

Gag Order Lifted On Canadian Torture Charges Against Bush

By [Lawyers Against the War \(LAW\)](#)

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Lawyers Against the War (LAW) is claiming a victory in its battle to have George W. Bush face charges in Canada for torture.

The charges stem from the notorious cases of torture practiced by U.S. forces in Iraq, Afghanistan and Guantánamo Bay, Cuba. They were laid on the occasion of George W. Bush's controversial visit to Canada in November 2004. The charges were laid under sections of the Canadian Criminal Code enacted pursuant to the United Nations Torture Convention which requires extra-territorial jurisdiction to be exercised against officials, even Heads of State, who authorize or are otherwise responsible for torture.

On Monday, the Supreme Court of BC quashed an order banning publication of everything having to do with the charges imposed when they were first laid. In a secret hearing, held December 6th 2004 in B.C. Provincial Court, the charges against Bush were rejected on the basis of arguments by the Attorney General of British Columbia that the visiting president was shielded from prosecution by diplomatic immunity. A ban on publication of anything to do with the proceedings was also imposed.

The secrecy, the immunity claim and the ban are vigorously opposed by LAW, who appealed all aspects of the decision.

On Monday, Justice **Satanove** of the Supreme Court of British Columbia quashed the ban on publication after government lawyers failed to come up with any argument to defend it. The British Columbia Civil Liberties Association had intervened on the side of LAW against the ban.

"This is a very important victory", said Gail Davidson, who laid the charges and, along with Howard Rubin, argued the case for LAW, "because it ensures that the proceedings will be scrutinized by people in Canada and throughout the world, to make sure that the law is applied fairly and properly and, above all, to make sure that Bush doesn't get away with torture."

"The American legal system seems incapable of bringing him to justice and there are no international courts with jurisdiction. So it's up to Canada to enforce the law that everybody has signed on to but nobody else seems willing to apply."

The next hearing in the case will take place on November 25th 2005, at 10:00 a.m. at the B.C. Supreme Court, 800 Smithe Street, Vancouver, B.C., when government lawyers have

said they will argue that the case is no longer “moot” because the Attorney General of Canada has not yet consented to the prosecution. Toronto law professor Michael Mandel, co-chair of LAW, calls this argument “bogus”: “He’s still guilty of torture, he’s still on the loose and we still have our obligations under the UN Convention to bring torturers to justice.”

Contacts:

Michael Mandel, Tel: +1 416 736-5039; Fax: +1 416-736-5736; MMandel@osgoode.yorku.ca

Gail Davidson, Tel: +1 604 738 0338; Fax: 604 736 1175; law@portal.ca

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