

PUBLIC

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UA 60/07 **Prisoner of conscience**

USA **Agustín Aguayo (m)**

US army medic Agustín Aguayo was found guilty of desertion and sentenced by a US court-martial in Wurzburg, Germany, to eight months' imprisonment for refusing to participate in the war in Iraq. Amnesty International considers him to be a prisoner of conscience, imprisoned for his conscientious objection to participating in war.

In February 2004, Agustín Aguayo applied for conscientious objector status. He says that he began developing doubts about war shortly after enlisting in the army and that he now feels that he cannot participate in any war, based on his moral objections to hurting, killing or injuring another person. While his application was being considered, Agustín Aguayo was ordered to deploy to Iraq where he received formal notification in July 2004 that his application had been turned down. The army's Conscientious Objector Review Board had found that he had not presented clear and convincing evidence of his beliefs.

Agustín Aguayo served a year in Iraq where he says he refused to carry a loaded gun. He says that "I witnessed how soldiers dehumanize the Iraqi people with words and actions. I saw countless lives which were shortened due to the war. I still struggle with the senselessness of it all."

When Agustín Aguayo's unit was ordered to redeploy to Iraq in September 2006, he did not report for duty and went absent without leave (AWOL). He was subsequently charged with desertion and missing his unit's deployment to Iraq and taken into custody at a US military base in Mannheim, Germany, to await trial.

Lawyers for Agustín Aguayo filed a habeas corpus writ in US federal court in August 2005, asking for him to be given an honourable discharge from the army as a conscientious objector. This request was denied and a subsequent appeal turned down. The judge wrote that "Though Aguayo stated that his Army training caused him anguish and guilt, we find little indication that his beliefs were accompanied by study or contemplation, whether before or after he joined the Army."

Amnesty International considers Agustín Aguayo to be a legitimate conscientious objector whose opposition to war developed over the course of time and evolved further in response to his experiences in Iraq. Amnesty International believes that he took reasonable steps to secure release from the army through applying for conscientious objector status.

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.

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 were imprisoned for leaving the armed forces without authorization for reasons of conscience, if they had 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 Agustín Aguayo to be a prisoner of conscience, imprisoned solely for his conscientious objection to participating in war, and pointing out that he took reasonable steps to secure release from the army through applying for conscientious objector status;
- therefore calling on the authorities to ensure that he is released immediately and unconditionally.

APPEALS TO:

The Honorable Peter Geren
Acting Secretary of the Army
102 Army Pentagon
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Washington DC 20310-0102
USA

Fax: +1 703 697 0720

Salutation: Dear Secretary

COPIES TO:

The Honorable Robert M. Gates
Secretary of Defence
1000 Defense Pentagon
Washington DC 20301

Fax: +1 703 697 8339

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

George W. Bush
The President
The White House
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And to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 April 2007.