

Canada complicit in torture of hundreds of Afghan detainees

Keith Jones**20 November 2009**

A Canadian diplomat, who was posted to Afghanistan in 2006-7, told a parliamentary committee Wednesday that hundreds of persons detained by Canadian troops in southern Afghanistan were subsequently tortured by Afghan authorities. Moreover, Canada was complicit in their torture, since the government and Canadian military refused to heed his repeated warnings that torture was “standard operating procedure” for interrogators from Afghanistan’s secret police, the National Directorate of Security (NDS).

Richard Colvin said that beginning in May 2006 he sent numerous reports to the Canadian government and military warning that the prisoners whom the Canadian Armed Forces (CAF) handed over to the NDS and Afghan National Police were being systematically tortured. But he encountered only indifference and obstruction from the CAF and his superiors at Foreign Affairs.

Colvin emphasized that many of those the CAF handed over had nothing to do with the insurgency against the US-NATO occupation and the corrupt, US-installed government of Hamid Karzai. They had been detained by the CAF “during routine military operations, and on the basis typically not of intelligence but suspicion or unproven denunciation”—i.e. they were ordinary Afghans who had had the misfortune of being caught up in CAF counterinsurgency sweeps.

“Some of these Afghans,” Colvin told the House of Commons committee on the Canadian mission in Afghanistan, “may have been [Taliban] foot soldiers or day fighters. But many were just local people—farmers, truck drivers, tailors, peasants; random human beings in the wrong place at the wrong time; young men in their fields and villages who were completely innocent but were nevertheless rounded up.”

“In other words,” Colvin continued, “we detained, and handed over for severe torture, a lot of innocent people.”

Colvin added that even if some or all of the detainees were Taliban, their torture was a grievous violation of international law and made Canada complicit in “war crimes”: “Complicity in torture is a war crime. It is illegal and prosecutable.”

A supporter of the US-NATO occupation of Afghanistan, Colvin argued that Canadian authorities’ indifference to the well-being and rights of the Afghan detainees had proven counterproductive. “Instead of winning hearts and minds,” said Colvin, “we caused Kandaharis to fear the foreigners. Canada’s detainee practices alienated us from the population and strengthened the insurgency.”

Colvin pointed out that during the 17-month period he was posted to Afghanistan the CAF took many times more prisoners than did the Dutch and British forces deployed to the impoverished Central Asian country and, unlike the Dutch and British, the CAF did not have any mechanism for investigating the fate of the detainees it handed over to Afghan security forces.

“According to our information,” said Colvin, “the likelihood is that all the Afghans we handed over were tortured. For interrogators in Kandahar, it was standard operating procedure.”

Colvin said prisoners were beaten, subjected to electric shocks, denied sleep, and raped or otherwise sexually abused.

Prime Minister Stephen Harper and other senior Conservative ministers have claimed that they knew nothing of Colvin’s reports—although he sent them to senior officials at the CAF, the Foreign Affairs Ministry, and the Prime Minister’s Office—and had no reason, prior to Spring 2007, to believe that Afghan authorities were abusing detainees handed over to them by the CAF.

These claims have never been credible. The UN, the Afghan Human Rights Commission, an Afghan government body, and the US government had all said that they had evidence Afghan security forces routinely abused prisoners, including torturing them. According to the US State Department 2006 country report on human rights, there was continuing evidence of “torture, extrajudicial killings, poor prison conditions, official impunity, prolonged pretrial detention” and other human rights violations at Afghan prisons and detention centers.

Colvin’s testimony however provides fresh evidence that the government and military at the highest level were aware that the detainees were being tortured and chose to allow the practice to continue. Only in May 2007, after the issue had become a major political controversy and the *Globe and Mail* had published interviews with some of the CAF detainees alleging horrific abuse did the government sign a new prisoner transfer agreement with Kabul. Under this agreement, Canadian officials have the right to inquiry into the conditions and treatment of any prisoners the CAF hands over to Afghan security forces.

Colvin described to the committee how the CAF high command and top Canadian government officials in Ottawa, including David Mulroney—then a foreign and defence policy advisor to the Prime Minister and the government’s “point man” on Afghanistan and later Canada’s Associate Deputy Minister of Foreign Affairs—first ignored his warnings, then sought to censor and suppress them.

“At first,” Colvin testified, “we were mostly ignored. However

by April 2007 we were receiving written messages from the senior Canadian government co-ordinator for Afghanistan [David Mulroney] to the effect that I should be quiet and do what I was told, and also phone messages from a DFAIT [Department of Foreign Affairs and International Trade] assistant deputy minister suggesting that, in future, we should not put things on paper, but instead use the telephone."

When the issue of the possible abuse of Afghans prisoners was first raised in parliament in 2006, the then Conservative defence minister, Gordon O'Connor, vigorously defended Afghan authorities, adding that the Canadian government had, in any event, an agreement with the Red Cross to monitor the fate of prisoners initially detained by the CAF. The Red Cross denied having any such agreement with Ottawa, forcing O'Connor to make a retraction.

Colvin told the parliamentary committee that for three months in 2006 the CAF refused to even speak with the Red Cross: "Canadian forces in Kandahar wouldn't even take their phone calls."

Conservative MPs on the committee were quick to attack Colvin's credibility. Cheryl Gallant accused Colvin of deliberately undermining public support for the 3,000-strong Canadian expeditionary force in Afghanistan. Said Gallant, "The fanning of the flames of outrage over allegations, however unproven, are really having the desired effect on the Canadian people of wanting our troops to return even quicker." This is in keeping with previous slanderous statements from Harper and other leading Conservatives accusing opposition MPs who have raised questions about the fate of the CAF's Afghan prisoners of being "proto-Taliban."

A spokesman for Defence Minister Peter MacKay dismissed Colvin's testimony. "As far as we're concerned," said MacKay's aide, "no one has ever been shown to have been abused and when there were credible reports we acted with a new (detainee transfer) agreement." In fact Colvin, one of Canada's senior Afghan diplomats, sent a report a full year before Ottawa "acted" saying that there was evidence of "serious, imminent and alarming" abuse of prisoners transferred by the CAF. By May 2007 he had authored more than a dozen reports and memorandums warning that CAF detainees were being tortured by Afghan security forces.

The Conservative government has gone to extraordinary lengths to try to prevent any public airing of how the CAF's policy on Afghan detainees was developed and implemented.

It went to court to prevent the Military Police Complaints Commission (MPCC), an autonomous government agency, from investigating the Afghan detainee issue and since failing to obtain a court ruling entirely shutting down the MPCC inquiry has sought to systematically obstruct its work.

Last July the Justice Ministry sent letters to persons subpoenaed to appear before the MPCC to warn them against participating in pre-hearing interviews. To do so, the letter claimed would put their reputations at risk, could lead to public accusations they are lying, and might result in their having to bear the moral burden of unwittingly exposing members of the military and others to disciplinary penalties.

Later the government filed a motion to prevent 22 witnesses,

including Colvin, from appearing before the MPCC on the grounds that their testimony would violate the national security provisions of the December 2001 Anti-Terrorism Act.

According to a lawyer for Amnesty International, which in conjunction with the British Columbia Civil Liberties Association first appealed to the MPCC to investigate the Afghan detainee issue, the government's attempt to use the Anti-Terrorism Act to prevent CAF personnel and civil servants from testifying at the MPCC inquiry "demonstrates" that it "is willing to go to any lengths to prevent witnesses from testifying."

As a result of the government's actions, the MPCC inquiry has yet to hear a single witness. In a further patent attempt to derail the MPCC inquiry, Defence Minister Peter MacKay announced in September that the current MPCC chair, Peter Tinsley, will be forced to immediately step down when his current contract ends on Dec. 11.

It was following these events and after Colvin had insisted that he wanted to make public what he knew of the Afghan detainee issue that the opposition members on the House of Commons committee joined forces and passed a motion inviting him to appear before them. (Persons testifying before parliamentary committees have legal immunity, meaning Colvin was not under threat of being charged with breaking the Anti-Terrorism Act.)

The Conservative government, to be sure, does not want Canadians made aware of the unlawful and murderous character of the regime that the CAF is propping up in Afghanistan.

But the only plausible explanation for the Harper Conservative government's vehemence in seeking to prevent any scrutiny of how the CAF's Afghan detainees have been treated is that it knows full well that it and the CAF—at the highest levels—have been complicit in torture, that is in war crimes. And the government is desperate to cover this up for both political and legal reasons.



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