

# Request that George W. Bush be barred from Canada

Evidence he has committed torture and other offences referred to in the Crimes against Humanity and War Crimes Act

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

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George W. Bush: request for law enforcement 1

Thursday, October 13, 2011

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Dear Superintendent Thibodaux;

**Re: George W. Bush Visit to Surrey BC Canada on October 20, 2011.**

George W. Bush is scheduled to visit Surrey BC Canada on or before October 20, 2011 as a guest of the Surrey Board of Trade and Mayor Diane Watts.

**Request that George W. Bush be barred from Canada**

We are writing to report that:

- George W. Bush, former president of the United States and Commander in Chief of the Armed Forces, is inadmissible to Canada under the Immigration and Refugee Protection Act (IRPA), section 35(1)(a) because of overwhelming evidence that he has committed, outside Canada, torture and other offences referred to in sections 4 to 7 of the Crimes against Humanity and War Crimes Act (CAHWC); and,

- George W. Bush is also inadmissible on security grounds for, “engaging in or instigating the subversion by force of [Iraq and Afghanistan] any government.” pursuant to s. 34(1) (b) of the IRPA; and,
- George W. Bush is inadmissible as a senior official of a government that engaged in, “systematic or gross human rights violations, or a war crime or a crime against humanity within the meaning of subsections 6(3) to (5) of the CAHWC. If there are reasonable grounds to believe a person has been complicit in any of these crimes, entry to Canada must be denied. Reasonable grounds, according to the Supreme Court of Canada are “something more than suspicion but less than...proof on the balance of probabilities.”

### **Request for Investigation of torture allegations**

We request that the RCMP War Crimes Section (RCMP/WCS) immediately take the following steps:

- begin an investigation of George W. Bush for aiding, abetting and counseling torture between November 13, 2001 and November 2008 at Guantánamo Bay prison in Cuba, Abu Grab prison in Iraq, Bigram prison in Afghanistan and other places; and,
- Advise the Prime Minister, Attorney General of Canada and Ministers of Immigration and Public Safety that the George W. Bush administration, “...engaged in torture and other war crimes and crimes against humanity,” and therefore G.W. Bush is also inadmissible under section 35(1) (b) of the IRPA.

Under sections 4 to 7 of the CAHWCA, “crimes against humanity” include murder, enforced disappearance, deportation, imprisonment, torture and imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, committed against any civilian population or any identifiable group. War crimes include willful killing, torture and inhuman treatment, unlawful confinement and willfully depriving a prisoner of war or other protected person of fair trial rights.

Overwhelming evidence of the involvement of George W. Bush and other members of the Bush administration in torture and other CAHWCA crimes is widely available. The allegations coupled with the supporting evidence have triggered the legal duty—if Mr. Bush enters Canada—to:

1. ensure that George W. Bush does not receive safe haven from prosecution for torture and other CAHWCA crimes in Canada; and,
2. ensure a thorough and transparent investigation of the allegations of torture and other CAHWCA crimes against George W. Bush; and,
3. ensure that George W. Bush is prosecuted for torture either in Canada, or extradited to a country willing and able to prosecute; and,
4. secure the presence of George W. Bush in Canada for the investigation and prosecution or extradition for prosecution as required by law.

Many have concluded that the responsibility of George W. Bush and the Bush Administration for torture and other criminal atrocities has already been conclusively established. Canada's duty to condemn, investigate, prosecute and punish torture and to take effective action to combat impunity for the atrocities committed by the Bush administration, is unavoidable.

Then U.N. General Assembly President Miguel d'Escoto Brockmann, on March 4, 2009 concluded,

"The illegality of the use of force against Iraq cannot be doubted as it runs contrary to the prohibition of the use of force in article 2(4) of the U.N. Charter. All pretended justifications notwithstanding, the [Bush Administration] aggressions against Iraq and Afghanistan and their occupations constitute atrocities that must be condemned and repudiated by all who believe in the rule of law in international relations.

"Reliable and independent experts estimate that over one million Iraqis have lost their lives as a direct result of the illegal invasion of their country. The various UN human rights monitors have prepared report after report documenting the unending litany of violations from crimes of war, rights of children and women, social rights, collective punishment and treatment of prisoners of war and illegal detention of civilians. These must be addressed to bring an end to the scandalous present impunity."1 (Emphasis added)

U. N. Special Rapporteur on human rights and counter-terrorism, Martin Scheinin, in February 2009 concluded, "...the United States has created a comprehensive system of extraordinary renditions, prolonged and secret detention, and practices that violate the prohibition against torture and other forms of ill-

George W. Bush: request for law enforcement treatment....States must not aid or assist in the commission of acts of torture, or recognize such practices as lawful, ...Under international human rights law, States are under a positive obligation to conduct independent investigations into alleged violations of the right to life, freedom from torture or other inhuman treatment, enforced disappearances or arbitrary detention, to bring to justice those responsible for such acts, and to provide reparations where they have participated in such violations."2 (Emphasis added)

Canada's international legal duties specifically prohibit treating the torture and CAHWCA crimes of which Bush stands accused, as legal: ignoring the IRPA and allowing Bush into, and then out of Canada, would be tantamount to treating torture as legal.

The RCMP have a common law and a statutory duty to investigate and prevent torture and other CAHWCA crimes.<sup>3</sup> In addition, the RCMP must carry out the mandate of the War Crimes Program to, "...ensure that the Government of Canada has properly addressed all allegations of war crimes..."

To do this, the RCMP must, "...with the support of DOJ [Department of Justice], investigating allegations involving reprehensible acts that could lead to a possible criminal prosecution."<sup>4</sup> The War Crimes Program was established specifically to meet the challenge of investigating crimes committed outside Canadian territory by foreign nationals. We are aware that because of the nature of CAHWC crimes, suspected perpetrators will often be high ranking

civilian and military officials and will include former heads of state. It goes without saying that the RCMP are duty bound to apply the law equally to such suspects.

Lawyers Against the War is ready to provide references to evidence of torture. We are confident that other organizations such as the Canadian Centre for International Justice, the Center for Constitutional Rights, Amnesty International/Canada, the European Center for Constitutional and Human Rights, Human Rights Watch and other individuals and organizations are also ready to assist by providing evidence and analyses of the applicable law.

### **Request for Information**

LAW seeks information to clarify questions about the procedures followed by Canadian officials to determine the admissibility to Canada of George W. Bush and other suspected war criminals or security risks. We reiterate our earlier request that the RCMP/WCS provide the following information:

1. What actions have been taken by the RCMP/WCS and other officials in response to reports by LAW<sup>5</sup> and others<sup>6</sup> that George W. Bush is inadmissible to Canada because of overwhelming evidence of his involvement in torture and other CAHWCA crimes?

2 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, A/HRC/10/3, 4 February 2009.

3 RCMP Act, R.S. 1985, c. R-10, s. 18 and Royal Canadian Mounted Police Regulations, 1988, SOR/88-361, s. 17. See also "[common law] recognizes the existence of a broad conventional or customary duty in the established constabulary as an arm of the State to protect the life, limb and property of the subject." *Shacht v. R.* [1973] 1 O.R. 221 at pp. 231-32.

4 Overview of Operations, mandates and Structure, Canada's Crimes Against Humanity and War Crimes Program:  
<http://www.justice.gc.ca/en/ps/wc/oms-ams.html>

5 Lawyers against the War has provided letters to the War Crimes and Crimes against Humanity Program since 2004 and most recently on August 25, 2011. LAW's August 25, 2011 letter can be accessed at  
[http://www.lawyersagainsthewar.org/letters/LAW\\_letter\\_re\\_George\\_Bush\\_20110825.pdf](http://www.lawyersagainsthewar.org/letters/LAW_letter_re_George_Bush_20110825.pdf)

We thank you in advance for a prompt reply to the important requests made and questions posed in this letter.

Respectfully,

Gail Davidson, Lawyers Against the War

Copied to:

Prime Minister Stephen Harper;  
Attorney General Rob Nicholson  
Minister of Immigration Jason Kenney

Minister of Public Safety Vic Toews

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RCMP Commissioner William J.S. Elliott, [William.elliott@rcmp-grc.gc.ca](mailto:William.elliott@rcmp-grc.gc.ca)

## Notes

1 Address by H.E. Miguel D'Escoto Brockmann, President of The United Nations General Assembly, to the Human Rights Council, at paras. 25 & 26, Geneva 4 March 2009.

<http://www.freethefive.org/downloads/descoto30409.pdf>.

2 What advice have the RCMP/WCS given to the offices of the Prime Minister, Attorney General of Canada, Minister of Immigration and/or the Minister of Public Safety regarding the inadmissibility of George W. Bush and the proper interpretation of the IRPA?

3. What policies and procedures are followed by all officials to investigate complaints and determine inadmissibility under the IRPA sections 34 and 35, including the RCMP, the Canadian Borders Services Agency (CBSA) and the Ministers of Immigration and Public Safety?

4. What is the role of the RCMP/WCS in the investigation and/or determination of admissibility to Canada under the IRPA, ss. 34 and 35?

N.B. Your predecessor, Inspector Ron Charlebois, advised LAW in March 2009 that the RCMP/WC policy was to restrict investigations to allegations of torture and CAHWC crimes against "persons...present (living) in Canada on an ongoing basis." LAW (in letters of March

24 and 11, 2009) requested a copy of that policy and disclosure of when and by whom the policy was created and what officials carry out and supervise the policy. We have yet to receive a reply.

5. What investigations have been or are being conducted of Mr. Bush" inadmissibility under the IRPA s. 34(1) (b)? As you know, Mr. Bush is prima facie inadmissible under this section as the person who authorized and directed the overthrow by force of the governments of Afghanistan and Iraq.

6 The letter and brief submitted jointly by the Center for Constitutional Rights and the Canadian Centre for International Justice are available at (letter) <http://ccrjustice.org/files/2011.09.29%20Cover%20Letter%20to%20Canadian%20Minister%20of%20Justice.pdf> , and at (brief) <http://ccrjustice.org/files/2011.09.29%20Bush%20Canada%20Indictment.pdf> . The brief of Amnesty International is available at <http://www.amnesty.ca/media2010.php?DocID=1006>

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