

Prime Minister Stephen Harper and Canadian War Crimes in Afghanistan

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Torture has been a grim component of nearly every aspect of the current war in Afghanistan. Setting aside the behaviour of the Taliban regime and their Afghan opponents, the warlords of the Northern Alliance, which included grievous violations of human rights, US forces were involved in torture from almost the moment of their arrival in Afghanistan in late 2001.

In the years after 2001, the US government attempted to justify its invasion and occupation of Afghanistan through narratives of the 9/11 terrorist attacks that were based almost entirely on confessions elicited by torture from actual or suspected associates of Osama bin Laden.

And torture has been an integral part of the counterinsurgency tactics employed by the US, its NATO allies, and the Karzai regime. These tactics—involving infantry sweeps through communities in whose vicinity resistance has been encountered, more or less indiscriminate arrests, and the handing over of prisoners to the Afghan police or to the National Directorate of Security, whose ‘intelligence’ (based on torture) then serves as a guide to further arrests—have victimized large numbers of civilians, most of them people with no connection to the Afghan resistance.

Canada, as a practitioner of these tactics, has been implicated for at least the past six years in a detainee-torture scandal, one of whose consequences has been very serious damage to Canada’s international reputation. There is evidence that this scandal reaches to the very highest levels of the Canadian government.

1. Illegality of the Afghanistan War

Growing numbers of people are skeptical about the justifications offered by the United States for the invasion and occupation of Afghanistan. Nearly all of the ‘evidence’ in the key chapters of the 9/11 Commission Report which assign responsibility for the 9/11 terrorist attacks is derived from torture—which means that these chapters have the epistemic value of pure fiction. (One of the major sources, Khalid Sheikh Mohammed, was waterboarded 183 times by the CIA; his confessions were confirmed by the interrogations of Abu Zubaydah, who was waterboarded 83 times. The 9/11 Commission’s requests to interview these ‘high-value’ prisoners, or even just their CIA interrogators, were denied; and in 2005, in defiance of court orders, the CIA destroyed its videotapes of the interrogations.)[1]

The invasion of Afghanistan appears to have been primarily motivated by the energy

geopolitics of a new “Great Game.” When the Taliban came to power in 1996, there were negotiations for a Unocal pipeline from the Caspian Basin gas fields across Afghanistan into Pakistan and thence to the Indian Ocean. But after Osama bin Laden’s 1998 bombings of US embassies in East Africa and retaliatory Tomahawk strikes into Afghanistan, these talks collapsed. There is evidence that in the summer of 2001—months before the 9/11 attacks—American diplomats threatened the Taliban that continued obstruction of the pipeline plan would result in a bombing campaign, and their overthrow, by October of that year.[2]

US and Canadian government officials have scoffed at the notion that energy geopolitics had anything to do with the invasion and occupation of Afghanistan. But in June 2008 the distinguished petroleum economist John Foster, who has worked for British Petroleum, the World Bank, Petro-Canada, and the Inter-American Development Bank, published a monograph on the subject of plans for a \$7.6-billion Turkmenistan-Afghanistan-Pakistan-India (TAPI) natural gas pipeline that was going to be built, at American insistence, in 2010—and the Canadian government acknowledged that Canadian forces would indeed be assigned to protect the pipeline, whose route lies through Kandahar province, where most of our casualties have been suffered.[3]

However, it was for different reasons that on October 9, 2001, two days after the bombing of Afghanistan began, Michael Mandel, of Toronto’s Osgoode Hall Law School, declared the attack illegal. In his words, it “violate[d] international law and the express words of the United Nations Charter,” whose Article 51 only “gives a state the right to repel an attack that is ongoing or imminent as a temporary measure until the UN Security Council can take steps necessary for international peace and security.”[4] Since the attack was not ongoing,[5] and since neither of the UN Security Council resolutions condemning the September 11 attacks “can remotely be said to authorize the use of military force,” Mandel declared that those who die from the attack on Afghanistan “will be victims of a crime against humanity, just like the victims of the Sept. 11 attacks.”[6] In November 2001, Thomas Jefferson School of Law professor Marjorie Cohn made similar arguments, adding that the bombing was not legitimate self-defence because the atrocities of 9/11 “were criminal attacks, not ‘armed attacks’ by another state.”[7]

Subsequently expounded by Mandel and by Cohn at greater length, and supplemented by further considerations, including the fact that in September and October 2001 the Taliban regime offered to give Bin Laden up for trial in a third country,[8] these views are shared by other leading specialists in international law, among them Francis Boyle, Alex Conte, and Myra Williamson.[9]

2. The Canadian Torture Scandal

Illegalities of a more concrete nature have come to haunt Canada’s participation in the war in Afghanistan. In December 2001, a cover of legality was given to the formation of an occupation army, or International Security Assistance Force (ISAF), by the UN Security Council’s acceptance of the claim that this force was established “at the request of the Government of Afghanistan”[10]—which at the time consisted of Hamid Karzai, protected by a guard of US SEAL and British SBS special forces soldiers, and a loose coalition of US-financed ‘Northern Alliance’ warlords. But it was the question of how to dispose of Afghans captured by Canadian troops, whether in combat conditions or merely under suspicion, that developed into a specifically Canadian scandal.

In January 2002, there were questions in Parliament over the revelation that members of the Joint Task Force 2 unit, after taking part in the fighting in the Tora Bora mountains, had transferred prisoners into US custody.[11] The horrors of Abu Graib in Iraq became public knowledge at the end of April 2004; shortly afterward, it was revealed that prisoners held by the US in Afghanistan were also systematically tortured, and in at least five cases had died from their treatment. In June 2004, a Human Rights Watch spokesman declared that in US prisons in Afghanistan “The entire system operates outside the rule of law. At least in Iraq, the US is trying to run a system that meets Geneva standards. In Afghanistan, they’re not.”[12]

With the option of Canadian-run POW camps ruled out from the start, and with further transfers into US prisons becoming politically impossible, the Canadian Forces passed captives on to Afghan authorities, amid unlikely claims that ‘state-building’ programs were taking effect. But even after acquiring a façade of legitimacy through the 2004 presidential and 2005 parliamentary elections,[13] the Karzai regime remained one to which any transfer of prisoners was a most dubious matter. By 2005, Eileen Olexiuk, the second-ranking Canadian diplomat in Kabul, was raising concerns to the Paul Martin government about the fate of transferred detainees.[14] Her messages were ignored, and a toothless memorandum of agreement regarding detainee transfers that was signed in December 2005 by General Rick Hillier, Chief of the Defence Staff, and the Afghan Minister of Defence, contained no provisions for follow-up access to detainees.[15] Evidence of systematic torture continued to accumulate, and Richard Colvin, who in 2006-2007 held the diplomatic position Olexiuk had occupied, called attention to it in urgent messages which he circulated as widely as possible through all the official government and military channels available to him.[16]

Article 12 of the Third Geneva Convention is categorical: “Prisoners of war may only be transferred [...] to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention.”[17] Afghanistan has been a party to the 1949 Geneva Conventions since 1956, and in late 2009 acceded to the 1977 Additional Protocols I and II, which protect victims of international conflicts and civil wars.[18] However, Olexiuk’s and Colvin’s messages show that Canada had not “satisfied itself”—despite whatever senior officials might say—that the Karzai regime would treat prisoners decently.

Even without direct statements from Canadian diplomats, senior military and civilian officials could have no grounds for pretending ignorance. In December 2009, Lawyers Against the War (LAW) itemized in an “Open letter to the Parliamentary Special Committee on the Canadian Mission in Afghanistan” the evidence that Canada’s detainee policies violated Canadian and international law.[19] By the spring of 2007, this included—in addition to legal opinions sent by LAW on February 1, 2004 and March 6, 2007 to Prime Ministers Martin and Harper and their senior ministers—expressions of concern by Amnesty International in early 2002 over detainee transfers to US forces, and in December 2005 over “the widespread, longstanding reality of torture throughout the Afghan prison system”;^[20] the Report of the Independent Expert on the Situation of Human Rights in Afghanistan, M. Cherif Bassouni, to the UN Commission on Human Rights (11 March 2005), referring to torture practices current within the Afghan security system; The London Compact of February 1, 2006, which set as a goal—for the end of 2010—the Afghan state’s adoption of “corrective measures [...] aimed at preventing arbitrary arrest and detention, torture, extortion and illegal appropriation of property with a view to the elimination of these practices”;^[21] and the US State

Department's report on Afghanistan in 2006, which noted reports by human rights organizations that Afghan authorities in Herat, Helmand and elsewhere used torture consisting of "pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy."[22]

Ironically, it was evidence of prisoner abuse in Canadian rather than Afghan custody, obtained in early February 2007 by University of Ottawa law professor Amir Attaran and passed on to the Military Police Complaints Commission, that helped to give the issue increased public prominence.[23] A quick succession of other events brought the pot to a boil. On February 21, 2007, Amnesty International and the BC Civil Liberties Association applied for a judicial review of Canada's detainee-transfer policy.[24] In March, the Minister of National Defence, Gordon O'Connor, acknowledged that since April 2006 he had repeatedly misled the House of Commons by falsely claiming that the Red Cross was monitoring transferred prisoners on Canada's behalf.[25] And on April 23, 2007, The Globe and Mail published an investigative report, based on interviews with thirty Afghan prisoners whom the Canadian army had handed over to the Afghan National Directorate of Security, which showed they had been systematically tortured, with apparent Canadian complicity.[26] University of British Columbia law professor Michael Byers commented: "If this report is accurate, Canadians have engaged in war crimes, not only individually but also as a matter of policy."[27]

The Military Police Complaints Commission inquiry prompted by Professor Attaran's complaint subpoenaed the diplomat Richard Colvin, who in late 2009, when the MPCC's proceedings had been seriously delayed by interventions from the Harper government,[28] was also called before the House of Commons Special Committee on the Canadian Mission in Afghanistan. In October 2009, shortly before he testified there, the claims of Prime Minister Harper and Defence Minister Peter MacKay that they had not been informed on the detainee issue were vigorously refuted by General Rick Hillier's memoir, *A Soldier First*. [29]

But Colvin's testimony on November 18, 2009 was more thoroughly damaging in its exposure of high-level lawlessness. He revealed that the Canadian military's system of reporting the transfer of detainees delayed follow-up, making it all the more likely that they would be tortured (as his sources thought nearly all of them were); he claimed that in 2006-2007 senior Foreign Affairs officials—including David Mulroney, the Assistant Deputy Minister responsible for Afghanistan, who was also Prime Minister Harper's Foreign and Defence Policy Advisor—had censored and blocked the distribution of dispatches from Kabul; and he exposed the fact that the government had made very determined attempts to intimidate him and prevent him from giving testimony. Finally, Colvin excoriated policies under which, "disregard[ing] our core principles and values," Canadians "retained and handed over for severe torture a lot of innocent people," which is "a very serious violation of international and Canadian law," and which also "alienated us from the population and strengthened the insurgency." [30]

3. Running With the Big Dogs

"Complicity in torture," Colvin reminded the parliamentarians, "is a war crime." By the summer of 2010, despite a disgraceful smear campaign against Colvin led by Defence Minister Peter MacKay (which prompted a public letter of rebuke signed by "more than 100 former diplomats, many of them ambassadors"), [31] despite Stephen Harper's shutting down of the MPCC by refusing to appoint a replacement when its chair's term of office expired, and his proroguing of the House of Commons in order to close down the

parliamentary committee which had heard Colvin's evidence (this prompted a public letter signed by more than 175 professors of political science denouncing Harper for having "violated the trust of Parliament and of the Canadian people"),[32] and despite Harper's defiance of Parliament's call to have all of the relevant documents released, the full extent and depth of that complicity was evident.

Highly segmented state structures may often seem to operate in an almost chaotic manner. But at times—even when the governing party is doing its best to obscure and deny access to the evidence—a clear constellation of intentionality emerges from the murk. With help from the late Jack Hooper, who was CSIS Assistant Director of Operations from 2002 to 2005, and Deputy Director of Operations until his retirement in 2007, we can give this pattern a name. Known for being pithy and outspoken, Hooper liked to tell his colleagues that "If you're going to run with the big dogs, you'd better learn to piss in the high grass." [33]

CSIS, we now know, was involved in interrogating Afghan prisoners from early 2002 until December 2007; and journalists Jim Bronskill and Murray Brewster learned from an unnamed source or sources that one of the Kandahar interrogation sites used by CSIS, "work[ing] alongside the American CIA and in close co-operation with Canada's secretive, elite JTF-2 commandos," was a "secluded base"—this seems a polite way of saying 'black site' or 'secret torture facility'—"known as Graceland." [34]

Running with the big dogs apparently meant complicity in the work of Afghan as well as American torturers. Asadullah Khalid, the governor of Kandahar province, who was widely accused of corruption, drug-trafficking, and direct personal involvement in torture, seems to have retained his position after 2006 only thanks to the interventions of senior Canadian military officials.[35] General Rick Hillier, the Chief of the Defence Staff who famously defined the Taliban as "scumbags and murderers" whom it was the Canadian army's job to kill, praised Khalid's work in early 2008 as "phenomenal" and associated it with "some incredible changes in the province," adding that "if there's an issue of any kind of impropriety whatsoever, that's an issue for the Afghanistan government." [36] It is of course an issue for the Canadian government as well. Scott Taylor, a journalist with wide experience in Afghanistan, has endorsed Hillier's view of the Taliban, but with an important corrective: "What he failed to mention is that the guys we're propping up are also scumbags and murderers." [37]

Richard Colvin's November 2009 testimony to the Parliamentary Special Committee revealed another aspect of Canada's collaboration in Afghan torture—a "very peculiar" process, he called it, in which the notification of detainee transfers went from the Canadian military police in Kandahar to the Canadian Forces command group at Kandahar airport, then to the Canadian Expeditionary Force Command (CEFCOM) in Ottawa, who informed the Canadian Embassy in Geneva, who contacted Red Cross headquarters in Geneva, who at last notified the Red Cross mission in Kandahar. While the Dutch and British, who also had troops in southern Afghanistan, notified the Red Cross office in Kandahar directly about prisoner transfers, so that within a day at most the Red Cross could monitor their treatment, this Canadian paper-chase could take weeks or even months—during which time the transferred prisoner became effectively invisible.

What might seem an idiotic instance of bureaucracy-run-wild was actually part of a more serious wildness, a policy of deliberate obstructionism. For as Colvin also testified, "When

the Red Cross wanted to engage on detainee issues, for three months the Canadian Forces in Kandahar wouldn't even take their phone calls. The same thing happened to the NATO ISAF command in Kabul, who had responsibilities to report detainee numbers to Brussels, but were told, 'We know what you want, but we won't tell you.' [38] Senior Canadian officers have indicated the value they placed on 'intelligence' received in regular meetings with leaders of Afghan's notorious National Directorate of Security [39]—and it seems clear that the desk-soldiers with aspirations to join the big dogs wanted to keep other puppies from sniffing out what passes for intelligence-gathering in the tall grass.

Since June 2010 we have known that CEFCOM intervened vigorously in the spring of 2007 to put a stop to Colvin's circulation of information about the torture of detainees: a CEFCOM memo declared that "his continued employment in Kabul [...] could become a liability to the government of Canada's interests if left unchecked"; and on two occasions senior officials, including a lieutenant-general and an associate deputy minister intervened to "caution" him. [40]

Within days of Colvin's November 2009 testimony to the effect that Prime Minister Harper's Defence and Foreign Policy Advisor had censored messages from the Kabul embassy about detainee torture, and Colvin's exposure of the Canadian military's obstruction of Red Cross and ISAF attempts to monitor prisoner transfers, a report in the Toronto Star revealed how directly the Prime Minister had involved himself in the issue in 2007. According to a former senior NATO public affairs official, the denials of torture issued by NATO in Kabul—"at a time when it was privately and generally acknowledged in our office that the chances of good treatment at the hands of Afghan security forces were almost zero"—were scripted by Harper and his office in Ottawa:

"I was told this was the titanic issue for Prime Minister Harper and that every statement that went out needed to be cleared by him personally [...]. The lines were, 'We have no evidence' of coercive treatment being used against detainees handed over to the Afghans. [...] [I]t was made clear to us that this was coming from the Prime Minister's Office, which was running the public affairs aspect of Canadian engagement in Afghanistan with a 6,000-mile screwdriver." [41]

The pattern that emerges from mainstream news reports is thus one of high-level complicity in torture, combined with attempts—organized from the very top of the Canadian government—to falsify the public record.

According to law professor Amir Attaran, who has seen uncensored versions of the documents that the Harper government has so strenuously resisted sharing with Parliament, the paper trail is thoroughly incriminating. In March 2010 Attaran told CBC News: "If these documents were released [in full], what they will show is that Canada partnered deliberately with the torturers in Afghanistan for the interrogation of detainees [...]. There would be a question of rendition and a question of war crimes on the part of certain Canadian officials. That's what's in these documents, and that's why the government is covering up as hard as it can." [42]

4. Conclusion

The clear pattern of intentionality revealed in the words and actions of senior Canadian government bureaucrats and senior military officers is both embarrassing (these people actually believe, despite copious evidence to the contrary, that torture produces real

‘intelligence’)[43] and also a scandalous offence against the rule of law.

More scandalous still is the evidence that these people were acting on directives from Stephen Harper—that Harper knew perfectly well that the Afghan puppet-state tortures the prisoners handed over to it by the Canadian Forces, but nonetheless permitted the continuation of this system, and that he actually took charge of the program of lying about it.

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Notes

[1] In early 2008 award-winning journalist Robert Windrem showed in an analysis for NBC News that more than one-quarter of all footnotes in the 9/11 Commission Report, and nearly all of those in the key chapters, are based on torture; see Windrem, “Blogs & Stories: Cheney’s Role Deepens,” *The Daily Beast* (13 May 2009), <http://www.thedailybeast.com/blogs-and-stories/2009-05-13/cheneys-role-deepens/p/> ;

and “The 9/11 Commission & Torture: How Information Gained Through Waterboarding & Harsh Interrogations Form Major Part of 9/11 Commission Report,” *Democracy Now!* (7 February 2008),

http://www.democracynow.org/2008/2/7/the_9_11_commission_torture_how.

See also “September 11 mastermind Khalid Sheikh Mohammed ‘waterboarded 183 times,’” *The Sunday Times* (20 April 2009),

http://www.timesonline.co.uk/tol/news/world/us_and_americas/article6130165.ece; and

“Complete 911 Timeline: Destruction of CIA Interrogation Tapes,” *History Commons*,

http://www.historycommons.org/timeline.jsp?timeline=complete_911_timeline&complete_911_timeline_war_on_terrorism_outside_iraq=complete_911_timeline_destruction_of_cia_tapes

[2] Michel Chossudovsky, *America’s “War on Terrorism”* (Pincourt, Québec: Global Research, 2005), p. 66.

[3] John Foster, *A Pipeline Through a Troubled Land: Afghanistan, Canada, and the New Great Energy Game* (Ottawa: Canadian Centre for Policy Alternatives, June 19, 2008); see also Shawn McCarthy, “Pipeline opens new front in Afghan war,” *The Globe and Mail* (19 June 2008),

<http://v1.theglobeandmail.com/servlet/story/RTGAM.20080619.wafghanpipeline19/BNStory/Afghanistan>; and McCarthy, “Would help protect pipeline, Canada says,” *The Globe and Mail* (20 June 2008),

<http://v1.theglobeandmail.com/servlet/story/RTGAM.20080620.wafghanpipeline20/BNStory/SHAWN+MCCARTHY> .

[4] Michael Mandel, “This War is Illegal,” *CounterPunch* (9 October 2001), <http://www.counterpunch.org/mandel5.html> .

[5] Graeme MacQueen, founding director of McMaster University’s Institute of Peace Studies, has noted that the anthrax attacks in the US, whose first victim died on October 5 (two days before the assault on Afghanistan began), created the appearance of an ongoing al Qaeda

attack—supported by Iraq. Initially identified by the FBI as Iraqi in origin, the anthrax in fact came from a US weapons lab, and the coatings applied to it required high-tech expertise that the scientist later fingered by the FBI as the lone perpetrator did not possess. See MacQueen, “The Connection Between 9/11, Anthrax, and Iraq” (1 May 2010), available at 911 Blogger.com, <http://911blogger.com/news/2010-05-10/dr-graeme-macqueen-connection-between-911-anthrax-and-iraq-05-01-10-walkerton-1-5> .

[6] Mandel, “This War is Illegal.”

[7] Marjorie Cohn, “Bombing of Afghanistan is Illegal and Must be Stopped,” Jurist (6 November 2001), <http://jurist.law.pitt.edu/forum/forumnew36.htm> .

[8] See “Bush rejects Taliban offer to hand Bin Laden over,” The Guardian (14 October 2001), <http://www.guardian.co.uk/world/2001/oct/14/afghanistan.terrorism5>; and Andrew Buncombe, “Bush rejects Taliban offer to surrender bin Laden,” The Independent (15 October 2001), <http://www.independent.co.uk/news/world/asia/bush-rejects-taliban-offer-to-surrender-bin-laden-631436.html> .

[9] Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage, and Crimes Against Humanity* (London: Pluto Press, 2004); and Marjorie Cohn, *Cowboy Republic: Six Ways the Bush Gang Has Defied the Law* (Sausalito, CA: Podpoint Press, 2007). See also Francis Boyle, *Destroying World Order: U. S Imperialism in the Middle East Before and After September 11th* (Atlanta, GA: Clarity Press, 2004); Alex Conte, *Security in the 21st Century: The United Nations, Afghanistan, and Iraq* (Aldershot, Hants: Ashgate, 2005); and Myra Williamson, *Terrorism, War and International Law: The Legality of the Use of Force Against Afghanistan in 2001* (Aldershot, Hants: Ashgate, 2009).

[10] The wording is from a notable UK court decision: Paragraph 15 of Regina (Evans) vs. Secretary of State for Defence, High Court of Justice, Queen’s Bench Division, Divisional Court, [2010] EWHC 1445 (Admin), 25 June 2010, <http://www.judiciary.gov.uk/NR/rdonlyres/60E1560B-7E8A-4C3C-A886-C309B35237AD/0/revansvssdjjudgment.pdf> .

[11] See Michael Byers, “Afghanistan: Wrong Mission for Canada,” The Tyee (6 October 2006), <http://thetyee.ca/Views/2006/10/06/Afghanistan/>; the parliamentary stir is discussed by Janice Gross Stein and Eugene Lang, *The Unexpected War: Canada in Kandahar* (Toronto: Viking Canada, 2007).

[12] Quoted by Duncan Cambell and Suzanne Goldenberg, “‘They said this is America ... if a soldier orders you to take off your clothes, you must obey’,” The Guardian (23 June 2004), <http://www.guardian.co.uk/world/2004/jun/23/usa.afghanistan>; see also David Townsend, “The Passion of Dilawar of Yakubi,” National Catholic Reporter (12 August 2005), http://natcath.org/NCR_Online/archives2/2005c/081205/081205z.htm .

[13] According to the Afghanistan Independent Human Rights Commission (AIHRC), the elections were marked by debilitating technical problems, and by widespread intimidation and electoral fraud. For relevant articles, see Press for Conversion 59 (September 2006), available at <http://coat.ncf.ca> .

- [14] "Afghan detainee torture risk raised in 2005," CBC News (10 March 2010), <http://www.cbc.ca/politics/story/2010/03/09/detainee-afghan-diplomat.html> .
- [15] See "Arrangement for the Transfer of Detainees between the Canadian Forces and the Ministry of Defence of the Islamic Republic of Afghanistan" (18 December 2005), <http://www.afghanistan.gc.ca/canada-afghanistan/assets/pdfs/Dec2005.pdf>
- [16] See Richard Colvin, "Affidavit for the Military Police Complaints Commission" (5 October 2009), http://www3.thestar.com/static/PDF/Colvin_Affidavit.pdf .
- [17] Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949, Art. 12, <http://www.icrc.org/ihl.nsf/FULL/375?OpenDocument> .
- [18] See ICRC Annual Report 2009, Annex: States Party to the Geneva Conventions and their Additional Protocols, pp. 488-89, <http://www.icrc.org/eng/assets/files/annual-report/icrc-annual-report-2009-states-party.pdf>, where the accession date given is 10 November 2009; and "Afghanistan accedes to Additional Protocols I and II in historic step to limit wartime suffering," ICRC Resource Centre (24 June 2009), <http://www.icrc.org/eng/resources/document/news-release/afghanistan-news-240609.htm> ; this would mean that the Protocols came into force after six months, on 24 December.
- [19] Lawyers Against the War, "Torture: The Transfers of Afghan Prisoners. Letter to Canada's House of Commons," Centre for Research on Globalization (22 December 2009), <http://www.globalresearch.ca/index.php?context=va&aid=16648> .
- [20] These are the words of Alex Neve, Secretary General of Amnesty International Canada, quoted by LAW from his testimony on March 4, 2008 to the Standing Committee on Foreign Affairs and International Development.
- [21] Building on Success, The London Conference on Afghanistan: The London Compact (1 February 2006), <http://anama.unmissions.org/Portals/UNAMA/Documents/AfghanistanCompact-English.pdf>.
- [22] "Afghanistan," <http://www.state.gov/g/drl/rls/hrrpt/2006/78868.htm> .
- [23] See "Military probes abuse allegations in Afghanistan," CBC News (6 February 2007), <http://www.cbc.ca/world/story/2007/02/06/military-probe.html>. In this and following paragraph I am indebted to the article "Canadian Afghan detainee issue," Wikipedia, http://en.wikipedia.org/wiki/Canadian_Afghan_detainee_issue (consulted on 28 January 2011).
- [24] Paul Koring, "Amnesty slams Canada over Afghan detainees," The Globe and Mail (21 February 2007, updated 31 March 2009), <http://www.theglobeandmail.com/news/national/article743285.ece>. On the strength of a government decision in late February 2007 to suspend transfers, effective November 5, 2007, due to allegations of torture, Federal Court Justice Anne Mactavish dismissed the application for judicial review. (Thus between the end of February and November 5, 2007 the Canadian Forces appear to have been transferring prisoners into Afghan prisons that the Federal Court had effectively acknowledged to be in systematic violation of the Third Geneva Convention.) Transfers began again on February 29, 2008. (For details, see

"Amnesty International and British Columbia Civil Liberties Association v. Chief of Defence Staff for the Canadian Armed Forces, et al.," BC Civil Liberties Association, <http://www.bccla.org/antiterrorissue/afghan.htm>.)

[25] "O'Connor sorry for misinforming House on Afghan detainees," CBC News (19 March 2007), <http://www.cbc.ca/canada/story/2007/03/19/afghanapology.html>; see also Paul Koring, "Red Cross contradicts Ottawa on detainees," The Globe and Mail (8 March 2007, updated 31 March 2009), <http://www.theglobeandmail.com/news/national/article746018.ece>.

[26] Graeme Smith, "From Canadian custody into cruel hands. Savage beatings, electrocution, whipping and extreme cold: Detainees detail a litany of abuses by Afghan authorities," The Globe and Mail (23 April 2007), <http://www.theglobeandmail.com/news/world/article92169.ece>; also available at <http://v1.theglobeandmail.com/servlet/story/RTGAM.20070423.wdetainee23/BNStory/Afghanistan>.

[27] "Afghan Prisoner Torture Scandal: War Crimes," Ceasefire.ca (23 April 2007), <http://www.ceasefire.ca/?p=118>.

[28] Janice Tibbetts, "Tories try to block witnesses at military commission," Canwest News Service (1 October 2009), <http://www.canada.com/news/Tories+block+witnesses+military+commission/2055852/story.html>;

[29] General Rick Hillier, *A Soldier First: Bullets, Bureaucrats and the Politics of War* (Toronto: HarperCollins, 2009); see John Ibbitson, "PMO told about Afghan jail conditions, Hillier writes," The Globe and Mail (21 October 2009), <http://v1.theglobeandmail.com/servlet/story/GAM.20091021.HILLIER21ART2244/TPStory/TPComment>.

[30] "Richard Colvin's Testimony," 18 November 2009, FAIR, <http://fairwhistleblower.ca/content/richard-colvins-testimony>. See also Colvin's follow-up statement, "Further Evidence of Richard Colvin to the Special Committee on Afghanistan, December 16, 2009," available at <http://www.cbc.ca/news/pdf/further-evidence-special-committee.pdf>, and from the Toronto Star, <http://www3.thestar.com/static/PDF/FurtherEvidencetoSpecialCommittee.pdf>.

[31] Murray Dobbin, *Harper's Hitlist: Power, Process and the Assault on Democracy*, Part 2: "Two Prorogations in Less Than a Year," The Council of Canadians (15 April 2011), <http://www.canadians.org/democracy/documents/p2.pdf>.

[32] Ibid.

[33] Shephard, *Guantanamo's Child*, p. 57.

[34] Jim Bronskill and Murray Brewster, "CSIS reviewing role in Afghan detainee interrogations," Canadian Press, available in The Toronto Star (2 August 2010), <http://www.thestar.com/news/canada/article/843055-csis-reviewing-role-in-afghan-detainee-interrogations>. See also Murray Brewster and Jim Bronskill, "CSIS played critical role in Afghan prisoner interrogations: documents, sources," Canadian Press (8 March 2010), available at

<http://www.webcitation.org/query?url=http%3A%2F%2Fwww.google.com%2Fhostednews%2Fcanadianpress%2Farticle%2FALeqM5jJLuGfEH6QP3vrNSLPiAGPZNqBcw&date=2010-03-09> ; and “Le SCRS était au courant de cas de torture,” La Presse Canadienne, available at Radio-Canada.ca (21 January 2011), <http://www.radio-canada.ca/nouvelles/International/2011/01/21/007-scrs-detenus-afghans-torture.shtml> .

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