



March 27, 2006

The Honourable Vic Toews, Minister of Justice
and Attorney General of Canada
East Memorial Building
4th Floor
284 Wellington St.
Ottawa, Ontario
K1A 0H8

The Honourable Gordon O'Connor, Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
Ottawa, Ontario
K1A 0K2

Dear Ministers Toews and O'Connor

RE: Canada's Agreement with Afghanistan to Transfer Prisoners

I am writing with regard to the report in the Globe and Mail on March 24, 2006 regarding Canada's agreement with Afghanistan to transfer prisoners (attached).

The BCCLA urges the Government of Canada to renegotiate an agreement with the government of Afghanistan to ensure that any prisoners captured by Canadian forces and transferred to Afghanistan police, armed forces or other security forces are treated humanely and not subject to torture, abuse or extra-judicial killings.

The Globe and Mail report quotes General Rick Hillier, Canada's Chief of Defence Staff, as suggesting that the transfer of prisoners is necessary to help build the rule of law in Afghanistan. While the goal may be worthy, reliable reports from the U.S. State Department and others indicate that prisoners in Afghanistan are routinely subject to abuse, torture and extra-judicial killings. In handing over prisoners to Afghani forces, Canada must

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To: The Honourable Vic Toews and Gordon O'Connor
From: Jason Gratl
Date: March 27, 2006
Page: 2

make every effort to ensure that there are safeguards in place to prevent treatment which is proscribed by international and Canadian law. As Professor Attaran notes in the Globe article, Canada's current agreement may make Canadian soldiers complicit to war crimes in international law given current treatment by Afghan authorities.

We also note that the Dutch-Afghan pact includes provisions to ensure Dutch diplomats and officials have full access to transferred prisoners while no such provisions exist in the Canada-Afghan agreement. Even if such a provision was included, there must be a logistical plan in place to ensure that such prisoners are visited and assessed as well as provision for their removal if they are found to have been abused or tortured. Indeed, we believe that it would be prudent for the Canadian government to take the lead with its international allies serving in Afghanistan to set up a program that is the same for all countries assisting Afghanistan.

Therefore, we urge you as Ministers responsible to take urgent action to ensure that Canada's effort in rebuilding Afghanistan result in a truly just society.

We look forward to hearing from you at your earliest opportunity regarding this matter.

Yours sincerely,



Jason Gratl,
President

cc: The Right Honourable Stephen Harper, Prime Minister of Canada

Encl.