

# PROCEDURE FOR DEALING WITH CONSCIENTIOUS OBJECTORS WITHIN THE ROYAL AIR FORCE

## Introduction

1. Occasionally Service personnel take up political or religious causes whose principles conflict with Service duties. This guidance applies to all members of the Royal Air Force and Royal Air Force Reserve Forces who develop a conscientious objection to military service and who wish to leave the Service on those grounds. Because objections to military service on grounds of conscience can often attract disproportionate Parliamentary and public interest, it is necessary for the MOD to be kept fully informed of all cases from the outset, and at times to assume control of them.

2. The procedure that follows applies equally to Servicemen and Servicewomen, for ease of reference hereafter referred to in the male gender. An application from an officer or airman, including any member of the Reserve forces, who applies to resign his commission or for a discharge on grounds of conscience will be treated as if requesting premature exit on compassionate grounds and will be considered by the Compassionate Appeals Tribunal before a recommendation is submitted to the appropriate disposal authority, which is as follows:

- a. Officers and NCA: DPMA(O&NCA)
- b. Ground Trades: DDPMA (Spt)

3. In the event of the rejection of an applicant's submission the applicant may appeal to the Advisory Committee on Conscientious Objectors (ACCO). This Advisory Committee conducts its hearings in public and tenders its advice to the Secretary of State for Defence's representative. The Advisory Committee is also available to consider applications that might arise from Reservists in the event of recall. A successful appeal will be accepted as decisive and will override any Service objections to termination of Service. Any person whose case is rejected by the Advisory Committee may apply for premature release under the usual PVR terms.

## Action by Applicant

4. An officer or airman wishing to apply for premature exit on grounds of conscience is to submit an application to the CO in the form of [Annex A](#) to this leaflet. Whenever possible the applicant should attach written evidence to support the case. Such evidence will normally take the form of statements by responsible referees who know the applicant well. When the plea is based on religious grounds a statement by a minister of the religion concerned should also be included.

## Action by Parent Unit

5. On receipt of an application for resignation or discharge on grounds of conscience the parent unit is to signal brief details of the case to the following:

- a. *Officer and NCA Applicants.* RAF PMA (PMA PC), DPMA(O&NCA)(RAF), HQ PTC (Pers Sy 1)(RAF), OC RAF P&SS, DVA for attention CE DVA (SIC: YAV/WET/WEY), copied to Cmd SO1 PC for information.
- b. *Ground Airmen Applicants.* RAF PMA (PMA PC), RAF PMA (PMA7), HQ PTC (Pers Sy 1)(RAF), OC RAF P&SS, DVA for attention CE DVA (SIC: YAV/WHT/WHY), copied to Cmd SO1 PC for information.

The applicant is to be interviewed by OC PMS and, having considered the individual's personal circumstances, counselled on the possible implications of such action. It may be necessary to obtain guidance from respective policy areas within the RAF PMA before advising on the financial implications of premature exit on pensions or incentive bonuses etc. It may also be appropriate to suggest that the individual should defer proceeding with the application for a short period in which to reflect. This period should not, however, exceed 10 working days.

6. The Conscientious Objector procedure requires all cases to be examined with particular care to avoid abuse by those who simply wish to circumvent the normal PVR procedures. It is, therefore, most important that the applicant's CO should do all that he can to establish the genuine nature or otherwise of the applicant's convictions. Moreover, because of the underlying security interest in cases of conscientious objection it is essential that as soon as the applicant's intention has been declared, the advice of OC P&SS is sought, regardless of whether the application is subsequently approved. Action in accordance with JSP 440 Issue 3, Part 6, Section 3, Chapter 1, paragraphs 12 - 16 should also be considered. When the application is based on religious grounds the applicant is also to be interviewed by a Service chaplain. The CO is then to interview the applicant himself and produce a full report of his views, together with his personal recommendations, which should broadly address the following areas:

- a. The nature of the conscientious objection and how and when it began, including a personal assessment of the veracity of the claim.
- b. Information about the applicant's service and conduct including details of operational experience, relevant disciplinary offences and punishments awarded (if applicable).
- c. The applicant's general demeanour and behaviour, including anything that is known about his influence on colleagues or subordinates.
- d. Details of any counselling that the applicant may have sought and been given about conflicts between personal beliefs and military tasks.

The report, together with the application and any supporting evidence is then to be forwarded to the RAF PMA (PMA PC) for consideration. The applicant is to be provided with a full copy of the application, as presented to the RAF PMA, and is to be advised that a decision will be made as soon as possible, but that in the meantime the applicant remains subject to Air Force Law and is required to respond appropriately to lawful commands. The applicant also remains liable to normal disciplinary action regardless of whether the commission of any offence is related to the plea of conscience. Because of the political sensitivity of such cases, RAF PMA (PMA PC) (copied to Cmd SO1 PC) is to be informed by signal if an applicant does commit an offence. The signal is to state the nature of the offence, the action taken and any other developments.

7. **Personnel Serving (or about to serve) on Operations.** If a plea of conscientious objection is lodged while the applicant is serving on operations, during transition to war or other period of tension, or when warned for duty overseas, the procedure indicated above should be followed as closely as possible. However, until a decision has been reached on the applicant's plea has been reached, the CO retains the right to employ the individual as he sees fit.

8. **Pre-productive Officers and Airmen.** When an individual declares an objection to military service on grounds of conscience whilst still under training, and where the individual still has a right to apply for voluntary withdrawal (VW) from training, the individual should submit an application to withdraw in accordance with [Annex A](#). Thereafter, relevant VW procedures are to be followed. If VW is effected, a copy of the application and VW casework is to be forwarded to RAF PMA (PMA PC), for inclusion on the individual's dossier (see paragraph 10).

9. **Special Considerations.** Applications will not be considered from any applicant who is:

- a. Absent without leave or a deserter.
- b. The subject of outstanding disciplinary action.
- c. Undergoing a sentence of detention or imprisonment.

Until such time as the individual has returned to unit, any outstanding disciplinary action has been taken and any sentence imposed has been completed.

### **Action Following the Decision**

10. **Plea Considered Genuine.** When the applicant's objection to service in the armed forces is considered genuine the applicant will either be called on to resign under the terms of Premature Voluntary Release (on Compassionate Grounds) (see [AP3393 Chap 5](#)) if an officer, or be discharged under terms of [QR607\(11\)](#) (Compassionate Discharge) for all other ranks.

11. **Plea Not Considered Genuine.** When the applicant's plea is not considered genuine, the applicant is to be interviewed by the CO and informed that:

- a. The Royal Air Force, on behalf of the Ministry of Defence, has rejected the application.
- b. The applicant must now continue to serve under the current terms of his engagement.
- c. The applicant will continue to be subject to normal Service discipline.
- d. The applicant may appeal against the decision to the Advisory Committee on Conscientious Objectors.

### **Appeals to the Advisory Committee on Conscientious Objectors**

12. The ACCO is an independent committee appointed by the Minister for Constitutional Affairs. **It consists of a Chairman, a Vice Chairman and 4 lay members. A quorum is the Chairman, Vice Chairman and 2 members.** ACCO hearings are held in public but the **procedure** is relatively informal. The applicant is not informed of the Committee's decision on the day of the hearing as their advice must first be formally accepted by the Secretary of State for Defence's representative. This representative is the **Director General Legal Secretariat (DGLS)**, who will also provide the administrative support when the ACCO meets and is responsible for making the arrangements for attendance at hearings through the RAF PMA (PMA PC). The outcome of the hearing will also be notified by **DGLS (Sec 1b)** to PMA PC for onward transmission to the chain of command.

13. CO's are to ensure that the applicant fully understands the following:

- a. The applicant may be conveyed to and from the ACCO at public expense.
- b. Witnesses, but not representatives, may make a claim for travelling expenses and subsistence, but not for any loss of earnings.
- c. Where the applicant arranges to be represented at the hearing, the expense of his representative will not be met from public funds.

### **Action at Unit Level**

14. If the applicant decides to appeal to the Advisory Committee on Conscientious Objectors (ACCO) the CO is to signal the applicant's intent as per paragraph 5(a) or (b) as

appropriate. The appellant is to complete the application in the form of [Annex B](#) to this leaflet, and the CO is to prepare the statement as shown in [Annex C](#) to this leaflet. The CO is to include the views he held when he made his original recommendations to the RAF PMA (PMA PC), providing an update if anything has subsequently happened to alter those views. If the appellant is an airman, the CO is to appoint an officer with full knowledge of the case to accompany the applicant at the hearing. This officer is to be prepared to answer questions about the applicant's Service career or any other Service related matters of concern to the ACCO.

15. The appellant may call witnesses to appear before the Advisory Committee on his behalf, and details of such witnesses are to be shown in para 4 of [Annex B](#) to this leaflet. If there are genuine Service reasons for non-availability of any Service witness, each witness not attending the hearing is to submit a written statement, which is to be attached to the appellant's application for a hearing.

16. The CO is to send 2 copies of [Annex B](#), [Annex C](#) and any supporting statements direct to RAF PMA (PMA PC) who will forward them to **DGLS (Sec 1b)**, for onward transmission to the ACCO. RAF PMA (PMA PC) will forward a statement giving the reason for the RAF rejecting the original application for discharge on grounds of conscience. RAF PMA (PMA PC) will also attend the hearing to answer questions about that decision if required to do so by the ACCO.

### **Attendance at the Hearing of the ACCO**

17. Details of the time, date and place of an applicant's hearing before the ACCO will be notified to units by RAF PMA (PMA PC).

18. An appellant and Service witnesses from abroad will normally be detached to Royal Air Force Uxbridge while awaiting the hearing. Leave will not normally be granted to overseas appellants and witnesses awaiting a hearing or to overseas witnesses and unsuccessful overseas appellants following the hearing.

19. Appellants from abroad whose appeal is upheld will not normally be returned to their unit abroad after the hearing. Appellants from abroad must, therefore, have their affairs so arranged on detachment to Royal Air Force Uxbridge that they will be able to take their release in the UK. Where this is likely to cause difficulties, for example the case of accompanied personnel, the station concerned is to report the facts to RAF PMA (PMA PC) for a decision.

20. Any serving witnesses and accompanying officers are required to wear No 1 HD uniform at the hearing. The appellant, as a serving member of the Armed Forces, is also encouraged to wear uniform unless he specifically requests that he be allowed to wear civilian attire.

### **Action Following the ACCO Decision**

21. Appellants from abroad will normally remain at Royal Air Force Uxbridge until the decision of the Advisory Committee is known; they will then be informed of the decision by Royal Air Force Uxbridge. Cases where this may cause difficulty are to be referred to RAF PMA (PMA PC). Other appellants will return to their units and will be informed of the decision by their parent unit.

22. **Plea Considered Genuine.** If the ACCO considers that an appellant's plea is genuine the appellant will be permitted to resign his commission or will be discharged as in para 10.

23. **Plea Not Considered Genuine.** If the ACCO rejects an appellant's appeal, the appellant is to be interviewed as soon as possible by his Commanding Officer (or the Officer Commanding Royal Air Force Uxbridge if from abroad) and informed that:

- a. The ACCO has rejected his appeal.
- b. He must continue his service under the same conditions as those that applied to him before the ACCO heard his plea until such time as he is retired or allowed to resign if an officer, or is discharged on completion of his engagement if an airman.
- c. He retains the ability to apply for early release under usual PVR terms.
- d. He will continue to be subject to normal Service discipline.
- e. He will not be debarred from resubmitting his case provided that there is additional and relevant evidence to be heard. In this case the whole procedure will be repeated.

(AL 27, Sep 04)