

THE AFGHAN MISSION

Military probe into alleged Canadian abuse hits brick wall

Investigation into mistreatment of detainees in our custody deliberately stalled, critics say

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After more than a year, the criminal probe into whether Canadian soldiers beat and abused Afghan detainees while military police turned a blind eye remains incomplete and critics say it is being deliberately dragged out.

No charges have been laid, there's no hint when the investigation might end and one person is dead: An Afghan intermediary sent by investigators to try to make contact with the alleged victims was killed by the Taliban.

The Canadian Forces National Investigation Service, the special military police unit conducting the investigation, rejects accusations that it is running out the clock. "It's absolutely a top priority," said Captain Cindy Tessier, referring to Operation Camel Spider, as the probe has been dubbed. Capt. Tessier said five investigators have been working on the case full-time for a year; more than 70 people have been questioned in three countries and huge piles of documents have been sifted and read.

But she could offer no estimate as to when the investigation might wrap up.

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Amir Attaran, the University of Ottawa law professor who uncovered the suspicious and unexplained pattern of injuries among detainees, is not convinced the military is serious in its belated and long-running efforts to investigate.

"When the military is investigating the military, which is inconvenient for the military, is it any wonder that the military rags the puck?" he said.

Meanwhile, the military medical records for detainees from the spring of 2006 - when the detainees were allegedly abused and beaten

and then treated by Canadian doctors at the main base on Kandahar Air Field - have mysteriously gone missing. "No one at KAF has an explanation for the missing Roto 1 files other than to speculate that it was poor organization," says one report by a CFNIS investigator marked "secret," which was released heavily censored.

The CFNIS is a special unit, independent of usual military police reporting, that was created in 1997 with a mandate to investigate serious and sensitive matters related to Department of National Defence and the Canadian Forces. Its independence permits it "to conduct thorough investigations without fear of influence" from the military chain of command, according to the CFNIS.

Few details of its probe have emerged. Another CFNIS report, from June of 2007, admits that efforts to track down, win the confidence of, and then interview the three detainees allegedly abused while in Canadian custody have failed. "It would be highly unlikely that investigators will be able to interview the detainees" after the grim news that an interlocutor sent by investigators "had been targeted by the Taliban and assassinated."

Sources familiar with the general thrust of the investigation, who discussed its progress on condition that they not be identified, suggest that its focus has shifted from whether one or more detainees was beaten by soldiers or military police to why no military police investigation was launched at the time.

In fact, military police failed to investigate the beatings between April of 2006, when they occurred, and 10 months later when The Globe and Mail reported that Prof. Attaran had furnished the documents to the Military Police Complaints Commission. Once the story broke, multiple investigations were launched.

In its official account of the beating, the military admitted the detainees had been hit but concluded that military police had "used appropriate physical control techniques" to restrain the prisoners, even though their hands were already bound behind their backs.

But the government flatly insisted there was no cause for public concern as its policies regarding detainees guaranteed they were safe both in Canadian custody and after transfer to Afghan prisons. Since then, reports have shown that Afghan detainees have been tortured in Afghan custody, and the government twice changed its policy on handing over prisoners before stopping handovers altogether.

In addition to the CFNIS criminal probe, Canada's top soldier, Chief of the Defence Staff General Rick Hillier, ordered a board of inquiry to investigate all of the policies, procedures and training regarding the capture, treatment and transfer of enemy prisoners that he once disparaged as "detestable murderers and scumbags."

"We'll peel back the layers of the onion and we'll determine what, if anything, occurred, did that meet our policies and processes for handling detainees, do we have to improve anything," Gen. Hillier said. That board is still peeling and hasn't reported. In his last public comment, in December, Lieutenant-Commander Philip Anido said it was awaiting witnesses still not released by the CFNIS and that any report was months from completion. No interim reports or recommendations have been issued.

It has already confirmed it lacks the mandate to examine what happened to detainees after they were given to Afghan security forces - either under the new or old transfer agreements. Now that those transfers have been suspended, it is not clear what value any recommendations will have about a mostly changed system now no longer in use.

The board did not respond to written questions from The Globe and Mail seeking when it might conclude, what it was currently doing and how much it has cost during its first year of existence.

Meanwhile, the Military Police Complaints Commission, an independent, civilian body, also launched an investigation on receipt of the documents found by Prof. Attaran. Both that probe and a second MPCC investigation based on a complaint made by Amnesty International and the British Columbia Civil Liberties Association remain unfinished.

Prof. Attaran said he has been told "the MPCC is being obstructed by the Canadian Forces, who refused to give the MPCC evidence."

Stanley Blythe, chief of staff at the MPCC, said "good progress" has been made, although he confirmed that MPCC investigators are waiting - and have been for months - to interview witnesses not yet released by the CFNIS probe. Mr. Blythe said he could provide no estimate when either MPCC investigation might conclude.

Given the delays, which he believes the military is deliberately creating, Prof. Attaran said, "it is totally baffling to me why the MPCC has not invoked its power to hold a public hearing as it is entitled to do."

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