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UNITED KINGDOM: @CONSCIENTIOUS OBJECTION TO MILITARY SERVICE - VIC WILLIAMS

Amnesty International is concerned about the case of Vic Williams, a 28-year-old soldier in the British Army's Royal Artillery, who has been sentenced to 14 months' imprisonment for desertion and conduct prejudicial to good order and military discipline. On 11 September 1991 a court martial found him guilty on three charges relating to deserting his regiment and speaking out against the Gulf War. Amnesty International considers him to be a prisoner of conscience, imprisoned for acting in accordance with his conscientiously-held beliefs, and calls for his immediate and unconditional release.

Amnesty International considers as a prisoner of conscience any conscientious objector whose detention or imprisonment is a consequence of "...his or her leaving the armed forces without authorization for reasons of conscience...if he or she has taken reasonable steps to secure his or her release from the military on the grounds of conscience or if he or she did not use those means because he or she has been deprived of reasonable access to the knowledge of them...".

Amnesty International is concerned that in the case of Vic Williams, such "reasonable access" to information about procedures for registering his conscientious objection to military service in the Gulf War was not guaranteed. The regulations setting out the procedure whereby a soldier in the British Army can apply for conscientious objector status are classified as a restricted document - to which only Army officers have access. They are contained in a separate document from the Queen's Regulations (regulations governing soldiers' conduct), and were not made available to the defence lawyers in Vic Williams' case until the court martial itself. Amnesty International's concern is supported by the evidence given by officers and a soldier during the court martial, and by the statement made by the Judge Advocate at the conclusion of the proceedings. In his summing up, the Judge Advocate stated plainly that it was "not in dispute that Vic Williams was not specifically made aware of procedures for conscientious objection". Amnesty International therefore considers Vic Williams to be a prisoner of conscience, imprisoned for acting in accordance with his conscientiously-held beliefs, and is calling for his immediate and unconditional release.

Background

Vic Williams went absent without leave from the 27th Field Regiment of the British Army's Royal Artillery on 28 December 1990, the day before the German-based regiment was to be sent to Saudi Arabia. Vic Williams said he left the regiment because he did not believe that a military solution to the Gulf crisis was justified, and because he had decided that his conscience could not allow him to take part in any such action. He had served in the British Army for five years as a trained radar operator before his departure, and had a clean conduct record. Before giving himself up to the police at the end of the Gulf War in early March, Vic Williams made public statements opposing the war in a Hyde Park demonstration and on a BBC television programme.

Following his arrest, Vic Williams was held in a military prison for approximately three and a half weeks.

Speaking about his decision to leave his regiment, Vic Williams has said: "I was a keen soldier with a strong sense of duty, and that was the hardest decision I have ever had to make. But like a lot of the guys, I did not think that what we were being asked to do was justified. My conscience wouldn't let me take part in pure naked aggression. I felt let down by the politicians."

By all accounts given at his court martial, Vic Williams was regarded as an intelligent, committed, and capable soldier. In September 1990, when the question arose of Vic Williams being medically down-graded as a result of his partial hearing deficiency, he declined this opportunity for down-grading - which would have almost certainly resulted in his not being sent for active duty in the Gulf. Earlier in 1990, Vic Williams had expressed his wish to be sent for a tour of duty in Northern Ireland - where he believes that "...the army are doing a worthwhile job".

The regulations setting out the procedure whereby a soldier in the British Army can apply for conscientious objector status are classified as a restricted document - to which only Army officers have access. They are not contained in the Queen's Regulations (regulations governing soldiers' conduct), and were not made available to the defence lawyers in Vic Williams' case until the court martial itself. Military personnel who wish to register a conscientious objection and leave the services are required to make an initial application to their commanding officer. The commanding officer and the chaplain are then to consider the sincerity of the individual's application. A report is then forwarded to the Personnel Board of the Ministry of Defence - where a final decision on the application is taken. If the application is turned down, the individual has the right to appeal to an Advisory Committee appointed by the Lord Chancellor.

Vic Williams has claimed that soldiers are regularly deprived of their rights through the deliberate withholding of necessary information and regulations about conscientious objection and says that he left his regiment only after concluding that he had no other option remaining. He claims that at no time prior to his decision to leave was he made aware of his rights as a soldier to register a conscientious objection to military service - in spite of his request for such information from a military chaplain and from his commander. Vic Williams claims that when he spoke with a chaplain about his intentions, the chaplain expressed skepticism about the existence of such procedures and even criticized him for his objection to service in the Gulf.

The court martial in the case of Vic Williams took place on 9 to 11 September 1991 in London. Three charges were brought against Vic Williams: "desertion contrary to Section 37(1) of the Army Act 1955"; and two charges of "conduct to the prejudice of good order and military discipline contrary to Section 69 of the Army Act 1955". The two charges under Section 69 relate to the public statements which Vic Williams had made against the Gulf War in a Hyde Park demonstration and on a BBC television programme. Charges brought against soldiers under Section 69 are usually for relatively minor conduct offences like failing to shave or clean one's boots, or drunken behaviour. Prior to the case of Vic Williams there had been no occasion of a soldier being charged under Section 69 for speaking publicly, and there was therefore no precedent in case law for those two charges against him.

A panel of five military officers, convened by a British Army major responsible for organizing courts martial, had sole responsibility for assessing the arguments of the prosecution and the defence in the case - effectively acting as a jury would in a civilian court. The President of the panel was a Brigadier, with a Colonel, Lieutenant Colonel, Major, and Captain filling out the panel. The proceedings were overseen by a Judge Advocate, appointed by the Judge Advocate General of the Forces. Amnesty International sent two observers to the court martial - a Finnish legal researcher and expert on conscientious objection, and a member of staff of the International Secretariat.

During the three days of the proceedings, the panel heard evidence from a number of military personnel and from the producer of the BBC television documentary in which Vic Williams made his statement of opposition to the Gulf War. At least two of the officers and a soldier called as witnesses by the prosecution admitted during questioning that they themselves were unaware of the specific procedures for registering a conscientious objection while serving in the Army. In his summing up, the Judge Advocate stated plainly that it was "not in dispute that Vic Williams was not specifically made aware of procedures for conscientious objection".

On 11 September 1991, the court martial found Vic Williams guilty of desertion, and of conduct prejudicial to good order and military discipline.

He was sentenced to 14 months' imprisonment - to be served in a civilian prison.

Vic Williams is presently being held in an Army detention centre in Colchester, awaiting confirmation of his sentence.

#### Amnesty International concerns

The right to refuse military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as laid down by Article 18 of the Universal Declaration of Human Rights. This freedom is also set forth in the International Covenant on Civil and Political Rights (Article 18) and the European Convention on Civil and Political Rights and Fundamental Freedoms (Article 9). In March 1989 the UN Commission on Human Rights adopted a resolution recognizing "... the right of everyone to have conscientious objections to military service as a legitimate exercise of freedom of thought, conscience and religion...".

Amnesty International considers as a prisoner of conscience any conscientious objector whose detention or imprisonment is a consequence of "...his or her leaving the armed forces without authorization for reasons of conscience...if he or she has taken reasonable steps to secure his or her release from the military on the grounds of conscience or if he or she did not use those means because he or she has been deprived of reasonable access to the knowledge of them...". Amnesty International is concerned that in the case of Vic Williams such "reasonable access" to information about procedures for registering his conscientious objection to military service in the Gulf War was not guaranteed. This concern is supported by the evidence given by officers and a soldier during the court martial, and by the statement made by the Judge Advocate at the conclusion of the proceedings. Amnesty International therefore considers Vic Williams to be a prisoner of conscience, imprisoned for acting in accordance with his conscientiously held beliefs, and is calling for his immediate and unconditional release.