

SLOVAK REPUBLIC
Possible prisoner of conscience : Emanuel MUNKO

AMNESTY INTERNATIONAL'S CONCERN:

Amnesty International is concerned that 20-year-old Emanuel Munko from Trnava has been sentenced to 14 months' imprisonment for having refused on grounds of conscience to carry out military service. At present he is free pending an appeal but if his sentence is carried out, Amnesty International will adopt him as a prisoner of conscience and ask for his immediate and unconditional release.

Amnesty International is further concerned that the Slovak Law on Civilian Service, adopted in 1995, contains certain provisions which are at variance with internationally recognized principles regarding conscientious objection to military service. In particular, Amnesty International is concerned about the provision which restricts the time within which conscientious objectors can submit declarations refusing military service. According to Article 2, paragraph 2, of this law, conscripts can submit a written declaration refusing military service only within 30 days after the decision of the conscription board has come into force. Any declaration submitted after this term or declarations submitted during a state of defence alert will not be taken into consideration. This way, people who develop a conscientious objection to military service between conscription and call-up - a time which could be of several months' or even years' duration- or after call-up, are effectively denied the right to alternative service.

Amnesty International is also concerned about another provision in the same law. Article 1, paragraph 8, extends the duration of civilian service from one and a half to twice the length of military service (which lasts one year). Amnesty International considers such extended length of civilian service to be punitive.

BACKGROUND:

In the beginning of 1994, Emanuel Munko stated in his recruitment papers that his religious convictions did not allow him to carry arms. He repeated this in his interview with the district military authorities. In October 1994, he was declared fit to perform his military service and granted deferment of his military service until 1996 to continue his education. The district military authorities also provided him at this point with incorrect information, by telling him that he could apply for "civilian substitute service" (*civilná náhradná slu_ba*). However under Slovak legislation this term does not exist: civilian service is carried out instead of military service and substitute service is military service reduced to five months for conscripts who have family commitments (i.e. not civilian in nature). The district military authorities furthermore did not inform Emanuel Munko, as they were legally obliged to ¹, that he should apply for civilian service

either within 30 days after he was declared fit, or within five days after deferment of military service had run out.

On 4 September 1995, Emanuel Munko wrote to the district military authorities stating again that he could not perform his military service on grounds of conscience. In the same month, the district military authorities sent him a call-up order to start his military service on 4 October 1995, which he refused to accept. On 15 October 1995, Emanuel Munko went to the district military authorities in Trnava and declared that for reasons of conscience, he could not perform his military service. He repeated his statement on 10 January 1996.

On 15 October 1996, the district Military Prosecutor in Bratislava charged him with failure to commence his military service under Article 269, paragraph 1 of the Slovak Penal Code. On 15 January 1997, the Bratislava district Military Court convicted him of this offence and sentenced him to 14 months' imprisonment. Emanuel Munko's lawyer has appealed against the court's decision.

Under its mandate, Amnesty International considers a person to be a prisoner of conscience if he is refusing to do his military service on grounds of conscience and if he did not have the right to claim conscientious objection on these grounds after conscription into the armed forces. Amnesty International urges the Slovak authorities therefore to stop criminal proceedings against Emanuel Munko and to grant him conscientious objector status. Amnesty International equally urges the Slovak authorities to send the above-mentioned provisions in the Law on Civil Service to the Slovak Constitutional Court in order to bring them into line with internationally recognized principles.

¹According to paragraph 3.2, of the procedural guidelines to Law 71/1967: " ... The authorities have to provide conscripts or organizations with help and information, so that they will not suffer any disadvantage in case they do not know the legal procedures."