

How Canada Can Help Force Bush Out of Iraq

by Naomi Klein
Nov/30/04

Jeremy Hinzman tells me that he's thinking about going to Ottawa to join today's protests against George W. Bush. But if he does, he won't be giving any fiery speeches. "It's not a good time for that," he observes.

That's wise. Next week, the 25-year-old will appear before Canada's Immigration and Refugee Board. He will argue that as a soldier with the 82nd Airborne Division who refused to fight in Iraq, he should be granted refugee status in Canada. Hinzman's lawyer, Jeffry House, had planned to hinge the case on the argument that the war itself was illegal because it lacked UN approval. They had an army of experts lined up, but last week they got the bad news: the Canadian government had intervened and the board ruled that the legality of the war is "irrelevant" to the case.

Now House will argue that Hinzman is a political refugee because he is refusing to fight in a war in which violations of international law are systemic, from torture in Abu Ghraib to attacks on civilians areas. Testifying on Hinzman's behalf will be former Marine Sgt. Jimmy Massey, who served in Iraq during the initial invasion. Massey will tell the hearing that as his battalion moved into Baghdad, every civilian vehicle was treated as an enemy target. If cars didn't stop at U.S. checkpoints, "we were lighting them up...discharging our weapons, 50 cal's and M-16's into the civilian vehicles." In May, Massey told the U.S. radio and television show "Democracy Now!" that the Marines would search the cars they had attacked but "we would find no weapons...I would say my platoon alone killed 30-plus innocent civilians." Massey also recalled firing into a demonstration near the Baghdad International Airport and then realizing that, "Oh, my God—we just opened up on a group of peaceful demonstrators." He insists that these were not isolated accidents, but rather that the war "violated every rule of the Geneva Convention that I have been taught."

Every week, more facts emerge to support Hinzman's case. On November 13, during the siege on Fallujah, the New York Times reported that U.S. forces were sending all "fighting age" men back into the besieged city, even if they were unarmed and tested negative for explosives residue. James Ross, senior legal adviser to Human Rights Watch told The Times that, "If that's what happened, it would be a war crime." The next day, The Washington Post quoted Marine Sgt Aristotel Barbosa saying that, "basically, every house [in Fallujah] has a hole through it." Every man is the enemy and every house is a target—that is the meaning of collective punishment and it is barred under the Geneva Conventions.

But since the U.S. government has excluded itself from the International Criminal Court, these crimes may never be tried. Which is what makes Jeremy Hinzman's case so important: he is going to put the Bush Administration on trial for war crimes. If he wins, no one will go jail, but there will be consequences. And that's what is making the Canadian government so nervous. Our position on the war in Iraq has hardly been crusading. We "sat it out" as if the war's illegality made it optional—but not odious. And we tried to help out wherever we could: by sending troops to Afghanistan and Haiti, corporations to Iraq, and police trainers to Jordan. And now many are trying to have it both ways again: it's fine to criticize Bush, we are told—just after he leaves, when no one is listening.

It's fatigue with this kind of moral duplicity that is drawing many of us into the streets of Ottawa today and tomorrow: not just to protest Bush but to demand that Canada live up to its rhetoric as a genuine alternative, rather than a second-class citizen in Fortress North America. Up until now, we have justified our weak positions by telling ourselves that nobody expects strength from us. While countries like France and Germany strut about the world

stage like the empires they once were, Canada tends to deflate its own importance, denying the very real power we do have.

Jeremy Hinzman's hearing is a case in point. Already U.S. and British troops are spread so thin that one infantry battalion recently had to be diverted from Mosul to Fallujah then back to Mosul again. Senator John McCain has called for 40,000-50,000 more troops and the coalition is hemorrhaging members, with Hungary, Poland and the Netherlands recently announcing plans to withdraw.

And if Hinzman is granted refugee status, it could well be the last straw, opening the floodgates to other U.S. soldiers who don't want to fight. During the Vietnam War, 50,000 draft-age Americans came to Canada; a fraction of that could break the back of the war. If Canada once again became a haven for war resisters, it would mean that we were not just quietly opting out of the illegal and immoral war in Iraq. We would be helping to end it.