

EXTERNAL

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£SPAIN: @The cases of José Antonio ESCALADA Fernández and Manuel BLÁZQUEZ Solís - conscientious objectors to military service

Amnesty International first adopted 19-year-old conscripts José Antonio Escalada and Manuel Blázquez as prisoners of conscience after their arrest in April 1991 on charges of desertion from the armed forces. A few days after their release into provisional liberty three months later, in July 1991, new arrest warrants were issued against them on new charges of desertion. They both then lived in clandestinity until 18 June 1992 when José Antonio Escalada was arrested during a routine identity check and immediately transferred to a civilian prison in Lérida. On 26 June he was transferred to a military prison in Cartagena. Manuel Blázquez remains in clandestinity but is liable to rearrest and reimprisonment at any time. Amnesty International considers José Antonio Escalada and Manuel Blázquez to be genuine conscientious objectors to military service. It is calling for all criminal proceedings against them to be dropped and for the immediate release of José Antonio Escalada.

José Antonio Escalada and Manuel Blázquez, both from the Barcelona area, commenced their military service in the Spanish navy in September 1990. During January 1991 they were based in the port of Cartagena, serving on the naval corvettes 'Vencedora' and 'Infanta Elena' respectively. These ships were scheduled to relieve the three Spanish vessels already in the Gulf zone at that time. On 15 January 1991, the date of the United Nations deadline for Iraq to withdraw from Kuwait, José Antonio Escalada left the naval base. The 'Infanta Elena' sailed for the Gulf zone on 22 January. On 21 January Manuel Blázquez Solís failed to report to his post on board the 'Vencedora', which also sailed for the Gulf zone on the morning of 22 January. After leaving their vessels, both conscripts contacted various pacifist and anti-militarist groups and went into hiding in Barcelona. Arrest warrants were issued in their names on suspected offences of desertion, a military offence then carrying a penalty of between three months and a day and two years' imprisonment.

Manuel Blázquez and José Antonio Escalada submitted formal applications, on 21 January and 20 February respectively, to be recognized as conscientious objectors to military service. They informed the Consejo Nacional de Objeción de Conciencia (CNOC), National Council on Conscientious Objection, the authorized decision-making body, that their objection was based on moral and philosophical grounds.

On 2 April 1991, at a joint press conference held at the Barcelona church which was sheltering them, they declared that "the only thing we have done by deserting is to exercise the right to freedom of conscience..." ["lo unico que hemos hecho al desertar es ejercer el derecho a la libertad de conciencia..."]. They also announced their intention of voluntarily presenting themselves to the military authorities on 4 April to resolve their legal position and demonstrate openly that they were not ashamed of their actions.

On 4 April they held another brief press conference at the Barcelona church and explained that they had left their vessels and military service because they did not want to take part in "widespread killing" ["una matanza"]. Both indicated their pacifist objections to performing any further military service. They then proceeded to the offices of the military governor in Barcelona, accompanied by their lawyer, and were arrested there.

They were immediately transferred to Santa Lucia Naval Prison in Cartagena pending trial for desertion. As a result of their refusal to wear military uniform they were not allowed to mix with other prisoners until the beginning of June.

On 3 July 1991 José Antonio Escalada and Manuel Blázquez were brought before the military authorities in Cartagena and, according to the reports received by Amnesty International, were asked if they were now willing to complete their military service: if so, they would be escorted back to their ships. However, both repeated their refusal to perform any further military service and were informed that, in this case, as they had already been imprisoned for three months and a day, - that is, the length of the minimum sentence applicable for the offence of desertion at that time - orders for their release into provisional liberty, pending trial, would be issued. They were released later that day but ordered to report to the military authorities every 14 days.

They returned to their families in Barcelona but on 8 July were informed that the military authorities in Cartagena had issued new arrest warrants against them, for new offences of desertion. The police reportedly visited their homes on several occasions after the issuing of the new warrants but were unable to carry out the arrests because both conscripts had decided to live in clandestinity. Appeals entered against the new arrest warrants have so far been unsuccessful.

AMNESTY INTERNATIONAL'S CONCERN

Amnesty International does not take a position on the merits or otherwise of war or particular wars. However, basing its position on international standards, Amnesty International recognizes the right of all persons to refuse to bear arms on grounds of conscience. This right extends to those objecting to participation in a particular war as well as to those opposing all wars.

Under Article 13 of Law 48/1984 'regulating Conscientious Objection and Alternative Civilian Service' in Spain, the right to conscientious objection may only be exercised until the moment of incorporation into the armed forces ("El derecho a la objeción de conciencia podrá ejercerse hasta el momento en que se produzca la incorporación en filas..."). Any application for conscientious objector status submitted after joining the armed forces is normally automatically rejected, whatever the grounds of objection. However, Amnesty International believes that conscientious objectors to military service are exercising their fundamental human right to freedom of conscience and that they should therefore have the right to claim conscientious objector status at any time, both up to and after incorporation into the armed forces. Amnesty International considers that conscientious objectors, like José Antonio Escalada and Manuel Blázquez, who are denied this right and imprisoned as a consequence are prisoners of conscience.

Amnesty International is concerned that new arrest warrants were issued against José Antonio Escalada and Manuel Blázquez, on charges of desertion, immediately after they had been released into provisional liberty to await trial after three months' imprisonment on similar charges.