

Putting Paid to War

On 31/3/03 BBC News Online wrote that two UK soldiers serving in Iraq had been sent back to their headquarters in Essex after reportedly refusing to fight. It went on to state it had discovered that, "conscientious objectors' are unprecedented in a professional army", and that the "two soldiers could face a court-martial after reportedly refusing to fight in a war 'which involved the death of civilians'," but that "the Ministry of Defence played down the suggestion they were conscientious objectors, something unheard of in a professional army."

Far from being unprecedented or unheard of, conscientious objection is a legal right. Any member of the armed forces with a sincere religious, political or moral objection to war is legally entitled to honourable discharge as a conscientious objector as derived from Article 18 of the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. Variant spoke with At Ease to find out more.

V: What is At Ease? What forms of support and information do you provide and to whom?

At Ease: At Ease offers confidential advice and counselling service to members of the UK armed forces, including reservists, and their families. Usually it's people wanting to know what the regulations are, as it is very difficult to get accurate information and they are forbidden by UK law to have any kind of trade union or association. And, unlike other European Countries, Britain doesn't have an ombudsman—an official who can investigate complaints.

The MoD invariably fails to inform members of the armed forces of their legal right to object to war or a specific campaign, either before or after posting them to their new stations.

Many young soldiers have never heard of conscientious objection. They believe that their only choice is between desertion or refusing to serve. A brief explanation of the legal alternative will save a lot of court-martials. At Ease can inform on procedure and help any member of the armed forces who have scruples about being involved with a particular war or with war in general, and may be able to help with other problems they might have.

At Ease has no paid staff, is entirely composed of voluntary workers and is completely independent with no connection to the Ministry of Defence (MoD).

V: Just how widespread is conscientious objection?

AE: Discharge on grounds of conscientious objection is classified by the MoD as a form of Compassionate Discharge, so the overall figures for conscientious objection are merged with personal, medical, family, or employment commitments (for reservists). Those advancing more than one reason for discharge have been told that the deferment has been for the nonconscientious reason.

The numbers of conscientious objectors amongst serving forces are even harder to investigate. To the best of our information, none of the regular serving soldiers now in Iraq of any rank were given any opportunity to register an objection and the information about the procedure on how to do so was withheld.

V: What are the principal reasons for conscientious objection?

AE: A recent At Ease client stated "I didn't join up for this"—meaning the invasion of Iraq. Most objectors who have contacted At Ease recently express similar sentiments.

V: What exactly is their legal position under

British / International law and how are the conscientious objectors being treated by their Commanders and the British Government?

AE: A United Nations Resolution, to which the UK assented, recognises conscientious objection as a Human Right and also states that individuals have a right to information about conscientious objection. The UK is in breach of its obligations under this resolution as the MoD keeps the regulations on conscientious objection as a 'Restricted Document'. (A copy can be found at http://wri-irg.org/pdf/co_uk_army.pdf) The situation in British Law is set out in this document: 'Retirement or Discharge on the Grounds of Conscience'. Sincere conscientious objectors either to war in general or to a specific campaign are to be discharged. The procedure begins with a written statement from the conscientious objector to his/her Commanding Officer. The final appeal is to the Advisory Committee On Conscientious Objection (ACCO). At Ease is very anxious for this committee to be set up to hear all the Iraq related cases as soon as possible—technically this advisory committee is convened, it's a permanent committee, but it's really a sinecure. What we are asking is that it sit. Currently, it only sits when somebody has been refused at every level and right at the very end they then appeal.

The Commanders have not been given information about the right of conscientious objection and so tend to respond inappropriately. The impression gained by At Ease is that the Army regard conscientious objection as a disciplinary offence and the Navy regard it as a psychiatric condition.

We may never know how many COs there were to the Iraq war. If a Commanding Officer is convinced that the objector is sincere then they can recommend to the MoD that they are discharged. If they are discharged as a CO the MoD statisticians list it under Compassionate Discharge, so it is hidden. You could ask the MoD how many Compassionate Discharges there were since the beginning of January this year and see if there has been a great jump.

If soldiers were charged with refusing a lawful order, that is if they refused and had an unsympathetic Commanding Officer who insisted in ordering, then the rule is that no application for any kind of discharge can go forward. So it isn't even listed until the completion of disciplinary proceedings. If this goes as far as a court-martial then it might be known because court-martials are in public and have to be announced beforehand, but this could be just a small notice somewhere.

Soldiers can also be sentenced for up to 60 days by a Commanding Officer, and that's at a trial which is not in public, where they can't be represented. So we don't know how many people may have done repeats of 60 days.

There is another category of people who expressed an objection and were told there's no such thing as conscientious objection, or you have to be a pacifist. Very commonly, people are told conscientious objection only applies to conscripts. It is amazing how many people believe conscientious objection ended in 1959 with the end of conscription. So there's also the ones that just gave up.

The other category we don't know are the people who went absent in order to avoid a posting—which technically counts as desertion. There certainly have been some cases of what I would call ordinary Absence Without Leave during the period of the Iraq war—people going absent for nothing to do with the war. In all, there were over 2,000 absent.

Then there are the reservists who were sent instructions and didn't report at all. Technically, because it's war, all those people are deserters. As far as I know, neither in this Iraq war or the first

one did the MoD actively prosecute any of those people—mainly because the MoD draws back from the publicity of formally court-martialing them.

We advised the reservists that came to At Ease to put in their written statement of objection to their Commanding Officer before mobilisation, but to turn up for mobilisation with a copy of their statement and to formally request a non-combatant posting. In a way that's a bit silly—if you've been called up to go to war there isn't a noncombatant posting.

This worked though—none that we advised have been disciplined, some have been given a discharge as a CO, but of course it's listed as a Compassionate Discharge. Others were given exemption and we've advised them not to let it drop. Some are still going through this, but the important thing was that they turned up for mobilisation. Some were told they were going to be 'stayed in'. We told them to work out exactly what their line was—some were willing to put on a military uniform but not put on desert uniform, others were not willing to put on military uniform, others were willing to sign others not. They also get quite a big payment for turning up for mobilisation so we advised them to refuse that money, and if it was paid to say loudly that they were giving it to a charity of their choice, and to do so.

We don't know how many reservists either didn't turn up, did turn up and were 'kept in', or went on the run—some will have chosen to do that.

V: Could you say more about the ACCO?

AE: The only objectors in theory that go to the Advisory Committee would be the ones where the Army is uncertain whether they're sincere or not. The glaring omission in this war is that one would have expected them to have put a test case of a Muslim soldier to the Advisory Committee to decide, because a Muslim traditionally is not a conscientious objector; certainly it's not a pacifist religion, but several Muslim organisations have very prominently and vociferously expressed the views that this war is wrong. Some Muslims adhere very strongly to the part of the Koran which says you mustn't fight brother against brother—then there's the contrary view, they all took an oath on the Koran when they were 16 and are therefore bound, and this again is very difficult for them.

At Ease has been asking for the Advisory Committee to sit, permanently, since before the war started. We were also asking to have at least one Muslim representative on it—it's a tribunal of three people, and because of the known large section of the Muslim community that objects it's only fair.

Although the Advisory Committee in theory should be deciding all the unusual cases, in fact the few that get through are always the uncontroversial ones. The total pacifist is not a threat to the MoD because there are already plenty of precedents and they are a minority.

V: What of the mainstream media's representation of conscientious objection?

AE: When they say, there aren't conscientious objectors, it is just untrue. At least there are those people who have been discharged by the ACCO, they can't deny their existence. And if they say it's not possible because it's a volunteer army, this is only true for the first six months of service for the under-18s, and the first twelve



weeks of service for over-22s. This is the cause of a lot of misunderstanding—people think there are only two kinds of army, either a conscript or a volunteer army. The British forces are an intermediate stage that is actually bonded servitude.

Those that sign on at 16 lose their voluntary status after six months. When they sign on at 16 they can give two weeks notice between the beginning of the second month and the end of the sixth month. At six months to the day that they first report for duty their recruit's right of discharge goes. After that they are no longer volunteers, they're held by compulsion—but they're not conscripts because a conscript is someone who didn't have any choice about joining in the first place.

A Bond Servant is someone who is tied to a bond made in the past. This was a very common form of indenture in the eighteenth century, such as for apprentices. Today, this is contrary to the European Convention on Human Rights, the British Human Rights Act, and the Universal Declaration of Human Rights, except for military service. There is an appendix to the Human Rights Act which says that military service does not apply to the following clauses. It's not slavery, it's bonded servitude, they were volunteers once but their voluntary status has expired.

Bonded servitude is probably the single greatest issue in terms of the human rights of soldiers more than anything else. With the latest tragedy at Deepcut—whether those young people were murdered or whether they committed suicide—I would go as far as saying that the members of the Parliamentary Select Committees of the Armed Forces bill are actually morally responsible for Corporate Manslaughter. Those people would be alive—if they were bullied or unhappy or whatever, or were being threatened—if they could have left.

V: How does the legality of the Iraq war effect conscientious objectors?

AE: The view that it's an illegal war has been expressed by soldiers, they've said I don't want to be part of this because I believe it's illegal. There will be some who choose to put that at a court-martial, I think the MoD will do everything it can to avoid that taking place. Despite whether the whole Iraq war was legal or not, what is being overlooked are the lower levels of legality, the fact that legally the soldiers had not been informed of their rights of CO, that Britain is a signatory of a UN Resolution, that soldiers not only have a right of CO but they have a right to be informed. I think that a defence that was mounted that this individual was not informed is certainly a defence against refusal of a lawful order, but it should also be a defence of desertion, if, as last time, the people desert having been misinformed.

V: What of the recent reports condemning Britain for using 'child soldiers'?

AE: We ask people to avoid the term 'child soldiers' for a number of reasons. With the term 'child soldiers' people think of someone in Liberia or Sierra Leone, 7 years old holding a gun that's bigger than themselves. Repeatedly, we've been trying to get the British Armed Forces to come up to the European standards. The UK is the only country in Europe that sends young people under 18 into combat. Only the British send their youngest troops on active service overseas. We are trying to bring their treatment within European labour laws. When people use the term 'child soldier' this lets British politicians off the hook, because they can start ranting about 'How terrible it is in Sierra Leone', and also the UK's six year trap doesn't sound too bad when compared with 7 year olds being compelled to kill. Instead, we are saying look at the rest of Europe.

At the beginning of the Iraq conflict the first British troops sent to the Mediterranean as preparation for the invasion included sailors under 18. At that time Britain was still trying to get the UN to endorse the invasion, yet the UN had decreed that no UN troops are allowed under 18. It was brought to the attention of the British and they

had to send them back—they should never have been sent in the first place. So, having been stopped, when they sent the infantry they made a big thing about the youngest soldier being sent the day after his 18th birthday. The youngest UK force's casualty in Iraq has been a soldier who was only just 18. And if the UK could have got away with it they would have sent 17 year olds, more importantly they would have sent a much larger number of infantry youngsters over to Iraq, as last time—200 under 18s were sent to the first Gulf War, two of the American friendly fire casualties were 17 year olds and another of the casualties was on his 18th birthday.

In the Balkans it was even more blatant. When the UK troops were in Bosnia the UN ordered the under-18s out and Britain had to withdraw them, but because Kosovo was not under the auspices of the UN (they were K-FOR troops) they were then sent to Kosovo. This is how much respect the UK has for the international community. All the other European countries do not like fighting along side such terribly young colleagues.

The British MoD is committed to the six year trap which depends on recruiting people as young as possible, and it is quite awful. In terms of civil liberties they haven't got a vote, under-18s are not allowed to see certain films because they're considered too violent or too sexually explicit, but they are allowed to go into battle and see the real thing. So there are arguments we can use without overstating our case and saying 'they're only children, they're got to be protected', it has connotations of sentimentality. We're saying this is a young person who your law says isn't old enough to have judgment to vote, your law says has to be protected from certain films, so we're after consistency. And we're also asking for consistency with the rest of Europe—the UN has put an absolute ban on anyone under 18 being used in warfare, it is also against the European Convention on the Rights of the Child, we're not saying they're not legally 'children' but we're saying it's a campaigning point and don't call them that.

The other reason I worry about the 'child' tag is a lot of people think that if Britain is finally pushed into limiting sending under-18s into action that's all that matters. But the abuse isn't just that they're sent into battle under 18, it's that under 18s sign a contract that binds them into adulthood. A 16 year old couldn't buy something on hire purchase on their own, they can't get a mortgage, but they can sign a contract that commits them to the age of 22. The earliest age at which they can leave is 22 but if they have any education course between 16 and 22 that the Army pays for they lose the right to leave when they're 22. They can then be kept theoretically till they are 40.

V: What about the promotion of the Armed Forces with regard to education and training, and the MoD seeking to recruit more from ethnic minorities?

AE: At job fairs in East London, the biggest, flashiest stall is always the Army's. It is appalling as they're promoting training and where's the warning: 'Join at 16, earliest you can leave is 22'? The nearest we got to it is an interview we had with senior MoD persons who did concede they would think about that. We said: 'If you defend these regulations, if you say they're not unfair, why can't you draw attention to this?'

This is related to one of the problems I'm really worried about, what's happening to the Muslim COs. Throughout the '90s there was heavy recruitment targeted at ethnic minorities: St. Pauls, Bristol; Newham in East London; Birmingham Small Heath; parts of Glasgow and the Scottish Borders; Liverpool. They went into the schools and they recruited in droves. I saw a lot of this in East London, a lot of the young Asians very keen on educational opportunities. The army had big promotions where they invited the families and a lot of them presumed they could do A-levels, NVQs, a degree, all paid for by the Army. What the MoD say is not a lie, it's equivocation. They say 'You can get qualifications, and these are qualifications that are applicable to a civilian job'. If

you're a 16 year old and you hear that, what do you think? 'I can go in the army, I can get a qualification, and then I will be able to do a civilian job.' But that's not what they've said; the qualification is applicable to a civilian job, but the qualification holder will actually have given up their right, and they won't be free to take the civilian job. The MoD haven't said anything untrue, but this is terrible, to go and promote this to teenagers.

Before 9/11 there was heavy recruitment. A lot of the young Muslim kids for instance were told they'd be allowed Hal Al food, women would be allowed to wear Islamic head dress, they'd be allowed time off for Friday prayers, their religion would be respected—and they joined up in numbers. At that time the forces were involved in peace keeping operations including in defence of Muslim communities, and if you see the recruitment films there is tremendous emphasis on the humanitarian aspects—there's pictures of the marines rescuing people from the sea, soldiers with babies in their arms, little kids saying thank you, distributing food to starving people, it's very much the cavalry coming over the hill. To idealistic teenagers it's very enticing and a lot of these kids signed up, these are the kids who are now trapped and when you're in a situation with Afghanistan, Iraq—is it going to be Syria, Iran—this is horrendous.

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