

U.S. SOLDIER DENIED ASYLUM IN CANADA; OTHER WAR DESERTERS FEAR RETURN TO U.S.

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Body

A **U.S.** Army paratrooper who fled to **Canada** to avoid serving in Iraq was **denied** political **asylum** Thursday, dealing a blow to other **deserters** here who argue such duty would force them to commit atrocities against civilians.

An immigration board ruled that Jeremy Hinzman had not convinced its members he would face persecution or cruel and unusual punishment if **returned** to the **United States**.

Seven other **U.S.** military personnel have applied for refugee status, and Hinzman's attorney estimated dozens more are in hiding in **Canada**, waiting to see how the government will rule. The attorney, Jeffry House, said Hinzman would appeal the ruling.

"He is disappointed," House told CBC TV.

Immigration and Refugee Board member Brian Goodman, who wrote the ruling, said Hinzman might face some employment and social discrimination. But "the treatment does not amount to a violation of a fundamental human right, and the harm is not serious," he wrote.

Canada opposed the **U.S.**-led invasion of Iraq, and the decision could help ease strained relations between the two governments.

Hinzman could face charges of desertion if sent home and would face up to five years in prison. He and seven other **U.S.** military **deserters** are being represented by House, a Wisconsin native who came to **Canada** in 1970 to avoid the draft during the Vietnam **War**.

The Pentagon has urged the **deserters** to **return** to the **United States** and take up their concerns at their respective military bases.

"We are an Army serving a nation at **war**," the Army said in a statement after Thursday's ruling. "Each of us volunteered to serve, and the vast majority serve honorably. AWOL and desertion are crimes that go against Army values, degrade unit readiness and, in a time of **war**, may put the lives of other **soldiers** at risk."

Hinzman, 26, lives with his wife and young son in Toronto, where Quakers and the **War** Resisters coalition of anti-**war** groups have taken on his cause and provided some shelter. Coalition supporters planned to demonstrate Thursday in front of the **U.S.** Consulate in Toronto.

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Hinzman fled Fort Bragg, N.C., in January 2004, weeks before his 82nd Airborne Division was due to go to Iraq. He had served three years in the Army, but had applied for conscientious objector status before his unit was sent to Afghanistan in 2002.

Hinzman argued to the Immigration and Refugee Board in December that he would have had to take part in war crimes if he went to Iraq, saying the war there is illegal. He said he would be persecuted if forced to return to the United States.

Hinzman also testified he had been willing to fulfill his full four-year obligation to the Army, but not to participate in combat.

Hinzman's attorney estimated that as many as 100 American war resisters are hiding in Canada, waiting to see how Hinzman's case plays out before coming forward. He said 30,000 to 50,000 Americans fled to Canada during the Vietnam War and were allowed to settle here, but Hinzman would have become the first U.S. soldier to be granted political asylum in Canada.

Pfc. Joshua Key, 26, of Oklahoma City is the latest war resister to flee to Toronto, arriving two weeks ago with his wife and four children.

Notes

AMERICA IN IRAQ

Graphic

Photo;

PHOTO: JIM ROSS -- GLOBE AND MAIL ARCHIVES

Canada denied asylum Thursday to U.S. soldier Jeremy Hinzman, shown in Toronto in December.

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