

PUBLIC

AI Index: AMR 51/092/2004

UA 190/04

Prisoner of Conscience

3 June 2004

UNITED STATES OF AMERICA

Staff Sergeant Camilo Mejia Castillo

On 21 May 2004, a US military court sentenced Staff Sergeant Camilo Mejia Castillo of the Florida National Guard to the maximum penalty of one year's imprisonment for desertion. He had refused to return to his unit in Iraq, citing moral reasons, the legality of the war and the conduct of US troops towards Iraqi civilians and prisoners. Amnesty International considers him to be a prisoner of conscience, imprisoned for his conscientious opposition to participating in war.

The sentence was imposed despite a pending decision by the army on his application for conscientious objector status. During the trial his lawyers were not permitted to present arguments relating to his conscientious objection, including describing the abuse he witnessed. He is currently detained in a military prison at Fort Sill, Oklahoma. The sentence is under appeal, but the appeal process is expected to be lengthy.

Camilo Mejia was deployed to Iraq in April 2003. He began developing doubts about the morality and legality of the war. In October 2003 he returned home for two weeks leave. He failed to return to duty in Iraq and filed for discharge as a conscientious objector on 16 March 2004 stating that he believed the war and occupation of Iraq to be "illegal and immoral".

In his conscientious objector application, Camilo Mejia described the conditions of detention and treatment of Iraqi prisoners, including instances where soldiers were directed to "break the detainees' resolve", and who took actions which included banging on metal walls with sledgehammers to enforce sleep deprivation, and loading pistols near the ears of prisoners. He also described witnessing the killing of civilians, including children.

Camilo Mejia has described the evolution of his beliefs, what he witnessed and did in Iraq, all of which compelled him to take a stand on the basis of conscience. His objections to such abuse were made before the publication of photographs of US agents physically and mentally torturing and abusing Iraqi detainees in Abu Ghraib prison in Iraq, but his trial came at a time of heightened media attention on this issue. A member of his defense team, former Attorney General Ramsey Clark, spoke of the "incredible irony that we're prosecuting soldiers in Iraq for violations of international law and we're prosecuting a soldier here because he refused to do the same things".

Amnesty International has adopted Camilo Mejia as a prisoner of conscience and calls for his immediate and unconditional release. He is the first soldier known to be tried for "desertion" after service in combat in the current Iraq conflict. Amnesty International believes he has been imprisoned for his conscientious objection to the war in Iraq despite having taken reasonable steps to secure his discharge from the army.

Prior to his conviction, Camilo Mejia said "I have no regrets, not one... I will take it because I go there with my honor, knowing I have done the right thing".

BACKGROUND INFORMATION

Amnesty International (AI) considers a conscientious objector to be any person who, for reasons of conscience or profound conviction, refuses to perform service in the armed forces or any other direct or indirect participation in wars or armed conflicts. This can include volunteer soldiers who have developed a conscientious objection after joining the armed forces. Wherever such a person is detained or imprisoned

solely because they have been denied or refused their right to register an objection or to perform a genuinely civilian alternative service, Amnesty International considers that person to be a prisoner of conscience.

AI also considers conscientious objectors to be prisoners of conscience if they are imprisoned as a consequence of leaving the armed forces without authorization for reasons of conscience, if because of those reasons, they have taken reasonable steps to secure release from military obligations.

It is evident from the statement Camilo Mejia has made in his application for conscientious objector status that he is a genuine conscientious objector whose objection to war evolved in response to witnessing human rights violations in Iraq. He sought discharge as a non-US citizen with more than eight years service with the US army on the basis of such objection, and subsequently applied for conscientious objector status. Accordingly, AI believes that he should not have been tried and imprisoned for "desertion" and should be released immediately and unconditionally.

Since April 2004, photographs of US agents mentally and physically torturing and abusing Iraqi detainees in Iraq have been published around the world. One US soldier has appeared before a military court in Baghdad and received the maximum sentence of one year's imprisonment, after admitting his involvement in torturing Iraqi detainees. Several others are awaiting trial.

AI has documented cases of torture and ill-treatment of detainees in Iraq and raised its concerns with the Coalition Provisional Authority (CPA) as well as the US and UK governments. Detainees were forced to lie face down on the ground, handcuffed, hooded or blindfolded during arrest. During interrogation they were reportedly repeatedly beaten and restrained for prolonged periods in painful positions, while some were also subjected to sleep deprivation, prolonged forced standing, and exposed to loud music and bright lights to disorient them. Some died in custody allegedly as a result of torture.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- urging that Camilo Mejia be released immediately and unconditionally, pointing out that Amnesty International considers him to be a prisoner of conscience, imprisoned solely for his conscientious objection to war and to the human rights abuses he claims to have witnessed in Iraq;
- explaining that, although Amnesty International recognizes that Camilo Mejia went absent without leave, it considers that he took reasonable steps to secure his release from military obligations through legal means, including applying for conscientious objector status, and should therefore not have been tried and imprisoned for "desertion".

APPEALS TO:

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Salutation: Dear Major General

The Honorable Les Brownlee
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Salutation: Dear Secretary

Copies to diplomatic representatives of United States of America accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 July 2004.