

Canada's Conservatives respond to Afghan torture charges with lies and slurs

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Canada's Conservative government has responded to testimony by a high-level diplomat implicating it and the Canadian military in the torture of Afghan detainees with a campaign of lies, slander, and half-truths.

The intensity and viciousness of the government's response is itself further evidence that Canada's government and military—and at the highest levels—are guilty of what, under international law, constitutes a war crime.

Richard Colvin, who served in Afghanistan for 17 months in 2006-7 and is currently an intelligence officer at Canada's US embassy, told a parliamentary committee last month that his superiors initially ignored his repeated warnings that the prisoners whom the Canadian Armed Forces (CAF) transferred to Afghan security forces were subject to abuse and torture. Subsequently, the government tried to obstruct and silence him.

Colvin further testified that most of those whom Canada's military captured and turned over for interrogation by Afghanistan's notorious secret police, the National Directorate of Security (NDS), were not Taliban fighters, but rather ordinary Afghans who had the misfortune of being caught up in CAF sweeps.

"Many," said Colvin, "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," continued Colvin, "we detained, and handed over for severe torture, a lot of innocent people."

The government responded to Colvin's testimony—testimony it had previously sought to suppress by threatening to charge him with breaching national security laws—by accusing the career diplomat of being a Taliban dupe and of seeking to undermine Canada's military intervention in Afghanistan.

Defence Minister Peter MacKay dismissed Colvin's allegations that transferred CAF prisoners were tortured as "nothing short of hearsay, second- or third-hand information," that may have "come directly from the Taliban."

MacKay, who was Foreign Minister in 2006-7, and a cabal of senior government and military officials all claimed to never have seen or, at least, to not recall reading any of the 17 memos and reports Colvin wrote on the Afghan detainee issue, beginning in May 2006.

Prime Minister Stephen Harper speaking Sunday to CAF personnel on a Canadian battleship charged the parliamentary

opposition parties with undermining the military and the Afghan counter-insurgency war by demanding a public inquiry into the Afghan detainee issue.

Said Harper: "Living as we do, in a time when some in the political arena do not hesitate before throwing the most serious of allegations at our men and women in uniform, based on the most flimsy of evidence, remember that Canadians from coast to coast to coast are proud of you and stand behind you, and I am proud of you, and I stand beside you."

Harper's crude attempt to rally the support of the military and use it to intimidate the opposition notwithstanding, the government's response to Colvin's politically devastating testimony has been somewhat more restrained over the past week.

Rather than outright character assassination, the government and military have increasingly resorted to distortions and half-truths, revolving around the claim that there was no evidence the prisoners transferred by the CAF were being abused until April 2007, when the *Globe and Mail* published a series of reports based on interviews with former detainees.

MacKay and the CAF top brass now concede that they did see some of Colvin's reports. Canada's current defence minister and former foreign minister also now claims that almost immediately upon assuming office in February 2006 the Conservatives were discussing the need for changes to the Canada-Afghan prisoner transfer agreement—"Obviously there were concerns about the state of the prisons"—and that Colvin's reports did, ultimately, contribute to the government's decision to renegotiate the agreement in May 2007.

Behind the shift in tactics lies the recognition that the slur campaign against Colvin—a strong supporter of the Afghan occupation—was backfiring. Even so fervent a supporter of the military and the Conservatives as the *National Post* editorial board called the charge that Colvin was a "Taliban stooge" an "absurd talking point." A Canadian Press Harris-Decima opinion poll found twice as many Canadians believed Colvin's charges as the government's claims that they were flimsy and not credible (51 percent to 25 percent.) And an overwhelming majority, 70 percent, said the CAF should not have transferred prisoners to Afghan authorities if they were likely to be tortured.

In testimony last week before the House of Commons committee on the Afghan war, MacKay, retired CAF head Rick Hillier, Lt.-General Michel Gauthier, the former head of CAF overseas

missions, Major-General David Fraser, and David Mulroney, who was Harper's top foreign policy advisor and then his point-man on the Afghan War, all testified that Colvin's reports provided no definitive proof that persons detained by the CAF were subsequently tortured by Afghan authorities. "There was simply nothing there," declared Hillier.

This is disingenuous, to say the least.

First, while Colvin may not have been able to provide details about the fate of any specific CAF detainee—he was not privy to who they were—he did relay all sorts of information concerning the NDS's treatment of prisoners. Even more importantly, it was already well-known in Afghanistan and internationally that Afghan security forces routinely use torture. The US State Department, hardly an opponent of the US-installed government in Kabul, had even said so in publicly available documents. In an interview with the *National Post*, Nipa Bannerjee—who from 2003-6 headed the work of CIDA, the Canadian government's international development agency, in Afghanistan—said it was common knowledge that Afghan prisoners were abused and that she was told by another Canadian embassy official that when he raised the issue with his superiors he was ignored.

Second, as the response of the government and CAF to Colvin's memos attests, they were not interested in finding evidence Afghan detainees were being abused and tortured. Indeed, the Red Cross, which was supposed to be monitoring the fate of persons transferred by the CAF to the Afghans, complained that for months the CAF refused to even take their phone calls, let alone provide them with the information needed to identify and track down the fate of the prisoners whom that CAF had transferred to the NDS.

Third, the government, hiding behind national security concerns, is suppressing Colvin's memos as well as virtually all documents pertaining to the Afghan detainee issue—making it impossible to verify the official claims. Not only are the Conservatives refusing to turn Colvin's memos over to the parliamentary committee that heard his testimony, it is providing the Military Police Complaints Commission (MPCC), a judicial body created by parliament and which has launched an inquiry into the Afghan detainee issues, only heavily redacted—i.e. censored—versions. According to the *Globe and Mail*, although senior investigators with the MPCC enjoy the highest security clearance, many of the documents handed over to the MPCC by the Conservative government have so much material blacked out as to render them "unreadable."

The reality is that the CAF command, the Liberal government of Paul Martin that in December 2005 signed the detainee-transfer agreement with Kabul foregoing any right to monitor the fate of transferred prisoners, and the Harper government that implemented that agreement for close to a year-and-a-half were all blithely indifferent to the fate of any prisoners Canada's military turned over to Kabul as part of the Afghan counter-insurgency war.

In his testimony last week, Lt.-General Gauthier claimed to have "highlighted detainees as one of three critically important issues all must pay careful attention to."

This same Gauthier in May 2006 argued that Afghan detainees should not be accorded the minimum protections of the Geneva

Accords. "The regulations," declared Gauthier, "... apply in an armed conflict between states, and what's happening in Afghanistan is not an armed conflict between states."

If the government made an about face a year later, it was not because it now had evidence, thanks to the *Globe and Mail* reports, that prisoners transferred by the CAF were being tortured; rather it was because its complicity in the torture of Afghans had been publicly exposed.

No more credible are the claims of Harper that he knew nothing of the Afghan detainee issue. The prime minister placed the Afghan War at the very center of his government's agenda, as a means of promoting a more "robust" foreign policy and an explicitly rightwing, militarist Canadian nationalism.

In a report published Nov. 22, the *Toronto Star* cites an unnamed "former senior NATO public affairs official" who in 2007 was deployed to Kabul, as saying that when allegations of prisoner abuse first became public in the spring of 2007, the Canadian Prime Minister's Office used a "6,000 mile screwdriver" to ensure that a "blanket denial" was issued by NATO.

"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," Harper's office "scripted and fed" a statement that read " 'We have no evidence' of coercive treatment being used against detainees handed over to the Afghans."

"It was highly unusual," continued the former NATO official. "I was told this was the titanic issue for Prime Minister Harper and that every single statement that went out needed to be cleared by him personally."

Other evidence, meanwhile, has come to light corroborating key parts of Colvin's testimony.

Last week Hillier and David Mulroney took especial exception to Colvin's charge that many of those captured by the CAF in Afghanistan were not even insurgents. On Monday the *Ottawa Citizen* published excerpts from government documents that show NDS officials repeatedly complained that many of the detainees handed them by the CAF were not combatants. Canada's representative in Kandahar wrote Ottawa on May 15 to report on a meeting with NDS officials and the deputy warden of Kandahar's Sarpouza prison: "Concern was expressed about the absence of sufficient evidence from ISAF [NATO] forces on why detainees were captured and subsequently transferred, resulting in a high rate of release."

As intelligence-security specialist Wesley Wark told the *Citizen*, "If the NDS is releasing people then the only way to understand that is that the NDS is confident these individuals have absolutely no connection whatsoever to the Taliban."



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