

EXTERNAL**AI Index: EUR 37/02/98****Action Ref.: EERAN 15/98****Date: 19 October 1998**

POLAND

Marcin Petke, a possible prisoner of conscience

Amnesty International's concerns:

Amnesty International is concerned that 23-year-old Marcin Petke from Kartuzy has been convicted for refusing to perform military service under Article 230 of Law number 2 of 21 November 1967, and sentenced to six months' imprisonment in violation of his right to freedom of thought, conscience and religion. Should he be imprisoned Amnesty International will consider Marcin Petke to be a prisoner of conscience and call for his immediate and unconditional release. Amnesty International appeals to the Polish authorities to quash Marcin Petke's conviction and to allow him to carry out alternative service.

Background:

Marcin Petke applied for alternative service to military service on the grounds that his religious beliefs and strong personal convictions would not permit him to serve in the military. He cited the Bible's fifth commandment: "Thou shall not kill", as well as the fact that two of his friends had recently committed suicide while performing their military service. In April 1997 Kartuzy Military Commission rejected his application for alternative service on the grounds that the Roman Catholic religion does not constitute sufficient grounds for conscientious objection to military service.

In June 1997 Marcin Petke refused to accept his call-up papers. He was subsequently tried for evasion of military service under Article 230 of Law number 2 of 21 November 1967 before the Garrison Court of Gdynie. In his defence he stated that military service was against his beliefs and philosophy. The judge then reportedly proposed that he should carry out an "alternative" service in the army where he would be assigned work in an army office. According to this proposal he would not be required to bear arms but would in all other respects be subject to rules of army life. Having refused this proposal Marcin Petke was sentenced in September 1997 to six months' imprisonment.

Marcin Petke appealed to the Military Regional Court in Poznan where his case was heard on 4 December 1997. The court rejected his lawyer's proposal for a second psychiatric assessment (the first one reportedly established that Marcin had "socio-pathological" personality but was fit to serve in the army) and confirmed the decision of the Gdynia court. Subsequently his appeal to the Military Chamber of the Supreme Court was also rejected. Currently, he is appealing to the Supreme Administrative Court. In July and September 1998 Marcin Petke was summoned to

begin serving his prison sentence. However, his imprisonment has been deferred so far because of an illness.

In Poland all men over the age of 18 are liable for conscription. The normal duration of such conscription is 18 months, which in certain cases can be reduced to 12 months. A new law on military service is reportedly in preparation and it is expected to reduce military service to 12 months. In July 1988 the Polish Parliament approved changes to the military draft law to allow 36 months' alternative service for conscientious objectors in non-military institutions. In November 1992 the Law on Alternative Service was adopted which set the duration of alternative service to 24 months or nine months for university graduates.