



NEWS RELEASE

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Decision by the Supreme Court to dismiss leave to appeal Afghanistan prisoners' case puts protection in limbo

The decision by the Supreme Court today to dismiss leave to appeal of the case of how the Canadian *Charter of Rights and Freedoms* and Canada's international human rights obligations apply to the transfer of prisoners in Afghanistan is a setback for protection of prisoners everywhere.

The case was brought by Amnesty International and the British Columbia Civil Liberties Association (BCCLA) to try and ensure that Canadian forces are not complicit in the violation of human rights.

"The case was likely rejected because of a lack of facts about specific cases", says Grace Pastine, the Litigation Director of the BCCLA. "But the lack of details is because of the secrecy of the Canadian Forces and the federal government and their refusal to grant access to counsel. It was not because there wasn't a danger of torture and ill treatment."

The case, brought by Amnesty International and BCCLA in February 2007 and heard by the Federal Court in January 2008, and lost after an appeal in December 2008, forced the government to address the issue. During the months of the court proceedings the transfers of Afghanistan prisoners by Canadian Forces were suspended until a new detainee agreement was adopted to allow better monitoring of their treatment.

The current Canadian law on human rights protection related to prisoner transfers is out of step with decisions of courts in other countries. The Supreme Court's rejection of the right to appeal the decision of the Federal Court on this case means that in the short term Canada will not be able to get its laws in line with our allies.

"We are hopeful that a future case with more specific facts will force the courts to address this issue", says Alex Neve, the Secretary General of Amnesty International Canada.

"The question of whether the Canadian Forces complied with criminal and international law will be looked into during the public inquiry being held by the Military Police Complaints Commissions that begins hearings on 25 May."

[Public statement December 2008 >>](#)

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