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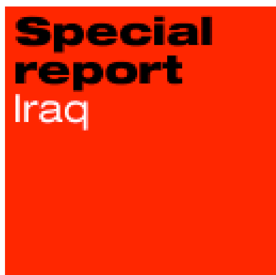

I ain't marching any more

'If someone attacked this country today,' says RAF reservist Mohsin Khan, 'I'd be the first person on the beaches, I mean that with my heart.' But faced with going to Iraq to take part in 'an attack on innocent people', he went AWOL instead - and swelled the growing ranks of servicemen and women, in Britain and the US, whose consciences will not allow them to join a war to which they object. Natasha Walter investigates

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Mohsin Khan is a slight man who looks younger than his 25 years. The first time I saw him, last September, he exuded a sense of unease. That was understandable; it was in a military court at the Royal Air Force base in Uxbridge, Middlesex, in an airless room with a judge sitting at a table at one end of the room, and a gaggle of journalists sitting at the other.

Between them stood Khan, in a neat khaki uniform. Although his voice sometimes slipped into inaudibility, from time to time a greater assurance crept into his demeanour. "How did you view being part of this war, Mr Khan?" asked his barrister, James Mason. "It was against my religious beliefs," Khan said softly. "What part of your religious beliefs?" "That you should not commit a crime unless someone is attacking you. That's how I saw it ... I couldn't be part of it. I didn't want to be judged for that." "Judged by whom?" "By Allah," said Khan, and the words seemed to ring in the room.

In a way, Khan's story is quite straightforward; in February last year he went absent without leave from the RAF, was arrested, charged, given a punishment - docked pay, "loss of privileges" - and is appealing against the punishment. But his defence is unusual. He argues that he took unauthorised absence because he objected morally to the war against Iraq and could see no other way of getting out of it. He lost that first appeal in the military court; in July his next appeal will be heard at the Divisional Court of the Queen's Bench, in the high court. That is unlikely to be the end of the matter. "This case is of fundamental constitutional importance," says his solicitor, Justin Hugheston-Roberts. "Whoever loses will take it further. The law has to be clarified. Do members of the forces have a

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right to disobey orders if they have a conscientious objection to what's being asked of them? That is the question. It could hardly be more urgent."

Mohsin Khan joined the RAF in December 1999, when he was 20. He was, like many young men, unsure of his religious and political views. He comes from a Bengali family who are the only Asians and the only Muslims in a small town in Suffolk, where his older brother runs the town's Indian restaurant. Khan saw in the RAF a glamorous image of heroism, as well as the means of finding a sense of purpose in his life. "I dreamt of a full 22-year career in the RAF," he told me, as we sat together recently in his brother's house.

Khan trained as a medic, but after the thrills of learning to save lives on the battlefield, he found himself filing papers in an office, and gradually he began to feel like a worthless outsider. "I wasn't able to break my fast on Ramadan," he recalls, "because it was at a time I was meant to be working. I hardly ever got the halal meat I was promised." In the end, bored and disillusioned, he obtained early discharge in April 2001, and felt that he was well shot of the RAF.

But leaving the military is not like leaving any other job: you can be recalled at any time for six years. When the call-up papers arrived at Khan's home in January 2003, he felt sick. In the couple of years since he had left the RAF, his life had changed. He had found a decent career in an insurance company and, above all, he had found a structure to his life in his growing adherence to his religion and the support of the Muslim community he had found in Ipswich. "I suppose I now view life using my religion," he explains. And he had clear moral objections to this war: "I felt it was wrong from the beginning. They said it was war with one evil man, but that wasn't the way I saw it. I saw it as an attack on innocent people."

Although Khan, trained as a medic, would not have been a combatant, he felt any support for the action would be wrong. He was desperate; he didn't know where to turn. At first he reported as instructed, holding on to the suggestion in his call-up papers that there might be the possibility of exemption from service. The grounds specified were: being obliged to care for a disabled person or child, not wanting to disrupt vocational education, working in a family-owned business or running the risk of losing a promised job, or "any other grounds that the adjudication officer ought to consider for compassionate reasons".

When Khan attended his first interview at the RAF base, he had these criteria in mind, "I thought if it wasn't on the list, it wouldn't be allowed." And so, without actually lying, he mentioned that he helped to care for his mother, who is ill - true - and that he often helped in his brother's restaurant - also true. But his application for exemption was turned down.

On February 21, he was sent home for the weekend and told to return to the base on Monday. He stayed at home. "I thought, I have to do whatever it takes. I have to stand up for

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my beliefs." Over the following week, he was telephoned by two officers who told him to return to the base immediately. He told them that he couldn't because it conflicted with his moral and religious convictions; he says neither officer told him he could gain a release on those grounds, even when he told them that he would rather go to jail than return. "I don't believe there was a need," Flight Sergeant Tony Penfold said at Khan's hearing.

On March 4, a couple of police officers turned up at Khan's home to arrest him and hand him over to the military police. He was interviewed by a senior officer and finally shown the regulations that allowed him to claim he was a conscientious objector. By then it was too late to sidestep confrontation. He appealed against the punishment meted out to him, and that is why he ended up in a military courtroom, reluctantly enunciating his views about the illegality of this war in front of both senior officers and lawyers.

Although Khan hadn't known, it is indeed legally possible for members of the British armed forces to seek a discharge on the grounds of conscientious objection. "I never heard the words," Khan told me. "People think I should have known about it, but there are officers who have been in the RAF for 20 years who don't know about it."

Khan is not the first to be tangled in a web of crime and punishment, because of this culture of denial. In the first Gulf war, Vic Williams, a soldier in the Royal Artillery, was jailed for 14 months for desertion and conduct prejudicial to the good order of discipline, after he went absent without leave. Even though he told his superiors he felt unable to take part in what he saw as an unjust war, he, too, says he was never alerted to the right to ask for a discharge. Gwyn Gwyntopher, at the organisation At Ease, which advises members of the military, remembers the moment before his trial when she showed Williams the regulations on conscientious objection: "He was shocked. He said, why didn't the army ever tell me this? I would never have gone absent if I'd known."

It is only a rare, particularly brave or particularly unlucky individual, such as Williams or Khan, whose story slips out publicly, but there are undoubtedly other conscientious objectors in the military. For instance, it was reported in the press last year that two soldiers were sent back to the UK from Iraq after they objected to the way the war was being fought. The Ministry of Defence pleads excessive costs as the reason why it cannot put a figure on how many compassionate discharges were granted on grounds of conscience. Yet Gwyntopher says that at least 20 reservists, who have contacted At Ease in the past 12 months, have pursued exemptions from call-up based on their feelings that the war is wrong.

The legal concept of conscientious objection was introduced in Britain with the Conscription Act of 1916, when the No Conscription Fellowship successfully lobbied for a "conscience" clause. Sixteen thousand men applied for the status of

conscientious objector between 1916 and 1918; nearly 6,000 were sent to prison. To this day, pacifists remember men such as Harold Bing, who had joined No Conscription, demonstrated, distributed leaflets, but when applying for conscientious objector status in 1916 was told that, at 18, he was "too young" to have a conscience. He spent nearly three years in prison, sometimes in solitary confinement, sometimes doing hard labour. In the second world war, when conscription was reintroduced, 61,000 men and women applied for an exemption on grounds of conscience and although only 3,000 were given unconditional exemption, most were allowed alternative noncombatant service.

Now, when all members of the military have joined up voluntarily, the importance of the right to conscientious objection is less obvious. However, Gwyntopher argues: "This is not really a volunteer army, nor is it a conscript army; it is an army based on bonded labour." The contract that military personnel sign is unique and extremely complicated; for instance, young soldiers who join up when they are under 18 cannot then leave, once they have served an initial six months, until they are 22. And even after discharge, most military personnel, like Khan, remain subject to possible recall for six years. Naturally, some people who join up in their teens find that their views change as the years pass.

At the least, Khan's case may help dispel some of the secrecy that surrounds conscientious objection. Part of the legal argument made in his defence in his first hearing was that the RAF is remiss in not informing reservists of their right to object to serving on grounds of conscience, and that "consequently to punish him, not having told him that he had such a right, is oppressive". What complicates his case is the precedent that seems to have developed that this right is accepted only on stringent grounds. The principle that conscientious objectors should, by definition, be pacifists who object to all violence was established in the first world war. Hence the famous exchange at Lytton Strachey's hearing when a tribunal member asked him what he would do if a German soldier tried to rape his sister: I would try to interpose my body, Strachey replied.

Neither Khan nor Williams became pacifists; instead they object to a particular war. "There are times when you have to fight," Khan says, adding he would not have had a problem with the first Gulf war. "I could have gone to that. A Muslim should not invade another Muslim's territory. I could have helped someone if their country is invaded. If someone attacked this country today, I'd be the first person on the beaches, and I mean that with my heart."

His view is that individuals should not be disciplined if they refuse to follow orders they believe to be illegal. This is the most threatening part of his argument, in the military's eyes. Although the principle has long been established that, if you commit an offence, it is no defence to plead that you were just following orders, in practice an efficient military force is entirely reliant on its employees following orders rather than

their consciences. As the prosecution argued in Khan's case, a member of the RAF "cannot simply refuse to obey an order or refuse to report for duty on the grounds of conscience; that could not be acceptable in any disciplined service. To allow them to do so would lead to anarchy."

So Khan's tussle with the RAF is far from over. At one point he says defiantly, "I want justice. I want Allah to be pleased with me." But Khan is not a campaigner, he shies away from publicity. "I want to live a life where I don't harm anyone and no one bothers me. I want to live as people do in heaven."

In the US, a rather different situation is occurring. A number of individuals have come forward who are openly in conflict with the American military and who have forged links with one another and with the antiwar movement. One, Camilo Mejia, has become a figurehead for peace activists. He returned from Iraq in October last year and decided that he could not return, having witnessed the abuse of Iraqis in a detention camp and the killing of civilians and children. He went absent without leave until March 15 this year, when he turned himself in to the military authorities and declared himself a conscientious objector. "By putting my weapon down, I chose to reassert myself as a human being," he said. Although his defence team argued, as Khan's lawyers will argue, that soldiers should not be forced to act against their conscience, last month he was handed a 12-month jail sentence for desertion.

An advice line run by the Central Committee for Conscientious Objectors last year took 2,000 calls from people talking specifically about conscientious objection. But in the American regulations, the situation is clear: a conscientious objector cannot be a selective objector, they must "object to participation in war in any form". And in the current situation, with resources stretched thin and the military desperate to avoid having to resort to a draft, the authorities are clearly reluctant to grant discharges on grounds of conscience.

This has caught many individuals in a trap. Diedra Cobb is an African-American woman from Illinois, a reservist who joined up three years ago. Her father is a captain in the air force and she went to a military institute to begin her college studies; she felt she could be at home in the military. But quite soon the way recruits were trained began to make her uneasy. "Everywhere we marched, we were calling cadences. If you don't deliberately try to develop a balanced view of what's going on, they get ingrained into you," she says. "For instance, in bayonet training we're stabbing at each other with weapons - you know, just the motions - and we would have to scream out, 'The bright red blood makes the green grass grow.' I think there is a level of brainwashing that goes on. I began to think, why is it necessary for them to do this? It's necessary because of the questionable wars we go into. They want soldiers who won't question anything."

Cobb did start to question, gradually developing a strongly dissenting political viewpoint. "I don't exactly know where it came from. I guess I didn't realise what America is like to the

fullest when I was younger. One book I read, In The Time Of The Butterflies, made me really think about what I was doing in the military in the first place. It went into a lot about what happened in the Dominican Republic and things I'd never heard about in my history class. I started opening my eyes to what my military does. I started paying a lot more attention to what was going on in the news and picking up on the things that just didn't make sense. When things started to escalate with Afghanistan, I began to think, if I ever get the call to serve anywhere for the military, I won't be able to be a part of this organisation. There is so much that isn't right in our country, how can any other country trust us to treat them right?"

In December 2002, Cobb gave her commanding officer a letter outlining her desire for a discharge. Nevertheless, in March last year, she was told that she was being transferred to another unit, which was going to be deployed to Iraq. "I felt pretty sick to my stomach, and a bit panicked, and thinking I would have to leave the United States," she said. But eventually she decided to turn up at the base in Maryland where she informed the commanding officers that she was a conscientious objector, and that if they sent her to Iraq she would refuse to fire her weapon.

Her application was turned down at a hearing because she wasn't seen as sufficiently pacifist. "They asked whether I had problems firing at targets on the firing range, and I said no, but they said, if you were having serious doubts about being in the military and serious doubts about being able to kill someone, how would you not have had problems at the firing range, and I said, it isn't a person, it's just trying to hit the target, like aiming for a goal. I wasn't surprised - the officer's attitude from the get-go was that she was going to disapprove." Cobb is still in limbo, still officially a reservist, so she could theoretically be sent to Iraq at any time. She is one of many who are finding their desire to get out of the military thwarted.

Martha Rudd, a spokesperson for the US army, tells me that 31 of 60 applications made for conscientious discharge were approved last year. "Some are saying they are not opposed to all war, just this war," she says. "And that is totally unacceptable. When a person enters the army, they have to swear an oath, and they should fulfil their obligation. If a person wants conscientious objector status, it can't just be because they don't want to be deployed now."

Exemplary punishments are being handed out to soldiers who go absent without leave because of conscientious objection; Mejia's year in jail is the same sentence as that handed out to Jeremy Sivits, the first soldier to stand trial for abuses at Abu Ghraib prison.

Some disaffected soldiers have felt they had no option but to desert. A few, including two who have gone public, Jeremy Hinzman and Brandon Hughey, have emigrated to Canada to seek asylum. Their lawyer, Jeffry House, took the same route across the border to avoid the draft for the Vietnam war in

1970. He sees parallels. "A volunteer army does not make conscientious objection irrelevant. If somebody signs up when they are 17 because a recruiter calls them up and says, I've got a cheque in your name for $5,000, then to say, you've decided now, once and for all, is that morally defensible? People develop, change." House points out that there were more than 150,000 conscientious objectors against the Vietnam war. There are far fewer now, yet public hostility to the war in Iraq is already approaching levels reached after 10 years of war with Vietnam, and these objectors are seen as emblematic of the struggle for the soul of a country in turmoil.

Indeed, conscientious objectors now face a potent mixture of sympathy and hostility. They have heard themselves denounced across the media: Bill O'Reilly said on Fox News that the deserters are criminals. "All of us in America should be soldiers in the war on terror," O'Reilly said. "These deserters weren't drafted. They signed up. And when the going got tough, they split. If all our military people did that, 9-11 would be on constant instant replay." Other news outlets have suggested that Hughey and Hinzman should face the firing squad. Then again, the objectors have found themselves hailed as heroes by the antiwar movement and by strangers in the street.

Hinzman says, "I don't want to be on a pedestal, or in a trench." He is a 25-year-old soldier who joined up three years ago, but gradually realised that he was morally opposed to militarism. "What precipitated my application for conscientious objection was America's reaction to September 11," he says when we meet in a tearoom in Toronto. "I understood that there would be outrage and anger, but there was such an outburst of patriotism that bordered on nationalism, it was kind of sick. I was turned off by that. And I wanted to know why people would attack America, why there might be bitterness throughout the world about why America does what it does."

Hinzman was sent out with his unit to Afghanistan and his hearing to determine whether he was a genuine conscientious objector was carried out at short notice at the Kandahar airbase. He was asked what he would do if the camp were attacked, and he replied that he would help defend it. "And they said, well, combat is combat, you can't distinguish. But I find that hard to comprehend. There is a difference between self-defence and premeditated murder." His application was denied.

His unit was sent back to the US, then prepared for deployment to Iraq. Hinzman considered going out with them and simply refusing orders, taking the consequences, however arbitrary. "Perhaps it would have been a more powerful witness to have gone to jail within the system." Instead, in January this year, Hinzman and his wife, Nga Nguyen, and son Liam, now aged two, loaded a few belongings into their car and set off one night for the Canadian border.

In March, he was joined in his attempt to gain asylum in Canada

by another young conscientious objector, Brandon Hughey. He is perhaps the most unlikely figurehead for this new movement of refuseniks. A quiet 18-year-old, from a staunchly Republican family in Texas, he joined when he was just 17, when a recruiter promised him the military would fund his education if he signed up for four years. "I was raised to believe that the US army are the good guys. In the unlikely event that I'd be sent to war, I thought it would be for a good cause."

As with all the American conscientious objectors I have spoken to, it was training that set off alarm bells. "You have to pretend that you're shooting at 'ragheads'. Shoot as many ragheads as you can, they'd say. It was a shock to me," he says.

By the time Hughey had been told that he might deploy to Iraq, he knew he wanted to get out. "You have to look at what was said at the Nuremberg Tribunals, where it was the Nazis' defence, we were following orders, and it was the US who said, that's not acceptable. The Iraq war is illegal, it was a pre-emptive act of aggression, and the US is showing little regard for civilian life. It's a soldier's duty, whether conscript or volunteer, to refuse an illegal order."

Like Khan in England, he had no idea that there was a legitimate way out - and nobody saw it as their business to enlighten him. While working at the base in Fort Hood, Texas, he read articles on the internet by a peace activist called Carl Rising-Moore. Hughey sent him an email that speaks for itself in its outright despair: "I do not want to be a pawn in the government's war for oil, and have told my superiors that I want out of the military. They are not willing to chapter me out, and tell me that I have no choice but to get ready to go to Iraq. This has led me to feel hopeless and I have thought about suicide several times."

On March 2, as his unit was packing up to leave for Iraq, Hughey went to Indianapolis and met Rising-Moore. They drove for two days and nights to St Catherine's, Ontario, where a Quaker family had agreed to take Hughey into their home. "When I crossed over the border," he tells me, "I felt free. Freer than I ever have done before."

That evening in Toronto, I attend an antiwar rally with Hinzman and Hughey. Before the meeting starts, they go up to the main speaker, Stephen Funk, another young conscientious objector who has achieved his discharge from the American military after being jailed for desertion. Funk is just visiting Toronto for the rally, and it is the first time the three have met. They stand and chat about their experiences, their faces serious. They could be ordinary American college students, with their jeans and hooded tops and diffident demeanours. "I didn't just say no to war, I said yes to peace," Funk says at one point in his speech, and Hinzman and Hughey applaud with the rest of the crowd.

At the end, Funk receives a standing ovation. He smiles shyly and sits down abruptly. "I'm not really a public person," he

says. All the conscientious objectors I met have the same reluctant attitude to their public exposure. But they also have a quiet, inspiring certainty. As Hinzman says, "A journey of a thousand miles begins with a single step."

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