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**SWITZERLAND: AMNESTY INTERNATIONAL URGES THE IMMEDIATE  
RELEASE OF CONSCIENTIOUS OBJECTOR MARINO KECKEIS**

*Marino Keckeis, a 24-year-old qualified forestry worker, has been serving a five-month sentence in Grosshof Prison, Kriens (Canton of Lucerne), since 15 January 2002 for refusing to perform compulsory military service. Amnesty International (AI) believes his refusal of military service is the result of his conscientiously-held, ethical and religious convictions, and considers him to be a prisoner of conscience who should be released immediately.*

*Marino Keckeis began a hunger-strike on 20 February 2002, which lasted over six weeks, in protest against his imprisonment and current Swiss legislation on civilian service.*

*Refusal to perform military service is a criminal offence under Swiss law. Legislation providing, for the first time, a genuine civilian alternative to compulsory military service came into force in Switzerland in October 1996. Under the law, civilian service one and a half times the length of ordinary military service is available to conscripts able to demonstrate, to the satisfaction of a civilian commission, their inability to reconcile military service with their consciences.*

*Although Marino Keckeis applied for alternative civilian service, his application was refused on the grounds that he had failed to convince the decision-making authorities that he held conscientious beliefs which he was unable*

to reconcile with the performance of military service. Amnesty International believes that his imprisonment is due to a very limited interpretation of conscientious objection. Amnesty International is, therefore, urging the Swiss authorities to comply fully with international standards when assessing applications for alternative civilian service.

Marino Keckeis first applied for civilian service to the Central Civilian Service Authorities attached to the Federal Department of Economic Affairs (the body responsible for the administration of civilian service) in February 1997. In his application, he indicated that he felt a special duty and commitment to protect the environment from further damage, and thereby to protect his and other people's lives: he said that if he had to perform months of military service, this would prevent him from fulfilling his duty and eventually result in lives being placed in jeopardy. On 18 March 1997 the authorities confirmed receipt of his application and granted him temporary exemption, pending a final decision. On 6 June 1997, the Civilian Service Authority requested further details of his objections. Marino Keckeis submitted six more pages explaining that he rejected the use of violence because of the way he had been brought up and educated and because of his personal religious beliefs: at the age of 18 he spent one year in a monastery. He also indicated that he considered all armies as being inevitably destructive and violent. However, on 2 October 1997, following an oral assessment of his conscience

and moral motives in August 1997, his application for civilian alternative service was rejected. (Marino Keckeis is said to find it difficult to articulate his arguments clearly). An appeal which Marino Keckeis made against the decision on 20 October 1997 was turned down by the Federal Department of Economic Affairs' Appeal Commission, which concluded that his religious and ethical beliefs were not convincing enough to cause a conflict of conscience with military service. On 2 February 1999, he re-applied, confirming his strong belief in pacifism and referring to his personal influence by the teachings of individuals such as Martin Luther King Jr. and Mahatma Ghandi. This application was also rejected, without any reference to his statement.

On 27 October 1999, after failing to report for basic military training in February 1999, as ordered, a Military Divisional Court (*Divisionsgericht*) in Bern sentenced Marino Keckeis to three months' imprisonment. The Military Prosecutor (*militärische Ankläger*) appealed, demanding a higher prison sentence, but on 21 June 2000, a Military Court of Appeal upheld the original ruling. (By then, Marino Keckeis could no longer physically perform military service due to a work-related accident in April 2000, when a tree fell on his back and fractured his collarbone. Consequently, he had to give up his occupation as a forestry attendant). Following a further appeal against the sentence by the Military Prosecutor, the case was reopened. The Military Court of Cassation (*oberste Militärgericht*) increased the sentence to five months' imprisonment. Again, the Military Attorney appealed, demanding an even higher sentence of eight months' imprisonment, but the final decision of 18 December 2001, by the Military Court of Cassation, confirmed the five-month prison sentence. The sentence was to be served under the semi-detention regime (*Halbgefängenschaft*), allowing the individual to perform approved work outside the prison during weekdays but returning to the prison at nights and weekends. However, after starting his hunger-strike, Marino Keckeis remained inside the prison.

It has been reported that the window of his prison cell has been hermetically sealed, that contact with other prisoners has been refused, that his

post is opened and held back, including that from his lawyer, that the right to receive visits has been restricted to a total of five hours per month, and that the prison administration decides who is allowed in.

A review of Swiss legislation on civilian service currently before the Swiss parliament is considering the criteria for admission to civilian service.

The right to refuse to perform military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as recognized in **Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights and Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.** Recommendation No R(87) 8 of the Committee of Ministers of the Council of Europe, issued in April 1987, underlines the basic principle that “anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service...”

Amnesty International considers a conscientious objector to be any person liable to compulsory recruitment (conscription) for military service who refuses to perform service in the armed forces or any other direct or indirect participation in wars or armed conflicts for reasons of conscience or profound conviction.

AI does not agree or disagree with the motives of individual conscientious objectors but, in line with international standards, AI insists

that all those liable to conscription be given the opportunity to perform a genuinely civilian alternative to service in the armed forces on the grounds of their conscience or profound beliefs.

On this basis, AI campaigns for the development of laws and procedures which make adequate provision for conscientious objectors.

AI considers a conscientious objector to be a Prisoner of Conscience, if his or her imprisonment is a consequence of, *inter alia*, the recognition of conscientious objection being so restricted that only some and not all of the AI-accepted-grounds of conscience or profound conviction are acceptable.

According to AI, conscientious objection may arise from religious, ethical, moral, humanitarian, philosophical, political or similar motives. Unless the assessment procedures recognize conscientious objection on all the above-mentioned grounds of conscience or profound conviction, AI believes there is unfairness in the procedural system for determining who is entitled to recognition as a conscientious objector.