

PUBLIC

AI Index: AMR 51/123/2005

09 August 2005

UA 208/05 Prisoner of conscience

USA Kevin Benderman (m), aged 40, US army sergeant

On 28 July, a US court-martial sentenced Sergeant Kevin Benderman to 15 months' imprisonment, after he refused to return for a second tour of duty with the US army in Iraq. Amnesty International considers him to be a prisoner of conscience, imprisoned solely for his conscientious objection to the war in Iraq.

Kevin Benderman has served as an army mechanic for 10 years. He served in Iraq from March to September 2003 but refused to deploy to Iraq a second time, citing his moral and religious objections to the war in Iraq, which developed in response to his experiences as a soldier in Iraq.

In his conscientious objector application filed on 28 December 2004, Kevin Benderman explains how his religious studies of both the Bible and the Qu'ran, coupled with his experiences, led him to develop objections to the war. He described the devastation he witnessed as his unit drove to their destination:

"Homes were bombed, people lived in mud huts and drank water from the mud puddles. I could not ignore the little girl standing by the side of the road with her mother. Her arm was burned to her shoulder, and she cried in pain. To be aware of the mass graves throughout the area that we were in, full of bodies of women and children and men, all who had died by the hand of war, maybe not our war, but war."

Kevin Benderman's application for conscientious objector status was turned down by the military authorities on 27 April 2005. Amnesty International considers his objection to the war in Iraq to be genuine and credible. The organization also considers that he did take reasonable steps to secure release from military obligations through filing this application.

Kevin Benderman was convicted on charges of missing his brigade's movements under article 87 of the Uniform Code of Military Justice (UCMJ). He will also receive a dishonourable discharge and reduction of rank. His lawyers are appealing against the verdict.

BACKGROUND INFORMATION

Amnesty International 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 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.

Furthermore Amnesty International 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.

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

- explaining that Amnesty International considers Kevin Benderman to be a prisoner of conscience, imprisoned solely for his conscientious objection to the war in Iraq;

- calling for his immediate and unconditional release.

APPEALS TO:

Secretary of the Army Dr. Francis J. Harvey
101 Army Pentagon
Washington, DC 20301-0101, USA

Fax + 1 703 693 5735

Salutation: Dear Secretary

Col John Kidd
Ft Stewart Garrison Commander
42 Wayne Place Ste 204
Ft. Stewart, GA 31314, USA

Email: kidd.john@stewart.army.mil

Fax: + 1 912 767 4951

Salutation: Dear Colonel

COPIES TO:

George W. Bush
The President
The White House
Office of the President
1600 Pennsylvania Avenue NW
Washington DC 20500, USA

Fax: + 1 202 456 2461

Email: president@whitehouse.gov

The Honorable Donald H. Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington DC 20301, USA

Fax: + 1 703 697 8339

Email via: <http://www.defenselink.mil/faq/comment.html>

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 September 2005.