

Detainees list torture, abuse by Afghan officials, filing says

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Roughly a quarter of the prisoners interviewed in Afghan jails as part of Canada's follow-up inspections of transferred detainees said they were tortured or abused, according to documents filed in Federal Court and the statements of senior Harper government officials.

The documents confirm "eight allegations of physical abuse at Afghan prison facilities were made by detainees transferred to Afghan authorities by the Canadian Forces." The government refuses to say how many detainees were transferred during that period.

The documents also reveal that one Afghan prison official has been "suspended from his position at the Kandahar NDS [National Directorate of Security] facility and is currently under detention," accused of abuse by a transferred prisoner.

That arrest, and the uncovering of the abuse allegations, shows the value of the follow-up inspections, according to Kerry Buck, director-general of the Afghanistan Task Force in the Foreign Affairs Department.

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"Canada is now starting to see the results of the requests by the Government of Canada that the Afghan government investigate allegations" of torture and abuse, Ms. Buck said in the Dec. 14 affidavit filed with the Federal Court. Canada will "press Afghan authorities to investigate these allegations and insist on compliance by the Government of Afghanistan with their obligations under Afghan and international law."

But rights groups argue that the interview results reinforce their calls for an injunction halting all transfers to Afghan prisons by Canadian Forces.

Since May, when the Harper government hastily concluded a deal with the Afghan government that, for the first time, provided Canada with the

right to conduct follow-up visits to check on transferred detainees, allegations of abuse have been made in roughly one in four post-transfer interviews.

"We do not provide information as to how many persons have been detained or transferred by the Canadian Forces in Afghanistan. The public release of such information would jeopardize the operational security of our mission and put the lives of those serving in Afghanistan at greater risk," a Foreign Affairs spokeswoman said yesterday in an e-mail.

However, Foreign Affairs officials said yesterday that 36 interviews have been conducted with detainees transferred by Canada into Afghan prisons between May 3 and Dec. 14. But the number of detainees interviewed is fewer than 36 because "some detainees have been interviewed more than once," the senior government official said.

The incidence of alleged abuse "is a very alarming figure," said Alex Neve, secretary-general of Amnesty International Canada, which, along with the British Columbia Civil Liberties Association, is seeking a Federal Court injunction halting transfers. The groups contend the Harper government is obligated under international law, including the Geneva Conventions, and by Canada's own Constitution not to transfer prisoners even to allies when there is a well-founded reason to believe they may be tortured or abused.

Numerous international organizations, including the United Nations, as well as Canada's own embassy in Kabul have repeatedly reported that torture and abuse are rife in Afghan prisons.

One of the eight allegations of abuse, reported to Canadian officials on Nov. 5, was backed by visible evidence of beatings or torture. A spate of additional visits was ordered "so as to interview as many Canadian-transferred detainees as possible and visually review all remaining Canadian-transferred detainees for signs of physical abuse," Ms. Buck said in her affidavit.

Inspections are not good enough, Amnesty argues. "Monitoring is a technique to detect torture only after it happens, and cannot substitute for prior precautions that prevent torture from happening in the first place; ... monitoring cannot meet Canada's absolute legal obligation to prevent torture," it said in an October report.

Mr. Neve wants Canada, perhaps in conjunction with other NATO allies, to consider jointly operating a detention facility with Afghanistan's National Directorate of Security, the secret police who also run the country's prisons for high-value Taliban suspects.

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