

EXTERNAL

AI Index: EUR 43/01/95
Distr: GR/CO

Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

6 February 1995

ADOPTION OF PRISONER OF CONSCIENCE - £SWITZERLAND

@The case of Thierry NYDEGGER

Thierry Nydegger, a 34-year-old musician, married with four children, has been ordered to enter prison on 10 February 1995 to serve a four month sentence for refusing to perform compulsory military service. Amnesty International believes his refusal of military service is largely the result of his conscientiously-held beliefs and will consider him to be a prisoner of conscience upon commencement of his sentence.

Between 1980 and 1988 Thierry Nydegger carried out his recruit school training and five refresher courses of military service, as ordered. However, judicial proceedings were opened against him when he failed to report for a three-week refresher course of military service in August 1988 and for shooting exercises and an equipment inspection which also took place during that year.

In July 1988 Thierry Nydegger, then 27-years-old, had written to the military authorities informing them of his decision to refuse further military service because of professional and family commitments as well as reasons of conscience. He explained that he had matured since first commencing his military service at the age of 20 and felt that he could no longer reconcile military service with his conscience and could not return to an institution which taught him to kill. He expanded further on his beliefs in an interview which took place in February 1989 with the military judge of instruction responsible for investigating his case, emphasizing his belief in tolerance and dialogue, two elements which in his opinion the army did not recognize.

A Military Divisional Tribunal which heard his case at Morges on 19 May 1989 concluded that he had not put forward any sincere moral or religious convictions and was not suffering 'a severe conflict of conscience' which might have qualified him for a more lenient sentence. The tribunal sentenced him to four months' imprisonment, plus costs of 600 Swiss francs and excluded him from further military service.

/...

Thierry Nydegger has now been ordered to begin his sentence on 10 February 1995. He will carry out his sentence in the form of 'semi-detention' at the Maison d'arrêt de Villars in the Canton of Geneva. Under this regime he will work outside the prison on weekdays but will return there for 12 hours each weekday evening and night and will be imprisoned throughout each weekend.

He has been granted permission to carry out his sentence in two parts, in order to allow him to fulfill professional commitments vital to his continued livelihood. He will, therefore, be imprisoned between 10 and 28 February 1995 and will return to prison to complete his sentence at the beginning of May 1995.