

SLOVAK REPUBLIC
Prisoner of conscience : Martin BADIN

AMNESTY INTERNATIONAL'S CONCERN:

Amnesty International is concerned that Martin Badin has been imprisoned for one year for having refused on grounds of conscience to carry out military service. Amnesty International considers Martin Badin to be a prisoner of conscience and is asking 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:

Twenty-year-old Marin Badin from Trnava, a district town in western Slovakia, has been imprisoned in Trenčín prison since 27 August 1996, serving a 12 months' sentence for evading his military service.

Martin Badin was declared fit to do his military service on 22 April 1994. In the second half of that year he acquired religious convictions which did not allow him to carry out his military service, but the period in which he could apply for alternative service had by then expired.

On 30 March 1995 Martin Badin was called up to start his military service on 3 April 1995. He went to the Trnava County Military Board where he declared that he could not carry out his military service because of his religion and was subsequently prosecuted for evading military service. On 22 May 1996, he was sentenced to 20 months' imprisonment by the Bratislava District Military Court under Article 269, paragraph 1 of the Slovak Penal Code (failure to respond to a call-up order). The Superior Military Court in Trenčín reduced his sentence on appeal to 12 months.

Amnesty International considers Martin Badin to be a prisoner of conscience as the organization believes that he has been denied the right to claim alternative service in line with his religious convictions. Amnesty International believes that the right to claim conscientious objector status should not be subjected to limits in time, such as the one prescribed by the Slovak Law on Civil Service. The need for national legislation to recognise that a person's conscientiously-held beliefs may change over time has been recognised in Resolution 84/93 on Conscientious Objection to Military Service, adopted by the United Nations Commission on Human rights in 1993 . This Resolution calls for :

" minimum guarantees to ensure that ... conscientious objector status can be applied for at any time ... ".

Similarly, Paragraph 26 of the Explanatory Report to Recommendation No. R(87)8 regarding Conscientious Objection to Compulsory Military Service, adopted by the Committee of Ministers of the Council of Europe on 9 April 1987 states that :

" To prescribe an absolute time-limit in the rules to which applications are subject could be considered as contrary to the very purpose of the Recommendation. If refusal to perform military service is acknowledged as being based on a conflict of conscience, it follows that this conflict might occur at any moment in a person's life."