

EXTERNAL (for general distribution)

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Prisoner of conscience / Fear for safety

19 June 1995

COLOMBIA Luis Gabriel CALDAS LEÓN, aged 18, conscientious objector

In a case that may have serious ramifications for conscientious objectors in Colombia, Luis Gabriel Caldas León from Bogotá has been arrested by police after declaring himself unwilling to perform military service. Amnesty International considers him to be a prisoner of conscience. Colombian human rights organizations, together with the *Defensoría del Pueblo*, Office of the People's Advocate, are currently considering whether he can appeal.

This is the first case known to Amnesty International of a conscientious objector being imprisoned in Colombia. There is concern that more objectors may face imprisonment if the authorities do not act immediately in line with their constitutional and international obligations.

In addition, there are fears that the safety of those campaigning on behalf of conscientious objectors may be jeopardized if the government fails to uphold its obligations. On 10 December 1994, a telephoned death threat was received by the *Colectivo por la Objeción de Conciencia al Servicio Militar Obligatorio*, Collective for Conscientious Objection against Obligatory Military Service, a human rights organization campaigning on behalf of Luis Gabriel Caldas.

Luis Gabriel Caldas, received a military enlistment notice on 24 January 1994, ordering him to report for military service at the Maintenance Battalion of the Colombian Army. He reported to the military authorities on the same day declaring his conscientious objection to military service and instead offered to perform an alternative civilian service.

Instead of granting Luis Gabriel Caldas his right to alternative service, Colombian Army officials postponed his enlistment date to 14 July 1994. In this period the Office of the People's Advocate presented a legal petition on Luis Gabriel Caldas' behalf, which went to the *Tribunal Superior del Distrito*, Supreme District Tribunal. The latter rejected Luis Gabriel Caldas' petition to undertake civilian service and he was arrested on 10 June 1995, tried by a military court and sentenced to seven months' in prison as a deserter. He is currently in a Police Prison near Bogotá. On his release Luis Gabriel Caldas will be expected to undertake his military service with the National Police; if he refuses he will have to repeat his prison sentence.

Alternative civilian service is permitted under a 1993 law (Law 99, Article No.102, regulated by the 1994 decree No.1743), which permits objectors to undertake a period of environmental service. This service is undertaken under the direction of the Ministries of Education and the Environment. The 1991 Colombian Constitution recognizes freedom of conscience: "*Nadie será obligado a actuar en contra de su conciencia*", "No one will be obliged to act against his or her conscience" (Article 18). Furthermore, in 1987 Colombia voted in favour of an United Nations resolution recognizing the right of conscientious objectors to undertake an alternative civilian service.

#### BACKGROUND INFORMATION

Amnesty International believes that every person has the right to refuse to perform military service on the grounds of conscience or personal conviction,

without suffering any legal or physical penalty. Amnesty International will adopt as a prisoner of conscience anyone imprisoned for exercising this right, provided the person has not rejected an alternative civilian service that is not punitive in length. Amnesty International works for conscientious objectors who refuse compulsory military service, as well as for people who, while serving in the military, develop a conscientious objection to such service or to taking part in a particular conflict.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters either in Spanish or in your own language:**

- calling for the immediate release of Luis Gabriel Caldas León on the grounds that he is a prisoner of conscience;
- urging that his case be reviewed immediately and Luis Gabriel Caldas be permitted to undertake an alternative civilian service as set out by Colombian law, in line with the protection of freedom of conscience within Colombia's constitution and in line with the Colombian Government's stated commitment to protect human rights;
- urging that the rights of any other conscientious objectors to undertake alternative civilian service be upheld;
- urging that the safety of human rights activists working on behalf of conscientious objectors be guaranteed.

**APPEALS TO**

President of Colombia:

Señor Presidente Ernesto Samper Pizano  
 Presidente de la República  
 Palacio de Nariño  
 Santafé de Bogotá, Colombia

**Telegrams: President Samper Pizano, Bogotá, Colombia**

**Telexes: 44281 PALP CO**

**Faxes: + 57 1 286 7434**

**Salutation:Excelentísimo Sr. Presidente/Dear President Samper**

Advocate for the People:

Dr. Jaime Córdoba Triviño  
 Defensor del Pueblo  
 Defensoría del Pueblo  
 Calle 35 No. 7-25 piso 5  
 Santafé de Bogotá, Colombia

**Telegrams:Defensor del Pueblo Trivino, Defensoria del Pueblo, Bogota, Colombia**

**Faxes:+ 57 1 346 1225**

**Salutation: Estimado Dr Triviño/Dear Dr. Triviño**

Minister of Defence

Dr. Fernando Botero Zea  
 Ministro de Defensa Nacional  
 Ministerio de Defensa Nacional  
 Avenida Eldorado CAN - Carrera 52  
 Santafé de Bogotá, Colombia

**Telegrams:Ministro de Defensa Botero, Bogota, Colombia**

**Telexes:42411 INPRE CO; 44561 CFAC CO**

**Faxes:+ 57 1 222 1874**

**Salutation: Sr. Ministro/Dear Minister**

**COPIES OF YOUR APPEALS TO:**

Human Rights and Educational Organization

Señores

CINEP

AA 25916

Santafé de Bogotá

Colombia

and to diplomatic representatives of Colombia accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 5 August 1995.