

Canada's Afghan intervention—three probes launched into prisoner abuse

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In response to mounting public pressure, three separate investigations were announced last week into the reported abuse of prisoners by Canadian Armed Forces (CAF) personnel in Afghanistan. These inquiries may also include a broader review of the routine transfer of CAF detainees into the hands of the notoriously brutal Afghan police.

The convening of these inquiries bears the imprint of the minority Conservative government of Stephen Harper. Intent on expanding an unpopular war—the government has already committed Canadian troops to playing a major role in counter-insurgency operations in southern Afghanistan until February 2009—the Conservatives no doubt wish to appear responsive to public concern over unsavory revelations of possible military misconduct.

It must be stressed, however, that these probes have been undertaken by the military and government only with the greatest reluctance.

The CAF and Department of National Defence (DND) have long been aware that violence was used against three Afghan's detained by the CAF last spring and of concerns about their treatment raised by lawyer, human rights activist, and University of Ottawa Professor Dr. Amir Attaran. Last month, in reply to an inquiry by the *Globe and Mail*, the military police gave assurances that no abuse had ever taken place and that the detainees had received proper medical attention.

Only after Dr. Attaran lodged a public complaint with the Military Police Complaints Commission, a civilian oversight agency, did the military scramble to launch its own probes.

A CAF spokesman told the *Globe* February 5 that a special investigative unit of the military police will investigate the allegations of prisoner abuse and a military board of inquiry, which is also looking into the incidents, will be empowered to review more generally how the CAF's Afghan detainees are handled.

Subsequently, on February 9 and in response to growing public concern that the military not be left to investigate itself, the Military Police Complaints Commission (MPCC) announced that it will also investigate the matter.

MPCC Chairman Peter Tinsley said, "The possible abuse of defenseless persons in CF [Canadian Forces] custody, regardless of their actions prior to apprehension and the possibility that military police members may have knowingly or negligently failed to investigate such abuse . . . are matters of serious concern". The MPCC rejected requests from military police to delay any outside investigation until its criminal probe could be completed.

A highly respected academic in the fields of international law and immunology, Dr. Attaran was in no way looking to embarrass the government. As he explained in an interview with the *World Socialist Web Site*, he had been researching for a lecture on the Canadian government's provisions to prevent the torture of detainees in Afghanistan when, in examining detainee-transfer documents, he noticed a pattern in the injuries of three prisoners captured by Canadian forces near Dukah, Afghanistan in April of 2006. (See: "Canada transferring

Afghan detainees to 'self-confessed torturers'—An interview with Dr. Amir Attaran")

This prompted Dr. Attaran to seek further information from the military regarding those prisoners, but his inquiries were rebuffed by the DND. This led him to file applications under the Access to Information Act and eventually to bring the matter to the attention of the MPCC.

While the military has admitted that the three prisoners in question did sustain injuries when in CAF custody, it maintains that these were the result of CAF personnel applying "appropriate force" to capture one of the three and to subduing the other two, who were respectively "non-compliant" and "extremely belligerent," after their capture. The military log, however, states that their injuries included lacerations on the eyebrows, bruises and swelling of both eyes, facial cuts, abrasions, and multiple bruises on upper arms, back and chest and that at least some of these injuries were sustained while the prisoners' hands were tied.

Prisoner abuse would be consistent with the purpose of, and the ethos that surrounds, the Canadian intervention in Afghanistan. The CAF is waging a colonial-style counter-insurgency campaign in support of a US-installed government that even its international sponsors concedes is corrupt and dependent on the support of various war-lords.

Faced with an increasingly widespread insurgency, Canadian forces have resorted to using greater firepower, deploying tanks and calling for air-strikes that have frequently resulted in heavy civilian casualties.

To praise from all sections of the Canadian political establishment, Chief of Defence Staff Rick Hillier denounced the Taliban "as detestable murders and scumbags," as the CAF prepared to take a leading role in the US-NATO counter-insurgency campaign in southern Afghanistan. "We are the Canadian Forces," continued Hillier, "and our job is to kill people."

According to a report in the *Toronto Star* the recent allegations of abuse by Canadian soldiers "came as no surprise . . . to Kandahar residents." CAF personnel in Kandhar have repeatedly opened fire on civilians for allegedly failing to stop at checkpoints or coming too close to CAF vehicles, causing the death of at least two civilians.

Whatever the results of the multiple inquiries into the treatment of the Dukah detainees, it is irrefutable that the CAF and Canada are complicit in torture.

Reports Dr. Attaran, "It is Canadian Forces' policy to transfer detainees . . . to the Afghan National Police (ANP). This would be unobjectionable and unremarkable, except for the fact that the ANP are known torturers."

Investigating agencies including the United Nations Human Rights Committee and Afghanistan's own Human Rights Commission, which is a branch of the Afghan government, have all found proof that Afghan authorities, especially the national police, routinely use torture. The US State Department has also published evidence of continuing "torture, extrajudicial killings, poor prison conditions, official impunity, prolonged pretrial detention" and other human rights violations at Afghan prisons and detention centers. [1]

Unlike other NATO countries with soldiers in Afghanistan, such as the Netherlands and Great Britain, Canada explicitly relinquished any right to track the fate of prisoners handed over to Afghan authorities in an agreement signed by the Afghan government and Canadian Chief of Defence Staff, General Rick Hillier, in 2005. Prior to that, CAF prisoners were routinely transferred to US forces, which then might hold them in secret prisons in violation international law.

A group of Canadian lawyers raised concerns last spring about the 2005 agreement, referring to Afghanistan's notorious human rights record. They warned that Canadian soldiers could possibly face prosecution as war criminals if it was found that a prisoner they handed over to Afghan authorities had been tortured.

Early last week, after the *Globe and Mail* had given prominent coverage to the prisoner abuse allegations and to Dr. Attaran's role in demanding that they be investigated, he was contacted by Commander Denise LaViolette, a naval communications specialist serving under the head of the military police, the Provost Marshall.

According to Dr. Attaran, "It sounded like she wanted to manage the problem by trying to intimidate me." LaViolette was subsequently quoted as saying in an e-mail that "he [Dr. Attaran] was not behaving like a professional."

Significantly, LaViolette's superiors have made no effort to distance themselves from her comments.

This shows that General Hillier's affirmation that "the allegations of misconduct and detainee abuse are taken very seriously by both myself and my subordinate commanders" was a public relations ploy. In reality, the military bitterly resents Dr. Attaran's efforts to shed light on the possible prisoner abuse and more generally the legality of the CAF's handing over of prisoners to a regime that practices torture.

The corporate media, meanwhile, has published a spate of editorials and comments declaring that this is not a repeat of the "Somalia affair"—a reference to the torture and murder of a Somali youth in 1993 by Canadian soldiers that drew international censure and turned public opinion against that mission.

One such piece by military analyst David Bercuson was in fact titled "Not to be confused with Somalia." "The Canadian Forces," declares Bercuson, "will not face another Somalia crisis no matter what," and provides proof for this assertion in the statement that, "the government and the military made significant changes as a result of Somalia".

A *Globe and Mail* editorial on the same day developed that theme saying, "in no sense does it compare with the unbridled violence unleashed by Canadian soldiers participating in a failed peacekeeping mission in Somalia in 1993." This was followed by the assurance, "The military learned hard lessons from Somalia. It improved training, preparation and accountability and put in place stronger mechanisms to prevent a recurrence."

It is entirely fitting that the Somalia affair has been invoked in comparison to the current allegations but, contrary to the purpose of the corporate establishment and right-wing pundits, by way of a grisly reminder.

In 1993, Canadian soldiers who were part of a United Nations-sanctioned, US-led mission, captured a young civilian, Shidan Arone, in their camp and after hours of torture, witnessed by at least 16 soldiers, killed him. That crime was compounded by a cover-up by officers of the Canadian Airborne Regiment.

The then Liberal government was ultimately forced to order the disbanding of the Airborne Regiment and to call a public inquiry into what had happened in Somalia. But as the inquiry heard exhaustive testimony of a culture of brutality and racism that was fostered by the military at the highest levels, the CAF top brass became increasingly anxious. Ultimately, with the support of the Liberals opponents on the right, including the forerunners of Harper's Conservatives, the CAF

leadership prevailed on the government to abruptly close down the inquiry, thus preventing it from filing a final report.

The subsequent revision of the National Defence Act in 1998 introduced changes which are now cited as preventatives against any repeat of the Somalia affair. But in reality the changes were largely of a cosmetic nature. While they included the formation of a civilian oversight body, the MPCC, this agency has limited powers to call witnesses and no authority to issue orders or impose disciplinary measures.

The way in which the military top brass has responded to the allegations of prisoner abuse in Afghanistan—from its initial resistance to any investigation to the recent attempts to intimidate Dr. Attaran—reveal an attitude which is ominously akin to that revealed by the Somalia events.

And while this is thoroughly reprehensible, it is not surprising from a military whose missions, such as that in Somalia and the current offensive in Afghanistan, are those of an imperialist power impressing its will upon weaker nations.

The Harper government, with the support of the media, has sought to whip up public enthusiasm for the Canadian intervention in Afghanistan, but has encountered widespread and mounting public opposition.

At the same time, the opposition parties in the Canadian parliament offer no genuine opposition to the militarist agenda of the Tories. While they make varying opportunist appeals to anti-war sentiment, they all supported the CAF deployment to southern Afghanistan and all continue to allow the minority Conservative government to pursue an unpopular war with impunity. Typical was the demand of NDP Leader Jack Layton for assurances that the results of the investigations into the allegations of prisoner abuse be made public. Bloc Québécois leader Gilles Duceppe gave the government even greater latitude, suggesting that the MPCC inquiry may not even be necessary.

Ultimately these inquiries may be forced to reveal abuses arising from the Canadian mission to Afghanistan, revelations that will undoubtedly prompt official assurances that measures will be taken to ensure that the CAF doesn't assault or torture prisoners in the future. At issue however is the changed role of Canada's military—a change that was very much supported by the previous Chretien-Martin Liberal government, but which the Conservatives under Harper have unabashedly promoted—to more directly intervene in world affairs to secure advantage for Canadian big business in the re-division and colonization of the globe. In that role it is inevitable that further and far worse human rights abuses will be perpetrated by the CAF on the citizens of targeted regions.

[1] U.S. Department of State: Country Reports on Human Rights Practices. Released by the Bureau of Democracy, Human Rights, and Labor, March 8, 2006.



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