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Prisoner of Conscience

23 January 2009

CANADA

Dean William Walcott (m), conscientious objector

The Canadian authorities intend to deport US serviceman, Dean Walcott, to the USA on 30 January. He fled to Canada in December 2006 because of his conscientious objection to the war in Iraq. At the time he made his decision to flee, Dean Walcott was involved in training army reservists in the USA for deployment to Iraq, which he felt he could no longer justify. If deported to the USA, he risks being court-martialled and jailed for up to five years. Amnesty International would consider him a prisoner of conscience.

Dean Walcott joined the US marines in 2000. Walcott has stated that he began to question the reasons given for the US military mission in Iraq during a posting in the US in July 2003. At that time he learnt that members of the coalition forces in Iraq had committed acts of torture and other violations and the media began reporting that there were no weapons of mass destruction there. Dean Walcott had previously witnessed US and British soldiers beating Iraqi children in March 2003 when he was posted in the Iraqi town of Safwan, close to the border with Kuwait. During his posting in 2004 to an army hospital in Stuttgart, Germany, Dean Walcott's interactions with injured soldiers, their parents, and Iraqi children who were patients at the hospital made him feel distressed with his personal involvement in the war.

While undergoing field training in the US in January 2005, Dean Walcott's objections and distress at being personally involved in the conflict further developed when he concluded that there were no justifiable reasons for the war. When his unit was deployed to Iraq in August 2005, he began to experience emotional difficulties which he tried to discuss with doctors. His attempts to do so were thwarted by his chain of command. In March 2006 Walcott was posted to the US where he was able to seek professional advice and was diagnosed with Post Traumatic Stress (PTSD) by two civilian psychologists. His duties posting at this point involved the training of army reservists who were to be deployed to Iraq. He found this role morally reprehensible and so he began to investigate ways of relieving himself of his army obligations, including applying for conscientious objector status.

Dean Walcott went absent without leave (AWOL), as he would not have been granted conscientious objector status and he had failed in his attempts to find other ways to obtain release from his military obligations. He arrived in Canada in December 2006.

In Canada he applied for protection as a refugee, but was rejected. His subsequent applications to remain in Canada were also denied and he was ordered to leave the country. His lawyer will be seeking a stay of removal. Dean Walcott is also seeking refugee status as he has grounds to believe that if returned to his unit he would risk being subjected to hazing (bullying) and other non-judicial punishment, and that some other outspoken conscientious objectors had been returned to their units and subjected to ill-treatment, including hard labour and physical abuse.

Whilst in Canada, Dean Walcott has spoken out about his objection to the armed conflict in Iraq, and has become a member of a Canadian organisation, the War Resisters Support Campaign, which works to lobby the Canadian government to offer sanctuary to US military personnel who go to Canada because of their opposition to the armed conflict in Iraq.

US law recognizes the right to conscientious objection only when it takes the form of opposition to war in any form. Dean Walcott would not qualify, because his objection is specifically to the armed conflict in Iraq. Other US soldiers with similar objections, who have sought to register their conscientious objection and apply for release from their military obligations, have been turned down.

BACKGROUND INFORMATION

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, refuses to perform service in the armed forces. This can include refusal to participate in a particular war because one disagrees with its aims or the manner in which it is being waged, even if one does not oppose taking part in all wars.

Wherever such a person is detained or imprisoned solely for actions taken in consequence of these beliefs, Amnesty International considers that person to be a prisoner of conscience. Conscientious objectors are 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, or if it was in practice impossible for them to do so.

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.

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

- urging the authorities to cease any removal or deportation proceedings against Dean Walcott;
- pointing out that US law recognizes the right to conscientious objection only on grounds of opposition to war in any form, and Dean Walcott was unable to apply for conscientious objector status because his objection was solely to the armed conflict in Iraq;
- stating that Amnesty International would consider Dean Walcott a prisoner of conscience if he were imprisoned on his return to the USA.

APPEALS TO:

The Right Honourable Stephen Harper
Prime Minister of Canada
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Fax: +1 613 941 6900
Email: Harper.S@parl.gc.ca
pm@pm.gc.ca
Salutation: Dear Prime Minister

The Honourable Jason Kenney PC MP,
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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 06 March 2009.