revised Law on Unarmed and Civilian Service (Act no. 647)

France\*Recognized under law 83-605 of July 1983 for those who "for reasons of conscience", declare themselves "opposed to the personal use of arms"

Greece\*Not recognized, however conscientious objectors on religious or philosophical grounds may perform unarmed military service, although this is twice as long as ordinary military service.

Guatemala Not recognized

Guinea-Bissau Not known

Haiti Not known

Hungary\*Recognized as of June 1989

Honduras Not recognized

Iran\*Not recognized

Iraq recognized Not

Israel\*Not recognized, although exemptions may be granted for religious, family or other reasons, including unsuitability for reasons of conscience.

Italy\*Recognized as of 1972 by law 772, as amended by law 6965 of December 1974, for those declaring themselves opposed to use of arms in all circumstances for conscientious reasons based on religious, philosophical or moral convictions. Political grounds alone are not recognized.

Jordan Not recognized

Korea (Democratic People's Republic of) Not recognized

Korea (Republic of) Believed not to be recognized

Kuwait Not recognized

Laos Not recognized

Libyan Arab Jamahiriya Not recognized

Mexico Not recognized

Mozambique Not recognized

Netherlands "Serious" conscientious objection is recognized and is defined as "insurmountable conscientious objection to the personal performance of military service in connection with the use of violence in which a person may become involved as a consequence of his serving in the military forces of the Netherlands" in the Law on Conscientious Objection to Military Service of September 1962, as subsequently amended in 1978. Selective objection (for example to the use of nuclear arms) is also possible.

Norway\* Recognized by Military Penal Code and regulated by 1965 law on Exemption from Military Service for conscientious Grounds. Purely political motives are not acceptable. From January 1991, opposition to nuclear weapons is an acceptable grounds for conscientious objection.

Paraguay Not recognized

Peru recognized Not

Poland\* Recognized

Portugal Recognized in 1976 Constitution and revision of 1982 (Article 41/6). Law of 22 March 1985 grants conscientious objector status on religious, philosophical or moral grounds.

Romania\* Not officially recognized, although in practice some religious objectors may be permitted to do non-combatant military service.

Singapore Not recognized

Somalia\* Not recognized

South Africa\* Recognized on narrowly-defined religious grounds only

Spain\* Recognized by Law 48/1984 of 28 December 1984. Religious, ethical, moral, humanitarian, philosophical or other 'similar' grounds are acceptable

Sudan	Not known
Suriname	Recognized
Sweden*	Recognized since 1929; currently governed by the 1978 Law on Weapon-Free Service.
Switzerland*	Not recognized
Syria	Not
recognized	
Turkey	Not recognized
USSR*	Not recognized
Venezuela	Not recognized
Vietnam	Not recognized
Yemen (Republic of)	Not recognized
Yugoslavia*	Recognized on religious grounds, and only members of specified religious denominations

## 5. Alternative and Development Service

Afghanistan None available

Albania None available

Angola None available

Argentina\*None available under current laws

Austria\*Alternative service outside military framework available for recognized conscientious objectors, to be performed for a period of eight months.

BelgiumAlternative service available to recognized conscientious objectors, in the following areas:

- unarmed military service (12 months)
- Civil Defence (emergency/relief services) (16 months)
- public health sector (16 months)
- social/cultural/religious organizations (20 months)
- Third World aid (20 months).

BoliviaNone available

BrazilAlternative service is provided by armed forces in peacetime to conscientious objectors who should be exempted from activities of an essentially military character.

Bulgaria\*None available

CambodiaNone available

Cape VerdeCivil national service available

ChileNone available

China\* None available

ColombiaNone available

CubaNone available

Cyprus\*None available

Czech and Slovak Federal Republic\*non-profit-making organizations, e.g. health service, protection of the environment and other community welfare areas, for a period of 27 months

DenmarkAlternative service may be performed in social, cultural or peace organizations, for a period equal to the duration of the service from which the conscript was transferred.

Ecuador None available

Egypt None available

El Salvador None available

Ethiopia None available

Federal Republic of Germany\*Civilian service of 15 months is provided for by law regulating conscientious objection.

Finland\*Alternative service available to recognized conscientious objectors, under the auspices of the Ministry of Labour.

France\*Alternative service is governed by Article L.116-.1 of Law No. 83-605, and administered by the Ministry of Social Affairs and National Solidarity. Performed for 24 months in a state administration or in local organizations of a social or humanitarian nature working in "the general interest"

Greece\*None available outside military framework.

Guatemala None available

Guinea-Bissau None available; however, those supporting families may apply for deferral which is usually granted.

Haiti Articles 52, 53 and 268 of the 1987 Constitution ("Service National Civique mixte obligatoire").

Honduras None available

Hungary\*Since June 1989 Hungarian men of military age who have not taken the military oath, and men in reserve status may perform "duties primarily of a health care and social welfare character" as part of their national service; or alternatively civilian duty may involve "non-profit work performance for the public good". Either would have to be of 22 months duration while military service is 12 months, followed by 10 months reservist duties.

Iran None available

Iraq Not known

Israel\*None available, however individuals may be allowed by their commanding officers to perform military service only in specific areas, for example within Israel for those selective objectors

opposed to serving in the occupied territories.

Italy\*Alternative civilian service in various organizations is provided for recognized conscientious objectors. Law 772 governing conscientious objection directs that alternative service should be eight months longer than military service but since a Constitutional Court ruling of July 1989 conscientious objectors have been allowed to terminate their alternative service after 12 months, making it effectively equal in length to ordinary military service.

JordanNone available

Korea (Republic of)

Military Service Exemption Control Law, passed in 1989: 20 April 1990 Enforcement Decree to the Military Service Exemption Control Law, lists fewer job specifications that can be included in the military duty-substitution programs. Under the decree there are just three categories of professional personnel who can benefit from exemption program: research, technical and public medical staff.

The program

calls for each of the professionals to work in his respective field for at least five years after undergoing six weeks of basic military training instead of the mandatory military service, which lasts nearly three years on average.

Korea (Democratic People's Republic of)None available

KuwaitNone available

LaosNone available

Libyan Arab JamahiriyaNone available

Mexico

None available

MozambiqueNone available

NetherlandsAlternative service is performed under the auspices of the Ministry for Social Affairs and Employment in institutions whose work is of general interest to the community. Law stipulates that alternative service



should be one third longer than ordinary military service.

Norway\*Alternative civilian service administered by Ministry of Justice, to be performed for a period of 16 months.

Paraguay None available

Peru available None

Poland\*Alternative service in non-military institutions has been available as of July 1988, length of alternative service is 27 months; military service lasts 18 months.

PortugalAlternative service was provided by Article 276 of the Constitution and the Law on Conscientious Objection of 22 March 1985. Such service should be performed in the social, humanitarian, health, aid or environmental sectors, for a period equal to that of military service, i.e., 12-15 months.

Romania\*None available

Singapore None available

Somalia\*None available

South Africa\*Alternative service available to religious objectors only.

Spain\*Alternative service of 18 months is provided for by law. It consists of work in the public interest that is run by the Public Administration and non-profit-making charities.

Sudan Not known

Suriname Not known

Sweden\*Alternative service is supervised by the Board for Administration and Training of Conscientious Objectors, available to all recognized conscientious objectors, to be performed for a period of from 12 to 15 months.

Switzerland\*None available, although unarmed military service is available to some who, for moral or ethical reasons, would face " a severe conflict of conscience" if required to use weapon.

Syria Not known

TurkeyNo provision for alternative service on conscientious grounds, although since 18 April 1987 all in military

service may apply to do service in forestry, public institutions, etc. after completing three months' basic training. It is also possible to pay

lasts as little as two

so that service  
months,

although this is very costly.

USSR\*None officially available, although in some cases religious objectors are apparently permitted to perform unarmed military service.

Venezuela

None available

VietnamNone available

Yemen (Republic of)None available

Yugoslavia\*Conscientious objectors who object to military service on religious grounds may do unarmed service within the military

## 6. Possible Penalties for Refusal to Perform Military Service

Afghanistan Until recently conscientious objectors were tried and imprisoned. Now they are arrested and sent to the army.

Albania According to Article 139 "The constant avoidance of military service is punished: by deprivation of liberty for up to five years. The same act, when committed in wartime or in a state of emergency is punished by: deprivation of liberty for not less than five years, or by death."

Angola Those charged with desertion believed to be subject to one to two years' imprisonment.

Argentina \*Up to four years' imprisonment.

Austria \*Up to two years' imprisonment for unauthorized absence from the army and refusal to obey military orders.

Belgium Up to three years' imprisonment for those who refuse all forms of national service. (In practice, a maximum duration of two years, with the second year served in semi-liberty.)

Bolivia No alternative service, and length of service is doubled to two years for those who attempt to refuse. Students may, however, request a deferral until they finish their studies, and exemption can be requested for physical disability. Those who have refused to perform military service cannot be elected as members of parliament.

Brazil Fine for not registering, plus any male over 18 must show proof of registration to get a work card or other state-provided services or benefits.

Bulgaria \*Up to three years' imprisonment; those persistently refusing conscription may be repeatedly imprisoned.

Cambodia Imprisonment for 3 months to 1 year during peacetime, or 6 months to ? years during wartime.

Cape Verde Not known.

Chile Article 70 of Decree Law 2306 provides for 61 to 540 days' imprisonment or up to four years' military service for failure to sign on at 18; Article 73 provides for the same penalties for failure to respond when called up.

China Article 61 of the Law of the PRC on military service, promulgated on 31 May 1985 states

that; "those who avoid or refuse registration...conscription ...[or] military training shall undergo education and, if this is unsuccessful, be forced by the local People's Government to carry out their military service duty." In wartime separate military regulations apply.

Colombia

Not known

Cuba Article 252 of the Penal Code provides for a fine or a prison sentence of from 3 months to 1 year, or both, for trying to evade obligations related to military service. If fraud is used in evading service the penalty is a fine or 6 months to 2 years. Article 253 provides for a fine or a prison sentence of 6 months to 2 years' imprisonment, or both, for not turning up for military service. Unconfirmed reports of Jehovah's Witnesses being imprisoned for refusing military service, but no individual names known. Also reports of people being imprisoned for refusing to serve in Angola but no details available.

Cyprus

Imprisonment of four to six months for those refusing military service and several weeks to four months for those refusing reservist exercises. Upon release conscientious objectors are called-up again and can face further terms of imprisonment if they continue to refuse to comply.

Czech and Slovak Federal Rep\*6 months to 3 years' imprisonment.

Denmark Total objectors may be sentenced to nine months' imprisonment but may be released upon completion of half the sentence for good conduct.

Ecuador

Fine

Egypt  
imprisonment plus a fine

1 year'

El Salvador

Those who refuse to do military service will be treated as deserters, or risk being accused of being sympathetic to anti-government forces

Ethiopia Reports of arrests and imprisonment of people refusing conscription. There are also reports of arrests of relatives of conscription evaders in order to make the evaders report for national service. Some refugees not liable in law to conscription have been forced

into the army.

Federal Republic of Germany\*Up to five years'imprisonment

Finland\*Up to 15 months, 20 days' imprisonment for failure to obey call-up or for desertion

France\*Two months to one year's imprisonment for insoumission: up to two years' imprisonment for refus d'obéissance; up to three years' imprisonment for desertion. In practice the maximum sentence is 15 months.

Greece\*Up to five years' imprisonment but usually four years' and in the case of family providers less. Some conscientious objectors are also given an additional sentence of five years' deprivation of civil rights enforced from when they are released.

Guatemala Those who refuse to do military service may be imprisoned. They also risk being accused of sympathizing with anti-government forces, and can face torture, "disappearance" or extrajudicial execution.

Guinea-BissauPossible imprisonment

Haiti Not known

Honduras Possible  
imprisonment

Hungary\*Under Article 366 of the Criminal Code those who refuse military service may be sentenced to up to five years' imprisonment (five to fifteen years in wartime).

IranLonger than normal period of military service; possible suspended prison sentence.

Iraq Not known

Israel\*"Failure to fulfil" a duty imposed by the conscription law may lead to up to two years' imprisonment; attempting to evade military service may lead to up to five years' imprisonment; and refusal to perform reserve duty can lead to sentences of up to 56 days'imprisonment, renewable if the objector repeatedly refuses.

Italy\*Imprisonment of between six months and two years.

Jordan For those who desert while actually performing military service, the penalty is life imprisonment; and for those who desert while not performing military service the penalty is up to three years' imprisonment.

Korea (Republic of) Those charged with "desertion of military service" under Article 30 of the Military Penal Code may be subject to three to ten years' imprisonment in peacetime. Reports of Jehovah's Witnesses being sentenced to three years' imprisonment for refusing military service, but no details known.

Korea (Democratic People's Republic of) Not known

Kuwait Not known

Laos Not known

Libyan Arab Jamahiriya Three years' imprisonment and deprivation of civil right for ten years

Mexico Prohibition to leave the country and restrictions on employment

Mozambique Possible imprisonment

Netherlands Those who refuse all national service may be imprisoned for up to two years, although in practice this is normally commuted to one year, four months of which are suspended.

Norway\* Conscripts not recognized as conscientious objectors who refuse call-up orders may be sentenced to three months' imprisonment under paragraph 35 of the Military Penal Law for Unauthorized Absence from the Military Service and may be subject to further call-up and possible further sentence after release.

Paraguay Not known

Peru Possible prison sentence

Poland\* Article 305 of the penal Code provides for sentence of from six months to five years' imprisonment for refusing "to perform military duty or to fulfil a duty resulting from such service"; the sentence is three to ten years during wartime.

Portugal Possible imprisonment of up to one year. In practice sentences range between four and eight months' imprisonment.

Romania*	Six months to
five years' imprisonment	for evasion of
military service (three	to ten years
during wartime).	
Singapore	Article 32 of
	the Enlistment Act states that the
	punishment for evading military service
	shall be a term of imprisonment not
	exceeding three years, a 5,000 dollar fine
	or both; acts deemed "desertion" face a
	maximum penalty of ten years.
Somalia*	Reports of
arrests and imprisonment of	persons
refusing military service;	reports also
indicate that some	refugees
not liable in law to	
conscription have been forced into the	army. It is
alleged that some	resisters
have been shot by security	forces.
South Africa*	Law provides for
imprisonment of up to	six years for
those not recognized as	conscientious
objectors who refuse	military
service. A fine may be imposed in lieu of a prison sentence. However, in	
March 1990 the Appeal Court ruled that the length of prison sentences imposed	
on conscientious objectors was not mandatory under the provisions of section	
126 A(1) (a) of the Defence Act (44 of 1957) and that magistrates could impose	
sentences at their discretion. This has led to conscientious objectors having	
their sentences reduced.	
Spain*	May face arrest
and imprisonment of	between three
months and one day and	six years.
Sudan	Not known
Suriname	May face arrest
and imprisonment.	
Sweden*	Unrecognized
objectors refusing	service

may be prosecuted for refusing  
 a military order and subject to a fine and imprisonment of up to one year,  
 under Chapter 21, paragraph 1 of the Criminal Code. A further four-month  
 sentence may be imposed if the individual is again called up upon  
 release and continues  
 to refuse military  
 service.

Switzerland\* Up to three years'  
 imprisonment, although in  
 practice sentences rarely exceed one year.  
 In cases where the objector  
 is considered to have acted as a result of "a  
 severe conflict of conscience"  
 because of their religious or moral  
 beliefs, a maximum sentence of six months'  
 imprisonment may be imposed.  
 Repeated refusal to perform military service may in theory result in  
 successively higher prison sentences.

Syria Not known

Turkey Failure to  
 report for examination is punishable by a  
 sentence of six months to one years'  
 imprisonment. The normal sentence  
 for refusal to perform military  
 service is one year, but this may be increased  
 on subsequent convictions for the same offence.

USSR\* Depending  
 on the article of the Criminal  
 Code under which convicted, from one to 10  
 years' imprisonment in peacetime; in  
 some cases the death penalty may be  
 applied in wartime.

Venezuela Article 41 of  
 the Recruitment Law provides for a fine or arrest for those evading military  
 service



Vietnam  
 evading one's military  
 obligation is punishable by two to ten  
 imprisonment during wartime,  
 peacetime the penalty  
 months to five years. A  
 period of 're-education' that does not  
 detention is offered to certain

The crime of  
 years'  
 although during  
 is three  
 involve  
 offenders.

Yemen (Republic of) Failure to report for service  
 (up to age 30) is punishable by up to two years' imprisonment. Evasion by  
 means of desertion or fraud is punishable by up to three years' imprisonment  
 or a fine of 10,000 to 30,000 riyals.

Yugoslavia\* Up to five  
 years' imprisonment under  
 the Criminal Code; up to  
 imprisonment under Article  
 to one years' imprisonment  
 214 (though up to five  
 who go into hiding or  
 for those who go abroad  
 military service. In wartime  
 under any of these articles  
 death penalty.

Article 201 of  
 ten years'  
 202; or up  
 under Article  
 years for those  
 up to ten years  
 to avoid  
 conviction  
 may carry the

However, all  
 persons known to Amnesty International as having been imprisoned for  
 conscientious objection had been released by December 1989, and there is no  
 information regarding any more recent convictions or imprisonment for  
 conscientious objection.