

# Canadian Government Rocked by Accusations of Abuse, Torture of Afghan Prisoners

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The Canadian government's war effort in Afghanistan has been shaken by new accusations that Afghans detained by Canadian forces were tortured and abused.

The charges were made by Richard Colvin, a highly placed diplomat in the Canadian embassy in Kabul during 2005-07, the years when Canada escalated its military role in Afghanistan.

Colvin testified on November 18 before the Canadian Parliament's Standing Committee on National Defense that he had sent more than 15 reports to his political superiors and the military high command warning that Canadian forces were complicit in the abuse and torture of Afghans it had detained. He said the practice of handing detainees over to Afghan authorities and then turning a blind eye to their treatment not only violated international law, but would also do incalculable damage to Canada's role in the Afghan war and its reputation among the Afghan people.

"Instead of winning hearts and minds, we caused Kandaharis to fear foreigners," he said. "Canada's detainee practices alienated us from the population and strengthened the insurgency."

Colvin told the committee that virtually all of the scores of Afghans detained by Canadians from 2005-07 were ending up in torture dungeons. Many were not even connected to fighters resisting the foreign military occupation.

"Many were just local people - farmers, truck drivers, tailors, peasants - random human beings in the wrong place at the wrong time. In other words, we detained and handed over for severe torture a lot of innocent people."

His account echoes concerns expressed at the time by Human Rights Watch, the Independent Afghanistan Human Rights Commission, and others. Even the U.S. State Department in 2006 described continuing evidence of "torture, extrajudicial killings, poor prison conditions, official impunity, prolonged pretrial detention" and other human rights violations at Afghan prisons and detention centers.

Afghan Member of Parliament Malalai Joya confirms Colvin's account. During a speaking tour across Canada to promote her new book, *A Woman Among Warlords*, Joya told CBC news on November 24, "What he has been saying is what I've heard from my people."

She says that many of the victims are women and children, and many of those suffered

sexual assault. "It's not new for our people."

#### Denial and cover-up

Torture allegations against Canadian forces first surfaced in early 2007 in the national daily *Globe and Mail* and elsewhere. At the time, the Canadian government and military denied the accusations, but local and international human rights organizations confirmed them. Even the International Committee of the Red Cross, always reluctant to enter into political controversy, denied Ottawa's claim that Red Cross officials were watching over the conditions of prisoners and could protect them from abuse.

So the government tried a new tack: in May 2007 it announced a deal with Afghan authorities to prevent future torture and abuse, and promising to monitor prisoner treatment closely. (Of note, Canada's expressed concern about prisoner abuse only applied to detainees turned over by Canadian soldiers).

Colvin's testimony challenges the effectiveness of that deal. He says Canadian military record keeping was notoriously bad and that a regime of "internal censorship" was imposed on the diplomatic and military mission. Following the 2007 revelations, his superiors discouraged written correspondence as well as any public statements on the deteriorating political and military situation in Afghanistan.

#### Government, generals hit back

The response of the government and military to Colvin's testimony has deepened the crisis. In brief, their strategy has been to deny and attack. Defense Minister Peter MacKay, Prime Minister Stephen Harper, and other government representatives flooded Parliament and the press with the message that Colvin's testimony is unreliable and unsubstantiated.

Three of Canada's top generals who were in command in Afghanistan from 2005-07 also challenged Colvin's credibility when they appeared before the Standing Committee on November 25. Former chief of defense staff Rick Hillier called Colvin's accusations "ludicrous."

Hillier led the Canadian military when it expanded its military role in Afghanistan in November 2005, famously declaring that Canada's role would be to "kill detestable murderers and scumbags." In 2006, he described the mission: "We are the Canadian forces, and our job is to be able to kill people."

The general's testimony implicitly acknowledged Colvin's claim that innocent Afghans were being rounded up. He said it was near to impossible for Canadian troops to distinguish Afghans who are "farmers by day and Taliban by night."

#### Lawsuit challenges government

Colvin's testimony might never have taken place if not for a lawsuit initiated by Amnesty International Canada and the British Columbia Civil Liberties Association in February 2007. The suit argued that the Canadian Charter of Rights and Freedoms must apply to Canada's prisoner and detainee policy in Afghanistan.

Federal courts, including the Supreme Court of Canada in May, 2009, rejected the suit but

the courts did note that Canadian forces in Afghanistan are obliged to obey international law, including the Geneva Conventions on warfare.

The suit succeeded in exposing many documents pertaining to military and diplomatic operations.

The two litigants also initiated a formal complaint to the Military Police Complaints Commission. That process also has pried loose more information, but the government and military have successfully stalled the MPCC's work, including recently firing its head when his term expired.

There are now calls, including from the opposition New Democratic Party, for a public judicial inquiry into Colvin's revelations and other torture allegations. The government has resisted, citing concerns over "national security" and the confidentiality of information.

The government has also refused to give the Standing Committee such documentation as e-mail and written reports from Colvin that would corroborate or disprove his testimony and the government's and military's rebuttals.

A public inquiry?

The main opposition party in the Parliament, the Liberals, would probably find a public inquiry very uncomfortable and even damaging. After all, it was a Liberal Party government that led Canada into an escalation of the war in Afghanistan in November 2005, and its support for the war has not wavered since it was voted out of office in January 2006.

The Liberals' leader, Michael Ignatieff, not only supports the war in Afghanistan, but has also supported the U.S. invasion of Iraq and defended the use of torture against enemies of the U.S. empire.

In 2003 Ignatieff, then teaching at Harvard University, published *Empire Lite: Nation-Building in Bosnia, Kosovo and Afghanistan*, in which he argued that the United States was a "humanitarian empire" dedicated to human rights and democracy. The book provided intellectual justification for the Bush administration's use of torture and targeted assassination.

Canada's military and political leaders are also concerned. A public inquiry could expose them to charges of war crimes. Retired Lieutenant-General Michel Gauthier, who headed overseas deployment for the Canadian military in 2006 and 2007, voiced this concern when he told the Standing Committee on November 25:

"As we were sitting at home watching television, my wife and I were mortified to hear a member of this committee appear on a national news network, name me and three others by name, and state as fact that we had either been negligent or that we had lied - effectively branding us war criminals."

Two war crimes experts - Payan Akhavan, a professor of international law at McGill University and former prosecutor of the International Criminal Tribunal at the World Court in The Hague, and Errol Mendes, a professor of constitutional and international law at the University of Ottawa - told CBC Radio's *The Current* on November 24 that Canada's political and military leaders have good reason to be concerned.

There is a precedent for a public inquiry into the Afghanistan war, and it does not bode well for its success or utility. In 1993, the elite paratroop regiment of the Canadian military was accused of human rights atrocities in Somalia, including torture and summary execution of ordinary citizens. The regiment was ultimately disbanded. A public inquiry into its conduct, established in 1994, was summarily cancelled by Liberal Party Prime Minister Jean Chrétien in 1997.

One of the commissioners of that inquiry was Peter Desbarats, a former Dean of the School of Journalism at the University of Western Ontario. He wrote a book on his experience, *Somalia Cover-up: A Commissioner's Journal*.

Commenting on the Colvin revelations and fallout on *The Current* on November 20, Desbarats said, "We haven't learned anything from Somalia ... this is another Somalia-style cover-up."

Desbarats says he doesn't have a lot of confidence that a public inquiry will end up any differently than the one that he was part of, and pointed to the only appropriate solution to this political scandal: "We should get out of Afghanistan as soon as possible before it does some real damage to us."

That's also the view of Graeme Smith, a correspondent with the *Globe and Mail* and Canada's most experienced journalist in Afghanistan. Writing on the news website *The Mark* on November 12, he said:

"Making the country better doesn't necessarily require fighting the insurgents - in many cases, it requires working with them.

"Our soldiers have bravely followed orders in Kandahar. But they're being swept aside by a tidal wave of U.S. forces, and this surge is likely doomed to bring the same results as previous surges. Canada should withdraw its battle group, and push its allies toward peace talks."

Richard Colvin's testimony adds a layer of complication onto an Afghanistan situation that is already difficult for the Canadian government. Its U.S. ally is poised for a significant escalation of the war, including as many as 40,000 additional troops, and an expansion of the war into Pakistan.

The Harper government, meanwhile, is saddled with a 2008 parliamentary resolution, adopted for domestic political purposes, that calls for an end to Canada's military role in Kandahar by 2011, though it implicitly leaves open the possibility of military deployment to elsewhere in the country. The resolution also commits Canada to "a policy of greater transparency with respect to its policy on the taking of and transferring of detainees including a commitment to report on the results of reviews or inspections of Afghan prisons undertaken by Canadian officials." (For background, see [Escalation of Afghanistan War: Canada Faces a Fateful Decision](#) in *Socialist Voice*, November 17, 2009. )

The latest torture revelations will make it all the more difficult for the Conservative Party government, or a Liberal Party government that might replace it, to sell the Canadian public on any delay or reversal of the 2011 withdrawal commitment.

While a public inquiry into the latest revelations may expose more scandal, it is no

substitute for building a sustained antiwar movement that fights for an end to the interlocked wars in Afghanistan, Iraq, and Palestine. Only such a movement can end these reckless and predatory wars and help create the political conditions needed to end the regimes of permanent war that now rule in all the major capitalist countries of the world.

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