

**PUBLIC**

**AI Index: AMR 20/005/2008  
11 September 2008**

**UA 253/08  
CANADA**

**Possible Prisoner of Conscience  
Jeremy Hinzman (m), conscientious objector**

---

On 23 September, the Canadian authorities intend to deport US serviceman Jeremy Hinzman, his wife, son and one-month-old daughter. Jeremy Hinzman fled to Canada to avoid being sent to Iraq because of his conscientious objection to the war there. If they deport him, he risks being court-martialled and jailed for between one and five years. If convicted, Amnesty International would consider him a prisoner of conscience.

Jeremy Hinzman joined the United States military in November 2000. During the course of his training and service he gradually came to the conclusion that he could not participate in offensive military operations as it would be contrary to his beliefs. He applied to the army for non-combatant status as a conscientious objector in August 2002. In November 2002, he submitted a second application when he found out the first had been lost and was then deployed to Afghanistan. In April 2003, he attended a hearing on his application for non-combatant status. His application was refused on the basis that when questioned he stated, while not willing to conduct offensive operations, he was prepared to undertake defensive operations in certain circumstances. US law recognizes the right to conscientious objection only on grounds of opposition to participating in all war.

When Jeremy Hinzman returned to the US in December 2003 his unit received orders to deploy to Iraq. As he felt that his participation in the war in Iraq would be a violation of his conscience, religious principles, and international law he decided to go absent without leave. In January 2004, he travelled with his family to Canada where he submitted an asylum claim, in order to obtain refugee status.

His claim for protection as a refugee was rejected in March 2005. On 13 August 2008, he was ordered to leave Canada as he had exhausted the processes available in Canada by which to claim refugee status.

Jeremy Hinzman has spoken out publicly about his objection to the Iraq war, and has become a member of a Canadian organisation, the War Resisters Support Campaign, which works to persuade the Canadian government to offer sanctuary to US military personnel who want to come to Canada because of their opposition to the invasion of Iraq.

## **BACKGROUND INFORMATION**

Amnesty International has recognised as prisoners of conscience a number of US soldiers refusing to deploy to Iraq because of their conscientious objection to the war. They include Camilo Mejía, who was sentenced to one year's imprisonment and Kevin Benderman, who was sentenced to 15 months' imprisonment.

Amnesty International believes the right to refuse to perform military service for reasons of conscience is part of freedom of thought, conscience and religion, as recognised in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, to which Canada is a state party.

Amnesty International considers a conscientious objector to be any person who, for reasons of conscience or profound conviction, either refuses to perform any form of service in the armed forces or applies for non-combatant status. This can include refusal to participate in a war because one disagrees with its aims or the manner in which it was being waged, even if one does not oppose taking part in all wars.

Wherever such a person is detained or imprisoned solely for these beliefs, Amnesty International considers that person to be a prisoner of conscience. Amnesty International also considers conscientious objectors to be prisoners of conscience if they are imprisoned for leaving the armed forces without authorization for reasons of conscience, if they have first taken reasonable steps to secure release from military obligations.

Amnesty International opposes the forcible return of any person to any country where he or she would face a substantial risk of becoming a prisoner of conscience. Furthermore, conscientious objection is a valid ground for recognition as a refugee under the 1951 Convention relating to the Status of Refugees to which Canada is a state party.

**RECOMMENDED ACTION:** Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the authorities not to deport Jeremy Hinzman and his family to the USA, as it would put him at risk of being court-martialled and jailed;
- explaining that, although he went absent without leave, Jeremy Hinzman took reasonable steps to secure his release from military obligations through legal means, including applying for conscientious objector status, so Amnesty International would consider him a prisoner of conscience if he were jailed on his return to the USA.

**APPEALS TO:**

The Right Honorable Stephen Harper  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
K1A 0A2  
Canada

**Fax:** +1 613 941 6900  
**Email:** Harper.S@parl.gc.ca  
pm@pm.gc.ca  
**Salutation:** Dear Prime Minister

The Honorable Diane Finley, P.C., M.P.  
Minister of Citizenship and Immigration Canada  
House of Commons  
Ottawa, Ontario  
K1A 0A6  
Canada

**Fax:** +1 613 996 9749  
**Email:** finley.d@parl.gc.ca  
Minister@cic.gc.ca  
**Salutation:** Dear Minister

**COPIES TO:** diplomatic representatives of Canada accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 23 October 2008.