



Backgrounder

- On February 9, 2007, the Military Police Complaints Commission (MPCC) launched a public interest investigation into allegations involving military police conduct in Afghanistan. This decision related to a formal complaint from University of Ottawa Professor Amir Attaran. He cited evidence of possible abuse of individuals apprehended by members of the Canadian Forces (CF) in April 2006, which the Military Police are alleged to have not investigated, nor provided appropriate medical care.
- On February 21, 2007, Amnesty International and the British Columbia Civil Liberties Association lodged a complaint with the MPCC. They alleged that unidentified CF Military Police, including the Canadian Forces Provost Marshall (CFPM), had transferred detainees to Afghan security forces knowing there was a serious risk that the detainees could face unlawful mistreatment, including torture.
- Five days later, the Chair of the MPCC, Mr. Peter A. Tinsley, issued a [decision letter](#) announcing that the Commission would initiate a public interest investigation. The Chair reserved the option to order a public interest hearing if the power of subpoena became necessary to ensure access to all necessary documents and information.
- The Commission began requesting documentation from the Department of National Defence and other government departments in early March, 2007.
- Despite persistent efforts by Commission staff, responses were slow, censored, and in some cases ignored.
- On January 28, 2008, Mr. Tinsley [wrote to the Minister of National Defence](#) advising him of the lack of cooperation on the part of some government authorities to provide the necessary information.
- On February 20, 2008, one year after the initial complaint, Commission General Counsel, Ms. Julianne C. Dunbar, provided a [status letter](#) to update the various parties. Specifically, she stated that without more government cooperation, the Commission would not be able to fulfill its mandate.
- On February 22, 2008, a Department of Justice lawyer, Mr. Alain Préfontaine, [wrote to the Commission](#) on behalf of the Government of Canada. Mr. Préfontaine took the position that the uncensored documents the Commission was requesting would not be provided.

- On March 7, 2008, Ms. Dunbar [wrote to Mr. Préfontaine](#) indicating that the government's decision not to cooperate further would prevent the Commission from fulfilling its mandate.
- On March 12, 2008, Mr. Tinsley issued a [decision letter](#) indicating that, in order to properly investigate the allegations, it had become necessary to engage in a public interest hearing. It is only in a hearing process that the Commission can compel individuals and organizations to provide specific documents.
- On April 11, 2008, the Attorney General of Canada filed a Notice of Application with the Federal Court of Canada that would prohibit the MPCC from investigating the complaint and would overturn the Chair's decision to hold a public interest hearing.
- The Notice of Application does not apply to the Commission investigation into the complaint lodged by Professor Attaran.

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