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USA: US army medic facing 7 years in prison

Amnesty International is closely monitoring the case of Agustín Aguayo, a US army medic who is scheduled to face a US court-martial on 6 and 7 March in Würzburg, Germany, for his refusal to deploy to Iraq.

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. Whilst 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 did not present 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 to duty and went absent without leave (AWOL). He has been charged with desertion and missing movement and is currently held in pre-trial detention at a US military base in Mannheim, Germany. If convicted on both these charges he could be sentenced to up to 7 years in prison.

Lawyers for Agustín Aguayo filed a writ of habeas corpus in US federal court in August 2005, asking for his 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 is sending a delegate to observe the court-martial proceedings in Germany next week to learn further details about the case and assess whether Agustín Aguayo would be a prisoner of conscience if convicted and imprisoned.

