

Canada should bar or prosecute Bush: lawyer

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Foreign Affairs stays silent on upcoming Calgary visit

As George W. Bush's St. Patrick's Day visit to Calgary draws near, the federal government is facing pressure from activists and human rights lawyers to bar the former U.S. president from the country or prosecute him for war crimes and crimes against humanity once he steps on Canadian soil.

Bush is scheduled to speak at the Telus Convention Centre March 17, but Vancouver lawyer Gail Davidson says that because Bush has been "credibly accused" of supporting torture in Iraq and Guantanamo Bay, Cuba, Canada has a legal obligation to deny him entry under Canada's Immigration and Refugee Protection Act. The law says foreign nationals who have committed war crimes or crimes against humanity, including torture, are "inadmissible" to Canada.

"The test isn't whether the person's been convicted, but whether there's reasonable grounds to think that they have been involved," says Davidson, who's with Lawyers Against the War (LAW). "...It's now a matter of public record that Bush was in charge of setting up a regime of torture that spanned several parts of the globe and resulted in horrendous injuries and even death. Canada has a duty."

In February, Davidson sent a letter to Prime Minister Stephen Harper and other cabinet ministers asking the Canadian government to either bar Bush from Canada, prosecute him once he arrives, or have the federal attorney general consent to a private prosecution by LAW against the Texan. She hasn't received a response, and concedes she's fighting "an uphill battle" with "terrific challenges." Davidson laid torture charges against Bush during his visit to Vancouver in 2004, but a judge quashed them within days.

The federal government is keeping silent on the upcoming visit. "We have no comments to offer on the visit of Mr. George W. Bush to Calgary," said Foreign Affairs spokesperson Alain Cacchione in an e-mail to Fast Forward. When told about Davidson's letter, a spokesperson with the Canadian Border Services Agency said "we wouldn't comment on something like that."

Davidson is one of many voices around the world calling for Bush's prosecution. Earlier this year, Manfred Nowak, the UN's Special Rapporteur on Torture, said the U.S. has a "clear obligation" to prosecute Bush and former secretary of defence Donald Rumsfeld for authorizing torture — a violation of the UN Convention on Torture. "Obviously the highest authorities in the United States were aware of this," Nowak told a German TV station in January.

Joanne Mariner, terrorism and counterterrorism director for Human Rights Watch, says that while there's legally "all the reason in the world" to prosecute decision-makers in the Bush administration, "it's a different story" politically. "The Obama administration certainly has not given much in the way of encouraging signals for such a prosecution," says Mariner, who's based in New York. "Obama has consistently said that he wants to look forward." Mariner says that while a U.S. justice department investigation is unlikely, a congressional investigation is more probable — and "that could lead to recommendations for prosecution."

Mariner's not expecting a Canadian prosecution against Bush. "Obviously the Canadian government would have to be in favour of it, and that seems rather unlikely," she says.

Calgary activists, meanwhile, are organizing a number of events for the week of Bush's visit, culminating in a noontime rally outside the Telus Convention Centre during Bush's speech. "We want to give him the welcome that he deserves — which is we want him to go back to the States, or we want him arrested," says organizer Collette Lemieux. Activist Julie Hrdlicka, who visited Iraq twice during the American occupation, agrees. "We need to send a clear message to him that he's not welcome," she says.

Lemieux is hopeful that Bush will eventually be prosecuted. "Do I think that it's going to happen very soon? No," she says. "But I think that it's very important that we keep the pressure up.... We have to make it clear that there's accountability."

The Plaza Theatre, meanwhile, is screening three Bush-themed documentaries for a "Bush Bash Film Fest" the night of the visit. Half the box office proceeds will go to the United Way.

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