

Canada to deport another Iraq war resister to the US

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The Canada Border Service Agency last week ordered Jeremy Hinzman, the first US soldier to refuse to serve in Iraq and apply for political refugee status in Canada, to be deported back to the US. The ruling was handed down one month after Robin Long became the first US war resister to be deported from Canada. Long is now being held at a county jail in Fort Carson, Colorado and will be tried by court martial in early September.

Hinzman, 29, has a wife and two small children, the youngest just 3 months old. They have all been ordered to leave Canada by September 23.

Hinzman was handed a deportation order after a Citizenship and Immigration officer decided his application, filed under the pre-removal risk assessment program, didn't qualify. The program evaluates the risk a claimant will face if he or she is sent back to the country of origin. Hinzman's final appeal of the rejection of his application for refugee status had previously been denied.

It was deemed that the US had a fair justice system and Hinzman's First Amendment right to free speech was protected. Citizenship and Immigration also judged that President Bush's "no child left behind" program assured that his son would be able to get a good education.

Upon returning to the US, Hinzman will likely be detained and face court martial and a similar fate to that of Robin Long, which could include a five-year prison term for desertion. While his attorneys plan to appeal the deportation order, Hinzman is not hopeful. In an interview with the "Democracy Now" program, Hinzman said, "This turns our lives upside down."

Hinzman joined the US Army in early 2001, partly out of a sense of patriotism and adventure. However, he was primarily attracted by the promise of financial

support for a university education.

He says that more than a year after joining, he realized that he could not become a killer. He felt he could not dehumanize the people he was supposed to shoot. He applied for conscientious objector (CO) status in August 2002, but his command threw his application away. Hinzman subsequently reapplied while serving in Afghanistan, only to have his application turned down.

In Afghanistan, while his CO application was being processed, Hinzman played a non-combatant role as an assistant to Haliburton employees serving meals to soldiers. Upon denial of his application for CO status, Hinzman was ordered to return to active duty. When his unit returned to the US with the understanding that they would soon be sent to Iraq, Hinzman deserted, crossing the Canadian border in January 2004 with his wife and young son and claiming refugee status.

In December 2004, Canada's Immigration and Refugee Board (IRB) rejected his request for refugee status, stating that he did not fit the criteria. At that time, the Liberal government of Prime Minister Paul Martin intervened in the hearing to block discussion of the legality of the US invasion and occupation of Iraq.

The solicitor general argued that the legality of the war was beyond the purview of Canada's IRB. It was deemed that the International Court of Justice in The Hague was the only body with the authority and competence to hear arguments concerning the war's legality.

Hinzman argued that he should be granted refugee status as the Iraq war had been condemned by the international community, and the Bush administration had lied about Saddam Hussein's regime having weapons of mass destruction and ties to Al Qaeda. However, the IRB argued that this was irrelevant to a

refugee claim. Major Canadian newspapers such as the *Globe and Mail* and the *National Post* editorialized that Hinzman was a “deserter,” not a “refugee.”

In November 2007, the Supreme Court of Canada refused to hear a case involving Hinzman and another resister, Brandon Hughey. The Court gave no reason for its refusal. Prior to this, following Hinzman’s initial appeal for refugee status, the Federal Court and the Federal Court of Appeal had also refused to review the case.

While the Canadian government chose not to be involved in the Iraq war directly, these actions are symbolic of complicity in the form of political support for the US occupation. Canada is actively involved in the war in Afghanistan, where 90 Canadian troops have been killed in combat since deployment in 2002. Support for the deportation of US soldiers who are seeking refuge contrasts with Canadian policy during the Vietnam War, when more than 50,000 Americans who fled the draft or service in the military found refuge in Canada.

Like the Martin Liberal government before it, the current Conservative government of Prime Minister Stephen Harper does not wish to antagonize the US by repeating Canada’s past as a destination of asylum for US soldiers. This position is in keeping with the Canadian ruling elite’s refusal to question the legality of the Iraq war, and its more general assault on the rights of asylum seekers.

This posture conflicts with the fourth Nuremburg principle, which holds that all persons are obliged, if there is any possibility of doing so, to defy government and military orders violating international law. It also defies the position of United Nations High Commission on Refugees, which holds that a deserter can be deemed a refugee if the military action is condemned by the international community as being in violation of elementary human principles.

The actions of the Canadian government stand in stark contrast to the sentiments of most Canadians, as revealed by a poll published in July which found that two-thirds support giving defecting US soldiers permanent resident status.

In June, the opposition parties in Canada attempted to appease popular sentiment on the Iraq war and broad opposition to Canada’s involvement in Afghanistan by passing a non-binding resolution to freeze the

deportation of conscientious objectors. As it is non-binding, the minority Harper government is not committed to act on the resolution, leaving it as a “symbolic” gesture that does nothing to prevent the deportation of Hinzman and his family.

Michelle Robidoux, a spokesperson for the Toronto-based War Resisters Support Campaign, said, “This sends a chilling message to those going through the same process.” She continued, “It’s creating a wave of stress among everybody. If Jeremy Hinzman, who has a wife and kids, can be kicked out, what about the single guys who have been here for a shorter period of time?”



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