

Canada Should Release Meng Wanzhou—And Pursue an Independent Foreign Policy

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The current hearings on the extradition of Meng Wanzhou are a tangled web of legal arguments that obscure a simple truth: the Canadian government is enabling a witch hunt on the part of a right-wing Trump administration against a Chinese capitalist rival—the telecommunications giant, Huawei.

This is putting Canada in the crosshairs of the US and China, aligning us closer than ever to wayward American foreign policy, and jeopardizing the safety and security of all.

We are adding our voices to the growing campaign to demand an end to the extradition process and release Meng.

Why?

For those who have not followed the case, Meng Wanzhou is the Huawei executive who was [arrested](#) at the Vancouver airport on December 1, 2018 in response to an extradition request from the US charging her with fraud for violating sanctions against Iran.

From the outset the case seemed far-fetched and part of the Trump administration's anti-China campaign, and we hesitated to speak out. Meng is a rich and powerful figure, vice-chair of one of the largest corporations in the world, engaged in a tit-for-tat battle with US corporations. Why get involved?

Meng also owns luxury properties in Vancouver, an emblematic target for those who indiscriminately blame "the Chinese" for the city's housing crisis, setting the stage for the [Sinophobic racism](#) associated with the COVID-19 pandemic.

Then the Chinese government [arrested Michael Spavor and Michael Kovrig](#) on charges of allegedly "endangering state security." Suddenly, we entered into an 'us vs. them' scenario, and a destructive discourse on hostage taking.

As anti-war and social justice activists who have built long-term friendships with people in China, we refuse to be caught in the crosshairs of those who would recklessly demonize an emerging economic superpower.

The growing chorus of voices demanding the release of Meng has prompted us to take a closer look at what's been going on, particularly in the extradition hearings currently taking place in the BC Supreme Court.

And we don't like what we see.

The US charges seem hardly supportable given that Canada does not have sanctions against Iran and the alleged crimes took place in Hong Kong, not in Canada or the US.

So how did we get here?

Canada's Justice Holmes and the Iran sanctions

In 2015, the Obama administration waived any sanctions aimed at Iran as part of an [international agreement](#) that saw Iran limit its nuclear development program in exchange for the withdrawal of sanctions. However, when Trump assumed power, he unilaterally withdrew from the deal and re-imposed sanctions against Iran to the astonishment of most countries and the United Nations.

The Canadian government did not follow Trump's lead and has not imposed sanctions against Iran. The decision to arrest Meng and subject her to the extradition hearings now taking place should have been a non-starter since the allegation, breaking US sanctions, is not a crime in Canada.

Meng's lawyers have argued exactly that. In response, the judge in the extradition hearings, [Associate Chief Justice Heather Holmes](#), has shifted the focus of the deliberations away from Iran. In a ruling on the importance of Canada not having sanctions ([United States v. Meng, BCSC 2020, 785](#)), Justice Holmes came to the curious conclusion that, though she recognized that US sanction laws are not part of Canadian law, "they are also not fundamentally contrary to Canadian values as in the way that slavery laws would be, for example."

Justice Holmes' historical reference to slavery laws as the bottom line in Canadian values is breathtaking. It sets a bar so low that it belittles the long history of struggle for justice in this country, not to mention the fight for an independent Canadian foreign policy.

In a [letter](#) beseeching the Canadian government to release Meng, 17 prominent Canadians including former justice minister Alan Rock, former foreign minister Lloyd Axworthy, and former NDP leader Ed Broadbent stated that releasing Meng would not be the first time that Canada has parted ways with the US, "including on much more momentous issues, such as refusing to join in their invasion of Iraq."

Having participated in 2003 with hundreds of thousands of other people across Canada and in Quebec in demonstrations against the proposed invasion of Iraq, we agree that it was a momentous occasion, one that reflects how Canadians value their independence despite the country being allied with the US. The failure of Justice Holmes to recognize that Canadian non-participation in sanctions against Iran is—like our refusal to join in the invasion of Iraq—an integral part of Canadian values is distressing.

An illegal interrogation and arrest?

Upon accepting the US extradition request, Canada's Department of Justice and the RCMP obtained a warrant for the "immediate arrest" of Meng for December 1, 2018 when she was scheduled to pass through Vancouver on her way to Mexico.

But instead of arresting Meng, Canadian Border Service Agency (CBSA) officers detained and interrogated her for over two hours, telling her the scrutiny was necessary to enter

Canada—even though Meng was en route to Mexico.

Knowing that Meng would soon be arrested but failing to disclose this to her, CBSA agents seized her goods including her phones. When asked to surrender the pass codes for the devices she did so, but only after being assured it was part of immigration procedure.

A CBSA officer then wrote the pass codes in his notebook and on a separate piece of paper that was then inserted with the telephones in a designated bag. An RCMP officer's notes from that day indicate that the seizure and placement in mylar bags was "[as per FBI request](#)."

After detaining and grilling Meng for two hours, the CBSA suspended their interrogation, led Meng to another room, and RCMP officers arrested her. They read Meng her rights and took her to jail. The CBSA then handed the phones and passcodes over to the RCMP.

According to the notes of an RCMP officer introduced as evidence, another officer, Brett Chang subsequently [emailed the serial numbers of the devices](#), SIM cards and international mobile identity numbers to the FBI. Chang initially denied that he had done this but now, after seeking legal advice, he is refusing to testify in court.

There is more. CBSA officers admitted that they, together with RCMP officers, schemed to delay the arrest and oblige her to go through immigration screening, supposedly because the CBSA [had its own suspicions](#) that Meng represented a "national security" risk.

Meng had entered the country 52 times without a problem yet somehow, on this particular trip with the RCMP waiting with an arrest warrant in their pocket, the CBSA suddenly discovered Meng was a national security risk?

The CBSA admitted in court that not "[one iota](#)" of evidence of her being a national security risk was found during their screening. And now Scott Kirkland, the CBSA agent has admitted that handing over Meng's personal security codes to the RCMP was improper, that it was "[heart-wrenching to realize I made that mistake](#)."

The hearings reveal a judiciary obliged to denigrate Canadian law, and law enforcement agencies bending the rules, if not breaking them, to find evidence for a Trump administration that, even now on its way out, is [seriously considering bombing Iran](#) according to the *New York Times*. This has shades of Iraq in 2003 when the US, without sanction from the UN, invaded that country because the Bush administration believed Saddam Hussein had weapons of mass destruction. As we now know, there were no such weapons, and US intelligence had made it up.

50 years ago, Justin Trudeau's father was prime minister and he had the foresight to open diplomatic relations with China. He believed in keeping US foreign policy at arm's length. As China's power in the world grows, Pierre Trudeau's approach is all the more relevant as the US government strives to do what George Bush did prior to the invasion of Iraq—bypass the UN and divide the world into "coalition of the willing" against an "axis of evil."

Canadians rejected that approach then and we should do the same today. Justin Trudeau, however, does not seem to get that. That is why Canadian protests surrounding the Meng affair are growing.

Protests growing

Nearly a year ago, former prime minister Jean Chrétien called for an end to the Meng extradition to facilitate the release of Kovrig and Spavor. Now, many others are doing the same.

Vina Nadjibulla, the spouse of Michael Kovrig, took matters into her own hands this summer and [called for the release of Meng](#). She, with former minister of justice Rock and former supreme court justice Louise Arbour, [commissioned a legal opinion](#) by Edward Greenspan that details how Canada's minister of justice would be fully within his legal rights to intervene at any time to release Meng.

"The Minister of Justice, acting in that capacity, should immediately accept the responsibility under the Extradition Act and exercise the authority he has under that statute to end the Meng extradition proceeding," states the letter signed by Rock, Arbour as well as a 17 others including Broadbent and Axworthy.

In July, the Green Party of Canada [echoed the sentiments of that letter](#). Their parliamentary leader, Elizabeth May, argued that the US has abused Canada's friendship, trust and the extradition treaty. "It's time for the Canadian government to stand up to the US administration and demand that it drop the criminal charges and extradition request against Meng so that we can release her," she stated in a press release.

A month later, the *Globe and Mail* [reported](#) that over 100 former Canadian diplomats had also called on Trudeau to stop extradition proceedings against Meng, allow her to return to China, and arrange a swap for Kovrig and Spavor.

Professor Charles Burton, considered a hawk on China, complained that he was not contacted to sign the letter even though he did a stint at Canada's embassy in Beijing. He [argues](#) that to end the extradition would embolden China.

This view is contested by others such as professor emerita Wendy Dobson, one of the 19 signatories to the letter to Justin Trudeau and author of [Living with China: A Middle Power Finds Its Way](#).

Now, MP Niki Ashton has [sponsored a parliamentary petition](#) calling for Meng's release. A national day of action to back up the demand is planned for December 1.

With Trump on his way out, there is no time like the present to break the impasse by ending the extradition hearings and releasing Meng. This does not in any way imply aligning ourselves with the Chinese government. It is a message that we will not be bullied—full stop.

To do otherwise is to allow the world to be cleaved into hostile camps and to court disaster in the face of the two global crises of our time: the COVID-19 pandemic and the climate emergency.

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