

AMNESTY INTERNATIONAL

Media Briefing

AI Index: AMR 51/075/2005 (Public)
News Service No: 125
13 May 2005

USA: Jeremy Hinzman – Conscientious objector seeking refuge in Canada

Amnesty International considers Mr. Jeremy Hinzman to have a genuine conscientious objection to serving as a combatant in the US forces in Iraq. Amnesty International further considers that he took reasonable steps to register his conscientious objection through seeking non-combatant status in 2002, an application which was rejected. Accordingly, should he be imprisoned upon his return to the United States, Amnesty International would consider him to be a prisoner of conscience.

Mr. Hinzman enlisted in the United States military on November, 27 2000 and during his course of training and service 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. A few months later he submitted a second application as no action had been taken on the original one. While this was pending, he was deployed to Afghanistan where he had a hearing on his application for non-combatative status in April 2003. His application was refused on the basis of a statement he made under questioning that, 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.

In December 2003, when he was back in the US, Mr Hinzman received notice of his unit's deployment to Iraq and decided to leave the military without leave as he considered that his participation in the war in Iraq would be a violation of his conscience, religious principles, and international law. In early January 2004, he went to Canada together with his family where he submitted an inland refugee claims on January 22, 2004. The Canadian Immigration and Refugee Board denied Mr Hinzman asylum in March 2005.

Amnesty International is of the view that the right to refuse to perform military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as recognised in Article 18 of the Universal Declaration of Human Rights (UDHR) and Article 18 of the International Covenant on Civil and Political Rights (ICCPR). In its general comment No. 22 on article 18 of the ICCPR, the Human Rights Committee of the United Nations has reaffirmed that the right to conscientious objection to military service is a legitimate exercise of the right to freedom of thought, conscience and religion.

Amnesty International considers a conscientious objector to be any person who, for reasons of conscience or profound conviction, refuses either 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. It is thus the view of Amnesty International that conscientious objectors can adopt selective forms of objection which should be used not to undermine the conscientious nature of their objection.

Amnesty International considers a person to be a prisoner of conscience when s/he is detained or imprisoned solely because s/he has been denied or refused his/her right to register an objection or to perform alternative service. S/he would also be prisoners of conscience if s/he is imprisoned for leaving the armed forces without authorization for reasons of conscience, if s/he has taken reasonable steps to secure release from military obligations.

Following this Amnesty International opposes the forcible return of a rejected asylum seeker if s/he is a conscientious objector and upon return would risk becoming a prisoner of conscience or would risk other serious human rights violations for reasons of his/her conscience.

Amnesty International considers that the circumstances and evidence presented in the case of Mr Hinzman strongly indicates that he is a conscientious objector. Several factors form the basis for this conclusion: he has comprehensively described the process during which he gradually came to the conclusion that he could not participate in offensive military operations as it would be contrary to his beliefs, a process manifested through his formal application for conscientious objector non-combatant status, his deployment in Afghanistan on non-combatant duties before his claim was rejected and his consistent assertion that he believes the war in Iraq to be contrary to international law and waged on false pretences, that the use of force is immoral and counterproductive and that he is not willing to kill or be killed in the service of ideology and economic gain. The US authorities' rejection of his earlier application for conscientious objector non-combatant status, and the limited grounds on which such status can be sought under US regulations, make it reasonable to believe that had he submitted another application specifically focusing on his objection to the war in Iraq it is likely to have been rejected..

Mr Hinzman has argued that if he is returned to the USA he would risk imprisonment for having left the army without authorization – an action he took because of his conscientious objection. Amnesty International considers that there is a significant risk that he would be imprisoned for 1 to 5 years for having left the armed forces without authorization, despite the fact that he had taken reasonable steps to obtain exemption from combatant duties on the grounds of his conscientious objection. If he is forcibly returned and imprisoned, Amnesty International would adopt him as a prisoner of conscience.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>