

## Can Canada really arrest Dubya?

Amnesty International's call for Canada to arrest and either prosecute or extradite George W. Bush for war crimes

By [Global Research](#)

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*In this occasional feature, the National Post tells you everything you need to know about a complicated issue. Today, Sarah Boesveld unpacks Amnesty International's call Wednesday for Canadian authorities to arrest and either prosecute or extradite George W. Bush for war crimes:*

Q Why is Amnesty International calling for the former president's arrest? Why now?

A The group says Mr. Bush's visit to Surrey, B.C., next Friday to attend an economic summit is the perfect chance to nab him for events during the CIA's secret detention program between 2002 and 2009, which allegedly include "torture and other cruel, inhuman and degrading-treatment and enforced disappearances." Canada is "obligated" to act, said Susan Lee, Amnesty's Americas Director. "A failure by Canada to take action during his visit would violate the UN Convention against torture and demonstrate contempt for fundamental human rights." Greater urgency comes since the U.S. hasn't acknowledged the crimes, added Alex Neve, the secretary general of Amnesty International Canada. This is the first time Amnesty has been so specific in a call for a Canadian visit, he said. "George Bush is not a sitting president anymore ... He's also not coming for official UN meetings, he doesn't have any kind of diplomatic immunity." On Sept. 21, Amnesty submitted an "extensive legal brief" to the government, backed up by "thousands of pages" of documents.

Q Does Canada really have the power to arrest him?

A No. The International Criminal Court has no jurisdiction over Mr. Bush because the U.S. has not ratified it. Canada is a member, but authorities here can't legally detain him on the ICC's behalf, noted Peter Ferguson, a professor of American politics at the University of Western Ontario. Waterboarding, the interrogation technique that gives subjects the sensation of drowning, was not illegal when Mr. Bush authorized its use on prisoners, Prof. Ferguson said. Though President Barack Obama changed the policy, that doesn't mean Mr. Bush can be tried today. "In international law, there's a difference between being forced to act and able to act," said Dan Bousfield, an assistant professor of political science at Western. "We're not directly responsible, and as far as I know there's no outstanding warrant for his arrest abroad."

Q Would Canada actually arrest Mr. Bush, even if it could?

A "Politically it'd be suicide," said Prof. Ferguson. "A U.S. president is not going to sit in an [international] prison. It would be a military action. They'd go for a diplomatic response but

only for so long – 24 hours or less.” There’s no closer friend to the U.S. than Canada, said Alan Dowd, an Indianapolis-based fellow with the Fraser Institute who specializes in security issues. “Were it to happen, it would have a terrible, chilling effect on U.S.Canada cooperation.” A fresh Conservative majority government won’t help the cause, added Prof. Bousfield.

Q What does the government have to say about it?

A Amnesty International has yet to hear anything from the Canadian government, Mr. Neve said. Immigration and Citizenship Minister Jason Kenney leapt into the conversation Wednesday, saying in an emailed statement Amnesty International “cherry picks cases to publicize based on ideology. This kind of stunt helps explain why so many respected human rights advocates have abandoned Amnesty International.” Mr. Kenney, who has sparred with Amnesty before, questioned why it did not seek a court order barring Cuban leader Fidel Castro who, according to the group engaged in “arbitrary arrests, detention, and criminal prosecution,” as well as “unfair sentences, harassment and intimidation of critics,” and use of the death penalty for individuals “trying to flee the island,” Mr. Kenney said. A spokesperson for Justice Minister Rob Nicholson said the RCMP handles war crimes investigations.

Q What does all this say about Amnesty International?

A Some would say it has delegitimized it, although other prominent human rights organizations, such as Human Rights Watch and the New York-based Center for Constitutional Rights, have also called for an investigation into Mr. Bush. But there has been a growing chorus speaking out against Amnesty, loudly after the group came under fire in February 2010, for its relationship with former Guantanamo Bay detainee and jihadist Moazzam Begg. Salman Rushdie accused the group of “moral bankruptcy” and said it had done “incalculable damage” to its reputation. Author Christopher Hitchens pilloried the group’s “degeneration and politicization.” Since 9/11, Amnesty International has changed its mandate from one that primarily advocates for people imprisoned in undemocratic countries to one that takes on broader international human rights issues.

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