

AMNESTY INTERNATIONAL

Public Statement

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USA: War objectors' freedom of conscience must be respected

Amnesty International today reiterated its view that US soldiers who refuse on genuine grounds of conscience to deploy to Iraq or Afghanistan should be recognized as conscientious objectors under US law and should not face imprisonment.

One such case appears to be that of Victor Agosto, who yesterday received a 30-day prison sentence for refusing to deploy to Afghanistan. Victor Agosto joined the army in 2005 and served a 13-month tour of duty in Iraq; according to reports, his experience there and what he describes as "self education" about US foreign policy and international law convinced him that "the occupation [in Afghanistan] is immoral and unjust".

In the past few years, the organization has appealed for the release of a number of US soldiers who have been court-martialled and imprisoned for refusing to join their units in Iraq or Afghanistan after developing moral objections to US military operations there.

Victor Agosto received a relatively light sentence after accepting a plea agreement. However, others have been dealt with more harshly, receiving sentences of up to 15 months' imprisonment. The maximum penalty could amount to several years.

Amnesty International recognizes that the military authorities need to have strict procedures when allowing serving military personnel to be relieved of duties. However, the organization believes that the right to refuse to perform military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as recognized under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Adequate provision should be made to respect such rights, even for serving soldiers.

US law recognizes the right to conscientious objection only on grounds of opposition to all war in any form. Thus, soldiers who object to serving in a particular war currently have no way of legally registering for exemption on this ground. Some have their applications for conscientious objection refused; others, knowing such applications to be futile, go "absent without leave".

Currently there are other soldiers who face imprisonment for their beliefs. For example, Travis Bishop is scheduled to be court-martialled at Fort Hood, Texas, on 14 August, for refusing to deploy to Afghanistan. If imprisoned, Amnesty International would consider him to be a prisoner of conscience.

Background information

Amnesty International has recognised as prisoners of conscience a number of US soldiers refusing to deploy to Iraq or Afghanistan because of their conscientious objection to the armed conflict. They included Camilo Mejía, who was sentenced to one year's imprisonment for his objection to

the armed conflict in Iraq in 2004, and Abdullah Webster, who refused to participate in the same war due to his religious beliefs and was sentenced the same year to 14 months' imprisonment. Another, Kevin Benderman, was sentenced in 2005 to 15 months' imprisonment after he refused to re-deploy to Iraq because of abuses he allegedly witnessed there. Agustin Aguayo was sentenced to eight months' imprisonment for his refusal to participate in the armed conflict in Iraq. All four have since been released.

Some of these conscientious objectors have been court-martialled and sentenced despite pending applications for conscientious objector status, others were imprisoned after their applications were turned down on the basis that they were objecting to particular wars rather than to war in general.

In addition, Amnesty International has appealed to the Canadian authorities not to deport US soldiers claiming conscientious objection to serving in the US military. Around 200 soldiers are reported to have fled to Canada, where some have sought refugee protection.

Amnesty International believes the right to refuse to perform military service for reasons of conscience is part of freedom of thought, conscience and religion, as recognised in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, which the USA has ratified.

Amnesty International considers a conscientious objector to be any person who, for reasons of conscience or profound conviction, either refuses to perform any form of service in the armed forces or applies for non-combatant status. This can include refusal to participate in a war because one disagrees with its aims or the manner in which it was being waged, even if one does not oppose taking part in all wars.

Wherever such a person is detained or imprisoned solely for these beliefs, Amnesty International considers that person to be a prisoner of conscience. Amnesty International also considers conscientious objectors to be prisoners of conscience if they are imprisoned for leaving the armed forces without authorization for reasons of conscience, if they have first taken reasonable steps to secure release from military obligations.

Amnesty International opposes the forcible return of any person to any country where he or she would face a substantial risk of becoming a prisoner of conscience.

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