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NORWAY

Possible imprisonment of conscientious objector

Frederic HAUGE

On 25 September 1995 Frederic Hauge was due to start a 90-day prison sentence for his refusal to perform military service because of his conscientiously-held beliefs that to perform military service would be incompatible with his commitment to environmental work. However, the date of his imprisonment has been postponed pending government re-evaluation of the case.

Frederic Hauge was initially called-up for compulsory military service in 1984 at which time he expressed his willingness to perform alternative civilian service. In 1985 he was assigned to the Eastern Norwegian Naval Defence district but was not summoned for service until 30 March 1987. In his application for civilian alternative service, Frederic Hauge stated his conviction that states' build-up of military power leads to an uneven distribution of resources and indirectly leads to the death of thousands throughout the world. He was thereafter immediately dismissed.

In 1986 he co-founded the Bellona Foundation, an environmental and pacifist organization, where he worked as a volunteer. He is now the general manager of the organization. In the summer and autumn of 1987, one of Bellona's main campaigns was directed at preventing pollution of the seas. Frederic Hauge thus claims he was travelling around on board the organization's ship and was unable to receive letters. Moreover, the amount of letters received by the Bellona Foundation made it impossible for him to answer all the correspondence at short notice. At the end of October 1987 he was requested by telephone to agree to questioning by the police on his conscientious objection and to make a statement. Frederic Hauge asked for a proper court hearing in the presence of his lawyer and referred the police to his activities as a pacifist as proof of his conviction to oppose military service. In November 1987 the police submitted Frederic Hauge's case to the Ministry of Justice for a decision. The police report states that Frederic

Hauge's lack of response to their repeated requests for questioning showed his lack of seriousness regarding his application.

On 9 September 1988 he was informed that his application for alternative civilian service had been rejected, without a right to appeal against the decision, on the basis of lack of evidence to "believe that the [person] in question cannot do military service of any kind without being in conflict with his serious conviction".

On 1 December 1988 Frederic Hauge was summoned to the City of Oslo Stipendiary Magistrate's Court in connection with the rejection of his application for alternative civilian service. The decision states that "the Ministry of Justice has with reference to the defendant's absence from the police hearing turned down his application". In April 1989 he was informed that the Magistrate's Court would consider whether his conviction was sufficient to grant him the right to alternative service. In June 1989 Frederic Hauge's lawyer wrote to the Magistrate's Court explaining that due to Frederic Hauge's continued activities with the Bellona Foundation, his client wished to make a written statement. He also reaffirmed to the Court that Frederic Hauge "sticks to his refusal to perform military service for reasons of conviction" on the basis that "the consumption of the world's resources that the military represents is a form of violence; it indirectly kills thousands of people every day".

On 17 October 1989 Frederic Hauge's lawyer advised him to reconsider his position and subsequently sent to the court his client's acceptance to do his military service, on the grounds that "according to the legal precedence, [he] will not have the possibility to get exemption from military service". In his written statement Frederic Hauge reiterates that he has not changed his view on the military. His lawyer confirmed in writing that Frederic Hauge is still seriously convinced "that the military's use of resources is a kind of violence as it indirectly kills thousands of people daily. Additionally, the military's waste is a central part of this view".

Frederic Hauge subsequently regretted agreeing to do his military service. He felt strongly pressured to make this statement after legal advice that he could not by law be defined as a total pacifist and thus be entitled to perform alternative civilian service. He felt that by agreeing to do his military service he had betrayed his convictions as a pacifist and environmentalist. He was still willing to do alternative civilian service and decided that, for reasons of his conscientiously-held beliefs, he should stand firm and refuse to comply with military service, even at the expense of serving a prison sentence in lieu.

About seven months after his case was dismissed by the Magistrate's Court, the Norwegian "Conscientious Objection's Act" was changed by Law No 40 in June 1990. By referring to the fact that alternative civilian service could apply if "there is a reason to believe that a soldier cannot do his military service without being in conflict with his serious conviction, including that he by doing such service is forced to break values of fundamental significance to him, which are connected to the use of mass-destructive arms, in the way that these arms may be used in modern defence". However, because the Ministry of Justice's decision to reject Frederic Hauge's request in September 1988 was final, he claims that it was not possible to renew his request for alternative service according to the new law.

At this same time he started to develop the work of the Bellona Foundation on environmental issues in the Kola peninsula in Russia. His work on board the Foundation's ship obliged him to travel frequently abroad and for longer periods of time. In July 1990 he was informed, through the official radio being used by all fishermen and other maritime traffic in the

region, that he was to report for military service on 24 September. Frederic Hauge refused to comply and carried out his work as environmentalist in the region. He was charged for absence but the charges were withdrawn three days before the main hearing scheduled for 22 October 1991.

In December 1991 he received yet another drafting for military service due to start on 5 January 1992. Frederic Hauge refused and informed the military authorities. In mid-May of the same year he was called again by the police for questioning. He reiterated his request for a proper court hearing in the presence of his lawyer; the police officer replied that this could be arranged.

Frederic Hauge was charged by the public prosecutor on 12 March 1993 with deliberately withdrawing "himself from his duty to do military service, by illegally having left or disappeared from his duty station" on the basis that "in spite of being legally drafted, he omitted without permission or other legitimate reason, and with the intention of completely [withholding] himself from his military duty, to arrive for initial service at KNM Harald Hårfagre at the Central Station in Oslo, January 5, 1992 by 21.45 and neither did he arrive later". He was summoned by the Military Prosecutor's office of Eastern Norway on 20 October 1993 for a new trial on 13 April 1994, but it never happened.

On 5 December 1994 Oslo's Stipendiary Magistrate's Court recognized that "in this case [...] the defendant has taken a thoroughly considered choice, a priority. This is a matter that from the court's opinion should most preferably have been considered as a case of conscientious objection". However, the court said it was basing itself on Frederic Hauge's 1989 declaration of willingness to perform military service and convicted him to 90 days' imprisonment. His lawyer appealed to the supreme court for extenuating circumstances to be considered and asking for Frederic Hauge's sentence to be changed to conditional imprisonment or community service. On 13 April 1995 the Supreme Court rejected Frederic Hauge's appeal without giving him any reason.

On 25 July 1995 he received a letter summoning him for imprisonment starting on 25 September 1995. On 18 September he was informed that the date of imprisonment had been postponed pending a government re-evaluation of the case.

According to Norwegian law, conscientious objectors, who oppose military service for reasons of conscientiously-held beliefs, whose application for alternative civilian service has been rejected and who have been sentenced to three months' imprisonment can be called up for a second time after serving their sentence. If they refuse once again to perform military service, they could face a further three months' imprisonment.

In a letter by Frederic Hauge to Amnesty International he wrote: *"The first time I applied for alternative civilian service I gave both pacifist and environmental-related arguments for this. I was told that my conviction was not strong enough. The Norwegian authorities have not paid any attention to my arguments; They simply have said that my environmental-related conviction can not be considered a reason good enough to get transferred to civilian service.*

The Ministry of Justice has in the rejection of my application for an alternative civilian service claimed that my conviction is not serious. I will claim that I have a strong conviction. I have since I was thirteen used all my resources on environmental work, the last 5 years with an emphasis on environmental problems related to military activities. I have a strong conviction that

military activities pose an enormous threat to the environment both through misuse of resources and pollution. Military service will strongly conflict with this conviction.

As a result I have to serve three months in prison. It is unacceptable for me that the Norwegian government can claim certain convictions to be accepted, pacifistic or religious, while my conviction leads to prison. I therefore ask Amnesty International to bring up this situation and my case.

I have in this letter tried to present my conscientious objector's case as I have experienced it. I have a strong conviction which makes it morally impossible to participate in the military. The reason is composed of many environmentally related issues. The world has experienced great changes during my case; the cold war is over, the Berlin wall has fallen. At the same time there has been increasing awareness of the world's environmental challenges. For me the enemy is not other nations, but the growing environmental problems which the armed forces contribute substantially to. I have chosen to fight against my enemy all my life. To participate in a military system will not just be a problem for my credibility in my work with military nuclear waste in Russia. To participate in this system, which misuses resources, pollutes, kills and spends money which could have been used on measures to limit poverty and environmental problems, is for me to participate on the wrong side of the war".

Amnesty International believes that all people liable to military service should have the right to refuse to perform such service on grounds of conscience, or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives.

If Frederic Hauge is imprisoned Amnesty International will consider him to be a prisoner of conscience and will call on the Norwegian authorities to release him immediately. Amnesty International also urges the Norwegian government to allow him to perform alternative civilian service instead of serving a prison sentence.