

EXTERNAL

AI Index: EUR 43/02/92
Distr: CO/GR

Amnesty International

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

11 June 1992

@ADOPTION OF PRISONER OF CONSCIENCE - £SWITZERLAND

The case of Nicolas CARRON

Nicolas Carron, a 32-year-old agricultural worker from Fully, in the Canton of Valais, entered Crête-Longue prison on 10 June to serve a sentence of two months' imprisonment for refusing to perform military service. Amnesty International believes his refusal of military service is the result of his conscientiously-held, pacifist and religious beliefs and considers him to be a prisoner of conscience.

Nicolas Carron was recruited into the medical corps of the army and carried out his recruit school training and seven refresher courses of military service, as ordered. However, he failed to report for a military inspection in 1990 and for a refresher course of military service taking place between 26 November and 15 December 1990 and for a further refresher course in 1991.

On 1 November 1990 he had written to the military authorities, informing them of his decision to refuse further military service on grounds of conscience. He also explained the reasons for his refusal of military service to the military judge of instruction responsible for investigating his case and to the Military Divisional Tribunal which heard his case at Yverdon-les-Bains on 6 February 1992.

He stated that his belief in non-violence had developed and become stronger over the years. At the beginning of 1990 he had seen a film about the life of Mahatma Gandhi and had read a book by Don Helder Câmara, the Brazilian campaigner for peace and social justice in Latin America: the non-violent philosophy which these men had put forward, together with his faith in the life and teachings of Christ, had convinced him of the need to take a final decision to refuse further military service. In his letter of November 1990 he added that -

"... in the face of the ever greater threat that our planet will destroy itself, I hope that, before it is too late, not only isolated men but also entire nations will convert to non-violence ... Soon the choice will not be between violence and non-violence but between non-violence and non-existence..."¹

The military tribunal concluded that Nicolas Carron's sincerity was without question and that he had based his action on "fundamental ethical values" which he found irreconcilable with further military service. The tribunal stated that under article 81 of the Military Penal Code, as amended in 1991, this would qualify him for a sentence of compulsory work (astreinte au travail).

The amendment to the Military Penal Code, which came into force in July 1991, altered the penalties available for certain categories of conscientious objection to military service. Under its provisions, refusal to perform military service remains a criminal offence but

¹"...devant la menace toujours plus grande de l'auto-destruction de notre planète, je souhaite, avant qu'il ne soit trop tard, que non seulement des hommes isolés mais des nations entières se convertissent à la non-violence ... Le choix n'est bientôt pas entre la violence ou la non-violence, mais entre la non-violence ou la non-existence" - French original

where a military tribunal concludes that a conscript is unable to reconcile military service with his conscience because of "fundamental ethical values" ("des valeurs éthiques fondamentales"), a sentence of compulsory work in the public interest may be passed.

After the introduction of the amendment, a number of conscientious objectors considered eligible for a sentence of compulsory work by the military tribunals hearing their cases, stated during their trials that they were not prepared to serve such sentences. They did not consider that a sentence imposed by a military tribunal, following a trial for a criminal offence, constituted a genuine alternative civilian service.

Amnesty International has repeatedly expressed concern that the amendment to the Military Penal Code continues to punish people refusing military service on grounds of conscience and does not provide a genuine alternative civilian service outside the military system.

During the hearing of his case by the Military Divisional Tribunal, Nicolas Carron stated that he would refuse a sentence of compulsory work because he found the amendment to the Military Penal Code unacceptable. He hoped that such individual acts of refusal would help to bring about an improvement in the situation of conscientious objectors to military service in Switzerland more quickly. In view of his refusal to accept a sentence of compulsory work, the tribunal sentenced him to two months' imprisonment, plus costs of 700 Swiss francs and excluded him from further military service.

In a national referendum held in Switzerland on 17 May 1992 a majority of voters approved a proposal to amend the Federal Constitution and introduce, for the first time, a civilian alternative to compulsory military service.

Amnesty International welcomed the referendum vote but is concerned that, pending the introduction in practice of an alternative civilian service, conscripts like Nicolas Carron, who have refused military service on grounds of conscience recognized by the military authorities and who have rejected a sentence of compulsory work because they do not consider that it provides a genuine alternative civilian service, continue to be imprisoned.