



News Release

For immediate release

Commission Forced to Hold Public Interest Hearing into Allegations Concerning Detainee Transfers in Afghanistan

OTTAWA, March 12, 2008 – After more than a year of attempting to investigate the transfer of Afghan detainees, the Chair of the Military Police Complaints Commission (MPCC), Peter A. Tinsley, has decided to hold a public interest hearing into allegations involving military police conduct in Afghanistan.

This decision relates to the Commission's ongoing investigation into a joint complaint by Amnesty International Canada and the British Columbia Civil Liberties Association. The Commission is examining allegations that members of the Canadian Forces (CF) military police transferred detainees to Afghan authorities, or allowed them to be transferred, notwithstanding evidence that the detainees could be tortured.

"The principal difficulty which has given rise to this decision has been the government's refusal to provide the Commission with full access to relevant documents and information under the control of the Department of Foreign Affairs and International Trade (DFAIT) and the Correctional Service of Canada (CSC)," stated Mr. Tinsley. "Ordering a public interest hearing is necessary to ensure a full investigation of the grave allegations raised in this complaint."

Since the commencement of the investigation on February 26, 2007, Mr. Tinsley has reserved the option to call a public interest hearing if the power of subpoena was needed to access relevant documentation.

In a letter delivered today to the Minister of National Defence, the Chief of the Defence Staff, the Canadian Forces Provost Marshal (CFPM) and the complainants, the Chair acknowledged that a hearing will add significantly to the cost and duration of this investigation. In a subsequent statement Mr. Tinsley explained: "The Commission does not take this decision lightly; it is estimated that the hearing process could cost in the range of \$2 million and will easily add months to the investigation. However, we are simply left with no other choice. Given the relevance of the information under the control of DFAIT and CSC, the Commission must now seek to compel those documents which the government has failed to provide voluntarily."

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In the upcoming weeks, the Commission will use subpoena power to compel the various government departments to provide the uncensored documents. The hearing process is expected to begin within a month.

Established by Parliament in 1998, the role of the MPCC is to provide for greater public accountability by the military police and the chain of command in relation to military police conduct and investigations.

Claude Dubois
Communications Officer
(613) 947-5668
claude.dubois@mpcc-cppm.gc.ca

BACKGROUND

- 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.

These documents are available on the Commission's website at: www.mpcc-cppm.gc.ca