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FRANCE - THE CASE OF PIERRE SERRES

Pierre Serres, aged 30, is currently liable to arrest and imprisonment at any moment to serve a six-month prison sentence imposed as a result of his refusal, on grounds of conscience, to perform national service. Amnesty International believes his refusal of national service is the result of his conscientiously-held beliefs and will consider him to be a prisoner of conscience if detained as a consequence of his refusal.

Pierre Serres was granted conscientious objector status when he was first called up for national service in 1986. However, he refused, on political and anti-militarist grounds, to perform alternative civilian service; he also considered the length of civilian service which, then as now, was twice that of ordinary military service, to be punitive.¹

He was first issued with a call-up order to begin civilian service in November 1986. When he did not obey the order judicial proceedings were opened against him. He was charged with *insoumission* (failing to comply with call-up orders). The case was heard by a court in Toulouse in November 1987 and in February 1989, after several further hearings before the same court, he was acquitted on technical grounds. The prosecutor entered an appeal and in June 1989 an appeal court sentenced him to 12 months' imprisonment. Pierre Serres appealed to the Court of Cassation (supreme court) but in July 1989, before the appeal could be examined, he benefited from a presidential amnesty covering those sentenced for refusing national service which was promulgated on the occasion of the bicentenary of the French revolution.

However, his obligation to perform national service remained and in January 1991 he was issued with a new call-up order to civilian service. When he also failed to obey this order judicial proceedings were again opened against him on a new charge of *insoumission*. In December 1991 the court in Toulouse sentenced him to six months' suspended imprisonment and deprivation of his conscientious objector status (*retrait du statut d'objecteur de conscience*), thus making him liable for call-up to military service.

In May 1992 the appeal court in Toulouse confirmed the removal of his conscientious objector status and cancelled the suspension of the six months' imprisonment. A further appeal to the Court of Cassation was rejected in October 1994 and he is currently liable to arrest and imprisonment for up to six months, at any moment. He has requested a presidential pardon.

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.

¹In December 1991 the French parliament approved a bill on national service which reduced the length of military service from 12 months to 10 months and the length of civilian service from 24 to 20 months.

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. International standards on conscientious objection to compulsory military service also advocate a non-punitive length of civilian service.²

Civilian service in France is, at 20 months, twice the length of ordinary military service. Amnesty International considers that this is a punitive length and that the service does not provide an acceptable alternative to military service. Those who are imprisoned as a result of their rejection, on grounds of conscience, of both services are considered, therefore, to be prisoners of conscience.

Amnesty International is appealing for Pierre Serres not to be imprisoned as a result of his refusal, on grounds of conscience, to perform national service. The organization will consider him to be a prisoner of conscience if he is detained.

² Recommendation R (87) 8 on Conscientious objection to compulsory military service, adopted by the Committee of Ministers of the Council of Europe on 9 April 1987 states, in paragraph 10, that: "Alternative service shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits."

Resolution 1989/59 on Conscientious objection to military service, adopted by the UN Commission on Human Rights on 8 March 1989 (reaffirmed by Resolution 1993/84 adopted on 10 March 1993), in paragraph 4: " Emphasizes that ... alternative service should be of a non-combatant or civilian character, in the public interest and **not of a punitive nature.**"