

PUBLIC

AI Index: AMR 20/009/2008
24 October 2008

UA 298/08 Possible prisoner of conscience

CANADA **Matthew Lowell (m) 24, conscientious objector**

On 28 October, the Canadian authorities are scheduled to deport US serviceman Matthew Lowell to the USA. He fled to Canada in October 2004 because of his conscientious objection to the war in Iraq and his objection to serving in the United States army. If deported to the USA, he risks being court-martialled and imprisoned for between one and five years and would therefore be a prisoner of conscience.

Matthew Lowell enrolled in the US army in April 2002, when he was 17 years old and still in high school. He joined his military unit several months later, when he was 18 years old.

In his affidavit, submitted to the Canadian authorities as part of an application for a stay of removal, Matthew Lowell explained that he had concerns about the legality of the war in Iraq following the US invasion. As he developed further objections to the war he reported his concern to his superiors and tried to gain a discharge from the army; at that time his unit had not been ordered to deploy to Iraq. As he could not obtain a discharge nor apply for conscientious objector status, he went 'absent without leave' (AWOL) in October 2003. In discussions with his family he was persuaded to return to his unit, where he was informed that he would be discharged and in the meantime assigned to non-combat duty.

His discharge was however cancelled and shortly after his unit was ordered to deploy to Iraq. As he still did not want to participate in the war nor serve in the US army he again went AWOL in October 2004. He was arrested at his grand-mother's home in September 2005 and sent back to his former unit.

Matthew Lowell said that when returned to his unit he was subjected to verbal and physical abuse by his superiors and fellow soldiers. He again went AWOL and fled to Canada in November 2005. He applied for refugee status but was rejected in December 2006. Other applications for him to be allowed to remain in Canada on various humanitarian grounds are still pending even though he is scheduled to be deported on 28 October.

US law only recognizes the right to conscientious objection on grounds of 'opposition to war in any form'. Matthew Lowell would not qualify, because his objection is specifically to the war in Iraq. Other US soldiers with similar objections, who have sought to register their conscientious objection and apply for non-combatant status, have been turned down.

While in Canada, Matthew Lowell has spoken out publicly about his objection to the war in Iraq. In two other conscientious objector cases, one of the grounds on which the Federal Court of Canada had granted a stay of removal was the apparent harsher treatment to some individuals who have publicly expressed their objection to the war.

BACKGROUND INFORMATION

Amnesty International believes the right to refuse to perform military service for reasons of conscience is inherent to 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 any objector to be a prisoner of conscience if they are imprisoned as a result of having been denied or refused the right to register their conscientious objection or to obtain release on conscientious grounds from their military obligations. This includes such individuals imprisoned for leaving the armed forces without authorization, if they have taken reasonable steps to obtain release from their 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.

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 which may have been commenced against Matthew Lowell;
- pointing out that US law recognizes the right to conscientious objection only on grounds of opposition to war in any form, and Matthew Lowell would have been unable to apply for conscientious objector status because his objection was specifically to the war in Iraq;
- explaining that, according to his affidavit, before he went absent without leave, Matthew Lowell tried to obtain a discharge from his military obligations,
- stating that if Matthew Lowell were imprisoned on his return to the USA he would be a prisoner of conscience.
- expressing concern that if returned to his former unit Matthew Lowell may be subjected to further verbal and physical abuse by his superiors and fellow soldiers.

APPEALS TO:

The Right Honorable Stephen Harper
Prime Minister of Canada
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Salutation: Dear Prime Minister

The Honourable Diane Finley, P.C., M.P.
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COPIES TO: diplomatic representatives of Canada accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.