

# Canadian Government blocks Torture Charges against Bush

By [Michael Mandel](#) and [Gail Davidson](#)

Global Research, December 13, 2004

Lawyers against the War (LAW) 6 December 2004

Region: [Canada](#)

Theme: [Crimes against Humanity](#)

In-depth Report: [Prosecute Bush/Cheney](#)

## December 6th 2004

The Canadian government used a claim of diplomatic immunity Monday to block torture charges laid under the Canadian Criminal Code against President George W. Bush. The charges had been laid by Gail Davidson of LAW on the occasion of Bush's visit to Canada on November 30. They concerned the well-known abuses at Abu Ghraib prison, photos of which shocked the world earlier this year, as well as similar abuses at Guantánamo Bay that have emerged more recently. On behalf of LAW, Davidson was seeking to fix a date for a hearing into the charges and came armed with evidence, but Judge William Kitchen acceded to the Attorney General's objections and declared the charges 'a nullity'.

"Of course, they're not a nullity", said Professor Michael Mandel, co-chair of LAW, who criticized the decision as "irregular in procedure and wrong in substance."

*"These charges were properly laid and backed up by powerful evidence. The government didn't deny that evidence because it couldn't deny it. Diplomatic immunity is purely procedural. It doesn't affect the validity of the charges, only whether they can be proceeded with, for the time being, in a foreign court, in this case a Canadian court. Even if Bush has immunity, it's only temporary and it won't shield him or anyone in his administration from Canadian law, or any other law, when they leave office. That the Canadian government would try to hush this up by hiding Bush behind diplomatic immunity was only to be expected. Paul Martin invited Bush here to ingratiate himself with the President, despite the President's crimes against our laws and against international law, despite even his inadmissibility as a war criminal under Canada's immigration laws - above all, despite the unending human disaster the President's 'war of choice' has brought to the people of Iraq."*

Vancouver lawyer Gail Davidson, who laid the charges, said

*"We have a lot of objections to the way these charges were handled. We can't see the legal basis for sealing the courtroom and excluding the press and the public. We think the claim of immunity was premature and exaggerated, and the quashing of the charges not authorized by the law. We are considering our options, including an appeal of the decision. One thing we will do for sure is to pursue similar charges in Germany as part of the prosecution launched there by the American Center for Constitutional Rights. There is good reason to believe that the German authorities will show more backbone than the government of Canada in the face of the Bush administration's trashing of international human rights law."*

**Contacts Michael Mandel, Professor, Osgoode Hall Law School, York University, 4700 Keele Street, Toronto, Ontario, M3J 1P3. Tel: 416 736-5039, Fax: 416-736-5736, Email: [MMandel@osgoode.yorku.ca](mailto:MMandel@osgoode.yorku.ca)**

**Gail Davidson, Tel: 604 738 0338; Fax: 604 736 1175, Email: [law@portal.ca](mailto:law@portal.ca)**

The original source of this article is Lawyers against the War (LAW)  
Copyright © [Michael Mandel](#) and [Gail Davidson](#), Lawyers against the War (LAW), 2004

---

**[Comment on Global Research Articles on our Facebook page](#)**

**[Become a Member of Global Research](#)**

Articles by: [Michael Mandel](#)  
and [Gail Davidson](#)

**Disclaimer:** The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)  
[www.globalresearch.ca](http://www.globalresearch.ca) contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)