

# Canada must prosecute any foreign national suspected of torture when entering Canada

Canada violated Convention by allowing Bush to enter Canada & failing to arrest him

By [Lawyers Rights Watch Canada](#)

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**Canada must prosecute any foreign national suspected of torture (committed anywhere and against anyone) when the suspect enters Canada even temporarily, says Committee against Torture.**

The Committee against Torture (“Committee”), in an [advance version of their report](#) on Canada , recommends that Canada change laws and policy to:

- o ensure prosecution of torture suspects found—even temporarily—in Canada (para. 14);
- o prohibit the Canadian armed forces from transferring prisoners to torture (para. 11);
- o allow individuals to invoke the Convention before courts and domestic courts to *directly* apply universal jurisdiction (paras. 8 & 14); and,
- o raise awareness of Convention against Torture (Convention) requirements amongst judges and members of the public (para. 8).

## Prosecution of George W. Bush and other torture suspects visiting Canada

The [report](#) filed by Lawyers against the War (LAW) with CAT alleged that Canada violated the Convention by allowing George W. Bush to enter Canada and then failing to arrest and prosecution him for torture. The LAW report recommended: rejection of the policy to prosecute only those torture suspects residing in Canada; legal reform to ensure the right of private individuals or groups to initiate and continue prosecutions relating to torture committed outside Canada without political interference; and, education and training for law enforcement authorities about legal obligations under the Convention and Canadian law. The Committee agreed with all of these submissions.

Echoing a recommendation made by Lawyers against the War in their shadow [report](#) on George W. Bush, the Committee recommended that Canada, “explicitly renounce the illegal policy of requiring residence rather than presence as the trigger for Canada’s legal duty to prosecute alleged torturers”.

### **Afghan Detainee Transfer**

LAW member John McNamer filed a shadow report on [Canada’s Detainee Torture Scandal](#). The Committee, taking note of that report, recommended that Canada adopt a policy that “clearly prohibits the prisoner transfers to another country when there are substantial grounds for believing that he or she would be in danger of being subjected to torture”.

### **Omar Khadr**

Lawyers Rights Watch Canada- [LRWC and the International Civil Liberties Monitoring Group](#) (CLMG) recommended that Canada immediately repatriate Khadr and remedy the violations against him. The Committee agreed. The Committee’s Concluding Observations urge Canada “to promptly approve Omar Khadr’s transfer application and to ensure that he receives appropriate redress for human rights violations that the Canadian Supreme Court has ruled he experienced.”

All reports can be accessed at <http://www2.ohchr.org/english/bodies/cat/cats48.htm>

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