

Opposition parties abet cover up of Canada's Afghan war crimes

Keith Jones**21 May 2010**

Late last week Canada's three parliamentary opposition parties and the minority Conservative government reached an "agreement in principle" to give a tiny number of specially vetted MPs uncensored access to all documents pertaining to the fate of the Canadian Armed Forces' Afghan detainees.

Prime Minister Stephen Harper—whose government has repeatedly run roughshod over basic democratic rights and norms, including twice making use of the arbitrary powers of the unelected Governor-General to temporarily shut down parliament—joined the opposition in hailing the agreement as good for democracy.

The reality is just the opposite. The agreement has been designed to subvert democracy, specifically to prevent Canadians from learning of their government's and military's complicity in war crimes.

In the name of upholding national security, the government and opposition have created a laborious process for reviewing the estimated 20,000-40,000 pages of relevant documents. This process will begin, at the earliest, only in the second half of June and will drag on for many months.

Just eight MPs, two from each of the four parties, will be allowed to scrutinize uncensored versions of the Afghan detainee documents and only after they have sworn a criminally enforceable secrecy oath. And just one MP from each party will have the right to examine the documents at any one time and only when they report to a specially designated secure facility.

Even more importantly, what Canadians are ultimately told about the contents of the documents is to be determined through protracted secret negotiations involving the government, senior bureaucrats and the military, with the final decision resting in the hands of a panel of three senior jurists over whose composition the government has a veto.

Under the agreement, the panel will determine how any information deemed relevant and necessary by the committee of eight specially empowered MPs is "made available to the members of Parliament and the public without compromising national security." This could include

releasing censored versions of documents, providing summaries, or any other technique the panel "finds appropriate."

In other words, any information made available to Canadians will first have to be filtered and massaged so as to uphold the interests of the Canadian state.

The Conservatives and Canadian Armed Forces (CAF) have steadfastly maintained they didn't and couldn't know that Afghans turned over to Afghan security forces by the CAF would be tortured and abused.

But over the past three years a torrent of evidence has emerged showing that the Canadian government and military ignored and suppressed evidence that Afghan's National Directorate of Security (NDS) uses torture as its standard operating procedure and that many of those whom the CAF has handed over to Afghan authorities were not insurgents but poor Afghans caught up in CAF dragnets.

Under the Geneva Conventions, it is a war crime to transfer prisoners to a government or force one has reason to suspect will abuse and torture them.

Last month, a Canadian of Afghan birth who served with a CAF intelligence unit for 13 months in 2007-8 charged in sworn testimony that the CAF subcontracted torture. Prisoners deemed uncooperative were transferred to the NDS precisely because the Afghan authorities used other interrogation methods. (See "Canada subcontracted torture of Afghan detainees")

The government's claims that it was ignorant of the NDS's modus operandi are belied by the truly extraordinary lengths to which it has gone to mislead parliament about the Afghan detainees and subsequently to derail inquiries into their fate by a House of Commons committee and the Military Police Complaints Commission (MPCC), a quasi-judicial oversight body established by parliament.

In this campaign, the government has made blanket and patently politically manipulated claims of national security, while openly accusing the opposition parties of undermining the Canadian mission in Afghanistan.

Government and CAF personnel were warned they could

be charged with breaching national security laws if they cooperated with the MPCC. When the House of Commons' Special Committee on the Canadian Mission in Afghanistan provided witnesses with immunity from prosecution, the government sought to derail its work first by organizing a boycott of Conservative MPs, thereby denying the committee a quorum, and then by shutting down or proroguing parliament for two months.

The Harper Conservative government continues to systematically obstruct the MPCC's work by refusing to provide it with the requisite uncensored documents. For months, it did the same to the House of Commons' Special Committee. This included defying a House of Commons resolution that specifically instructed the government to turn over all relevant documents to the committee uncensored.

The government's defiance ultimately compelled the Speaker of the House of Commons to issue an unprecedented ruling in which he found that the executive was illegally seeking to expand its powers by usurping the rights of the people's elected representatives to scrutinize its activities and hold it to account. (See "Canada's Speaker rebukes government for withholding Afghan detainee documents")

It was this ruling, issued at the end of April after much deliberation and hand-wringing within the elite over the dangers of a constitutional clash between parliament and the government, that ultimately forced the Harper government to enter into negotiations with the opposition parties over access to the Afghan detainee documents.

The opposition parties' stance on the Afghan detainee issue has always been two-faced. After all, it was the Liberal government of Paul Martin that tasked the CAF to deploy to Kandahar and assume a leading role in the counterinsurgency war and that negotiated the first prisoner transfer agreement with Kabul. Both the New Democratic Party (NDP) and Bloc Quebecois supported the Kandahar deployment.

While the opposition parties have used the Afghan detainee issue to embarrass the government, they have failed to draw the connection between Canada's complicity in torture in Afghanistan and the practice developed by Canada's national security apparatus in the aftermath of September 2001 of conniving in the detention and torture of Canadian terrorist suspects by foreign governments.

Even more importantly, the opposition parties cannot and will not draw the connection between the CAF's complicity in torture and the colonialist character of the Afghan war.

By negotiating a deal with the government that largely removes the Afghan detainee issue from public debate and allows the government, bureaucracy and military to exert decisive influence over what the public learns about

Canada's involvement in war crimes, the opposition parties have become a party to the government-led cover-up.

In recent weeks, the corporate media has been full of commentary proclaiming that Canadians are disinterested in the Afghan detainee issue. By this they mean that they don't want Canadians to be concerned with it, since the CAF's involvement in torture cuts across their attempts to drum up support for the Afghan war as well as their efforts to use the Canadian Armed Forces to promote an explicitly right-wing Canadian nationalism.

The Liberals, the Canadian bourgeoisie's traditional party of government, are particularly anxious to contain the Afghan detainee issue and preserve the public image of the CAF. In a column in the *Globe and Mail* this week, David Bercuson, a historian with close ties to Canada's military, observed, that "some senior Liberals are unhappy over the manner" in which the party has handled the Afghan detainee issue. "They fear this relentless pursuit of possible wrongdoing will undermine public confidence in the Canadian Forces and create a major rift between Canadians and their military."

Had the government and the opposition not reached their eleventh-hour agreement, the House of Commons was slated to vote on a motion finding senior ministers in the Conservative government in contempt of parliament for their defiance of the previous resolution ordering them to hand over the Afghan detainee documents to the special committee. Passage of such a resolution would undoubtedly have precipitated the fall of the minority Conservative government.

Within Canada's ruling elite—and hence within the opposition—there was absolutely no support for an election in which Canada's role in the Afghan war, its complicity in torture, and the Conservative government's repeated violations of democratic mores would have necessarily figured large.

The capitulation of the opposition parties to the government over the Afghan detainees and their incorporation into the mechanism for covering up Canada's complicity in war crimes is an object lesson. It underscores that in no section of the ruling elite is there any serious commitment to the defence of democratic rights.



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