

EXTERNAL

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@ADOPTION OF PRISONER OF CONSCIENCE - £FRANCE

The case of Jérémy BERNARDI

Jérémy Bernardi is serving two concurrent sentences of 15 months' imprisonment as a result of his refusal, on grounds of conscience, to perform military service. He is a Jehovah's Witness and, as such, a 'total objector' - that is, he did not apply for conscientious objector status and rejects alternative civilian service as well as military service, basing his objection to both services on religious grounds. Amnesty International is calling for his immediate release as a prisoner of conscience.

The vast majority of conscripts who are imprisoned as a result of their refusal to conform to the national service laws in France are members of the Jehovah's Witness faith. According to unofficial estimates, over 500 Jehovah's Witnesses are imprisoned each year as a result of their refusal to perform military service; the sentences imposed in such cases normally range between 12 and 15 months' imprisonment.

Jérémy Bernardi complied with an order to present himself for military service at the barracks of an artillery regiment based in Draguignan on 5 June 1991. However, at the barracks he refused to put on military uniform and perform military service. He was immediately put under arrest and detained in a civilian prison for over seven months under investigation on a charge of insubordination [refus d'obéissance]. He was released into provisional liberty on 14 January 1992, pending trial for insubordination.

Jérémy Bernardi remained liable to perform military service and, although he had not apparently received specific orders to return to barracks, after his release he immediately reported back to the artillery regiment in Draguignan. However, he once again refused to put on military uniform or to perform any military service and was again arrested and legal proceedings were opened against him on a second charge of insubordination. He was reportedly held under close arrest at the army barracks until his trial by a Marseilles court (Tribunal correctionnel des affaires militaires) which, on 21 February 1992, sentenced him to 15 months' imprisonment for the second offence of insubordination.

Following the trial Jérémy Bernardi was transferred to a civilian prison in Luynes [maison d'arrêt de Luynes]. On 6 June 1992 a court in Marseilles (Tribunal correctionnel des affaires militaires) sentenced him to 18 months' imprisonment for the first offence of insubordination. On 10 June 1992 an appeal court in Aix-en-Provence reduced this sentence to 15 months' imprisonment, to run concurrently with the sentence of 15 months' imprisonment imposed in February 1992.

Since his first arrest in June 1991, Jérémy Bernardi has spent a total of over 12 months' in prison.

AMNESTY INTERNATIONAL'S CONCERN

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

Amnesty International believes that an essential component of the right to conscientious objection to armed service is that alternative service should not be imposed as a punishment for such objection. In December 1991 the French parliament gave final approval to a bill on national service which reduced the length of military service from 12 to 10 months and the length of civilian service from 24 to 20 months. As the length of civilian service in France therefore remains twice that of ordinary military service, Amnesty International considers that it does not provide an acceptable alternative to military service. Those like Jérémy Bernardi, who are imprisoned as a result of their rejection, on grounds of conscience, of both services are considered, therefore, to be prisoners of conscience.