

# Canada subcontracted torture of Afghan detainees

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A former Canadian Armed Forces' interpreter has charged that Canada's military handed over Afghan detainees whom it deemed uncooperative to the Afghan secret police so that information could be beaten out of them through torture.

Testifying before a House of Commons committee last week, Ahmadshah Malgarai said he "saw Canadian military intelligence sending detainees to the NDS [Afghanistan's National Directorate of Security] when the detainees did not tell them what they expected to hear."

"If the [Canadian] interrogator thought a detainee was lying, the military sent him to NDS for more questions, Afghan style. Translation: abuse and torture."

Canada's military, declared Malgarai, "used the NDS as subcontractors for abuse and torture."

Malgarai served as a Canadian Armed Forces (CAF) interpreter from June 2007 through June 2008. He worked for its counter-intelligence unit and for Brigadier General Guy Laroche, the then overall commander of the Canadian military in Afghanistan. In this position, Malgarai witnessed CAF interrogations and interaction between CAF and Canadian Department of Foreign Affairs officials and NDS officers.

There is already a mountain of evidence to show that the Canadian government and CAF ignored and suppressed warnings that prisoners transferred to Afghan security forces would be abused and tortured, making both guilty of war crimes. (Under the Geneva Conventions, it is illegal to transfer prisoners if there is reason to suspect those to whom they are being transferred will abuse and torture them.)

Malgarai, however, is the first participant in the Canadian military intervention in Afghanistan to charge the CAF with subcontracting torture—with transferring prisoners to the NDS with the express aim of having Afghan security forces subject them to torture and abuse.

The former CAF translator testified that he personally translated more than 40 documents into Pashto authorizing the transfer of Afghan detainees from the CAF to the NDS. He told the Commons committee that when he asked his CAF bosses, "Should I translate this as transfer for questioning or transfer for torture? They would just laugh. They were subcontracting torture."

Malgarai insisted that "all along the chain of command" everyone "involved in any way, or at any level, with the detainee transfer" knew "what was going on and what the NDS does to the detainees."

The day after Malgarai made his charge that the CAF subcontracted torture, Paul Dewar, the foreign affairs critic for the New Democratic Party (NDP), announced that he had evidence suggesting the CAF did transfer prisoners to the NDS because it judged Afghan's secret police better able to wring information from suspects.

Dewar said he had a copy of a confidential CAF report, likely from late October 2007, that recommended a batch of prisoners be transferred to the NDS because all "were deceptive and have a better knowledge on TB (Taliban) activity" than they had admitted.

Dewar declined to provide a copy of the document to the press for fear of running afoul of Canada's national security laws.

In its campaign to disrupt and derail any investigation of the CAF's treatment of Afghan detainees, the Conservative government has repeatedly claimed national security is at risk. This has served both to justify its refusal to provide parliament and a Military Police Complaints Commission (MPCC) inquiry uncensored documents concerning the Afghan detainee issue and to intimidate, with the threat of criminal prosecution, those who might come forward to challenge the "official story."

Defence Minister Peter MacKay responded to Malgarai's testimony with the now customary torrent of abuse that the Conservative government heaps on critics

of the Canadian intervention in Afghanistan, even if they are, as in the case of the opposition parties, supporters of Canada's leading role in the Afghan war. "Our troops," declared MacKay, "certainly deserve better than drive-by smears and unsubstantiated allegations."

Malgarai, in his opening statement to the Commons committee, also accused the CAF of having shot an unarmed 17 year-old in the head during an operation in a village north of Kandahar in June or July 2007.

Later under questioning Malgarai explained that he had not witnessed the event, but had translated the interrogations of persons detained during the same operation, read a CAF intelligence report about it, and overheard the author of the report say to the head of the CAF counter-intelligence unit "this is murder and we're trying to cover it up."

Spokesman for the Conservative government quickly seized on the fact that Malgarai had not witnessed the shooting to claim his charge was mere hearsay.

But Malgarai's testimony on the operation was not limited to the accusation that the CAF had murdered a teenage youth. He told the Commons committee, "After the Canadian Forces wrongly killed a man, they panicked. They swept through the neighborhood, arresting people for no reason." Those arrested, he said, included a 10 year-old boy and a crippled man of ninety.

None of the detained, said Malgarai, were Taliban, but all were nevertheless transferred to the NDS: "None did anything wrong except to be at home when the Canadian Forces murdered their neighbour. Yet Canada transferred all these innocent men to the NDS."

Malgarai's testimony echoes that of Richard Colvin, a Canadian diplomat who last November told the same Commons committee that government and CAF officials ignored and suppressed his repeated warnings that Afghan security forces were abusing and torturing their prisoners. Colvin further testified that most of those transferred by the CAF to the NDS during the 17-month period in 2006-7 that he was posted to Afghanistan were innocent toilers who had had the misfortune to be caught up in CAF security sweeps. Said Colvin, "Many were just local people: farmers, truck drivers, tailors—random human beings in the wrong place at the wrong time ... In other words we detained, and handed over for severe torture, a lot of innocent people."

Malgarai's revelations are all the more credible and damaging in that they come from someone who was once lauded by the CAF top brass. Indeed, the Canadian media

reported in April 2008 that the Afghan-born, Canadian citizen Malgarai—then publicly known only by the alias Pacha—was being promoted by the CAF as a possible replacement for the governor of Kandahar, with whom Ottawa had had a falling out. (See: "Big Boy" Canada demands changes in Afghan government) Ultimately the job of governor over Kandahar—the province where the CAF comprised until recently the bulk of the NATO occupation force—was awarded, in typical colonialist-style, to another Canadian citizen, the Afghan expatriate Tooryalai Wesa.

Malgarai claims his questioning of the CAF's practice of transferring Afghans to the NDA torturers eventually led someone from within the CAF's ranks to leak his identity to the Taliban, thereby forcing him to flee Afghanistan for his life. He has further charged that Defence Minister MacKay and the CAF top brass have shunned his pleas for help in bringing to Canada other members of his family, whom he claims are at risk as result of his exposure as a Canadian operative.

Canada's Conservative government has gone to extreme lengths to prevent parliament and the MPCC from examining the Afghan detainee issue. This has included defaming Colvin, threatening to prosecute him and other "whistleblowers" for imperiling national security, defying a parliamentary motion that it hand all over relevant documents, and shutting down parliament for two months at the end of last year. At the same time, the Conservatives have aggressively courted the support of military and extreme right by portraying the opposition parties as disloyal, if not quasi-treasonous, for questioning the CAF's conduct in war time.

By providing damning new evidence of the Canadian government's and state's complicity in torture, Malgarai's testimony sheds further light on the motivations behind the government's lying, stonewalling and ever-widening attack on parliamentary norms and democratic rights.



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