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AUSTRIA: CONSCIENTIOUS OBJECTOR FACES POSSIBLE DETENTION; AMNESTY INTERNATIONAL CRITICIZES PROPOSED AMENDMENT TO LEGISLATION

Amnesty International today informed the Austrian authorities that if Herwig Matzka is detained for refusing to perform military service on grounds of conscience, the organization will adopt him as a prisoner of conscience.

On 22 July Herwig Matzka failed to report for military service in Vienna and fled the country. If he returns he faces possible arrest and detention. According to Section 7 (2) of the Military Penal Code, anyone who is found guilty of failing to report for military service within 30 days of the call-up date can be punished by up to a year's imprisonment.

"Herwig Matzka should have the right to refuse to perform military service on the basis of conscience. If he is detained we will insist on his immediate and unconditional release," Amnesty International said today.

Herwig Matzka completed almost two months of military service in 1978 but was discharged from his unit after joining the Vienna police force. Sixteen years later, in September 1994, he resigned from the police, and in December that year submitted an application for alternative service. In it he explained that he had resigned from the police because he had developed over the preceding years a "deep aversion to violence". He declared that it was impossible for him, on grounds of conscience, to perform military service.

Herwig Matzka's application to perform alternative service was rejected by the Federal Ministry for Interior Affairs on the grounds that it had not been submitted within one month of the promulgation of the 1994 amendment to the Alternative Service Law in February 1994. Two judicial appeals against the Ministry's decision were turned down, and on 11 July 1996 the conscientious objector received notification that he was to report for military duty on 22 July. Herwig Matzka, who is 36 years old, has fled Austria and is currently living abroad.

Amnesty International has repeatedly criticized Austrian legislation on conscientious objection because it places restrictions on the time period within which applications for alternative service can be submitted. According to the latest draft proposal to amend the Alternative Service Law, an application for alternative service will in future have to be submitted in the period between receipt of notification of fitness to perform military service and the day before receipt of call-up papers. This period must be at least six months. This means that a conscript will not know until the day he receives his call-up papers that he has already missed the deadline for applying for alternative service.

"Conscientious objectors should have the right to claim conscientious objector status at any time," Amnesty International said today in its letter to the Austrian Interior and Defence Ministers.

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