

**USA: Freedom to dissent denied**

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According to the administration of the United States, "moral clarity" was central to the reasons for going to war with Iraq. Saddam Hussein's regime was bad and had to be changed - it was the right thing to do. Tony Blair echoed this view when he said that there was a strong moral case for Britain going to war with Iraq.

Unfortunately for some, the right to stand up for your moral beliefs and act upon them only extended in one direction. While it showed "moral clarity" to take part in the war; two US soldiers learnt that dissenting was a punishable offence. Dissenting from the official view of the morality or otherwise of this war led to imprisonment for Staff Sergeant Camilo Mejía Castillo and Sergeant Abdullah William Webster.

On 21 May 2004, a US military court sentenced Staff Sergeant 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.

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 Mejía was deployed to Iraq in April 2003. He began developing doubts about the morality and legality of the war. He returned home for two weeks leave in October 2003 and subsequently failed to return to duty in Iraq. He 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 Mejía 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 that 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 Mejía 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 defence 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".

Following the recent US election, President Bush assured people of different belief that he would "be your president regardless of your faith, and I don't expect you to agree with me necessarily on religion." To be consistent, the President must take action in the case of Muslim soldier, Abdullah Webster, imprisoned for following his own religious beliefs.

Sergeant Webster submitted a conscientious objector application in September 2003 to secure his release from military obligations in Iraq on the basis that his religion prohibited him from participating in any aggressive war against, or in any oppression or injustice to, Muslims or non-Muslims. He is a US citizen who has served in the US army since 1985. He had been based in Bamberg in Germany since 2001, from whence he was requested to deploy to Iraq between March and April 2003.

He later withdrew this application after receiving advice that it would not be successful. Instead, he submitted an application to be reassigned to non-combatant services. Despite this, he was ordered to deploy to Iraq in February 2004. Following his refusal on religious grounds,

he was charged with failing to obey commands from his superior and missing his Brigade's movements.

A further application for conscientious objector status was refused on the grounds that his objection was not to war in general but to the Iraq war in particular. According to US Army Regulations, requests for qualification as a conscientious objector will not be favourably considered when such requests are based on objection to a certain war.

Abdullah Webster was sentenced to 14 months' imprisonment, a bad conduct discharge, suspension of his salary and loss of pension and other benefits. He had been due to retire from service in 2005. He is currently held at the US base in Mannheim, Germany.

If "moral clarity" is anything other than a speech-writer's stock phrase, it must be extended beyond simply those in power. If a decision to go to war based on your beliefs of what is right or wrong is moral, the decision not to fight based on different beliefs must also be acceptable. 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.

Furthermore, AI considers a person to be a prisoner of conscience when they are 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. They would also be prisoners of conscience if they are imprisoned for leaving the armed forces without authorization for reasons of conscience, if they have taken reasonable steps to secure release from military obligations.

Camilo Mejía Castillo and Abdullah William Webster are conscientious objectors, whether or not the US military accepts their status, and both are recognised as prisoners of conscience by AI. Their continued detention makes the words of President Bush and his allies ring hollow and they should be immediately and unconditionally released.