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counterpunch

edited by alexander cockburn and jeffrey st.clair

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by Patrick Cockburn in Baghdad

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A Small Victory

Prosecuting Bush in Canada for Torture

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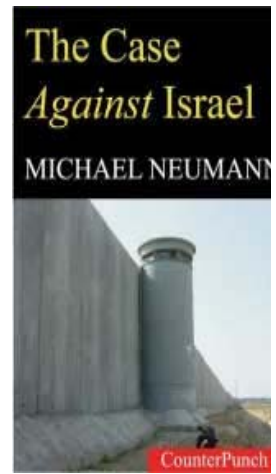
October 18, 2005

Jason Gratl and Micheal Vonn representing B.C. Civil Liberties stepped into courtroom 55 of the BC Supreme Court in Vancouver with the hopes of lifting the publication ban which, since December of 2004 August, has kept the case out of the public eye. After a relatively short session of 45 minutes they emerged successful. "I don't know that I would call it a victory quite yet," said Ms. Davidson, "but it is at least a step in the right direction. People deserve to know what is happening here."

What is happening is that Ms. Davidson and Lawyers Against the War have laid charges against George Bush Jr; accusing him of aiding, abetting, and counseling the commission of torture. This charge is based on the abuses of the prisoners held at the U.S. prisons in Guantánamo Bay, Cuba and Abu-Ghraib, Iraq including Canadian minor Omar Khadr, who has been held in Cuba since 2001.

"Many Canadians don't realize that we have not only the right but the responsibility to pursue these charges, it is a responsibility that the Canadian government owes not only to the people of Canada, but to the people of the world. The 1987 Convention Against Torture [And Other Cruel, Inhuman Or Degrading Treatment Or Punishment] binds us to this action." Canada ratified the UN Convention on Torture along with 139 other nations; promising to protect the inalienable right of all the world's citizens to live a life free of torture.

Torture is a unique crime in that it is an act of the state, carried out for the purpose of punishment, extracting information from or compelling the



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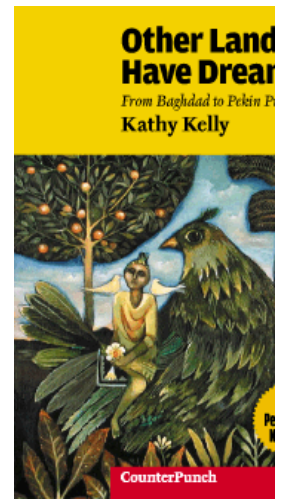
Stephen
Lendman
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Patrick
Cockburn

cooperation of its victims. It comes in many forms; starvation, degradation, and most horribly, extreme physical abuses, the likes of which most of us living in the safety of Canada cannot imagine.

Prisoners are regularly subjected to extreme temperatures without clothing or any other form of protection, they are chained by their wrists and ankles to a bolt in the floor for periods as long as 24 hours; they are routinely terrorized by armed guards and vicious dogs, threatened with humiliation, rape, and death. These are not outlandish or hysterical claims. They are facts supported by a terrible wealth of visual, audio and testimonial evidence. Ms. Davidson has compiled a presentation of photographs which is gut-wrenching to watch. "Most people can't sit through the whole thing," she reports, "it goes against our humanity to see these kinds of acts. Anyone with any sense of right and wrong knows immediately that this is wrong. Deeply and inexcusably wrong." Perhaps the most awful aspect of these images is the smiling U.S. soldiers who proudly pose atop piles of naked and battered prisoners. The victims are often forced into sexual and submissive positions to make for a "better" photo. The fact that these acts are sanctioned by the nation which claims to be the leader of the free world is almost unbelievable.

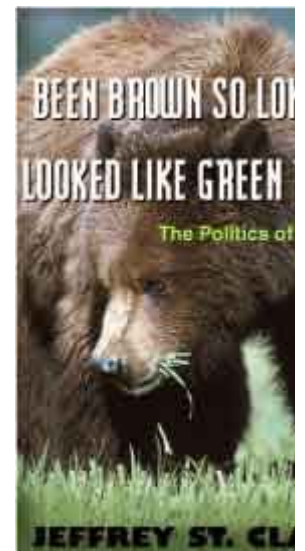
Ms. Davidson returns to court on the 25th of November, ironically she is arguing against Crown Counsel, legal representative of the very government which promised to oppose torture wherever and whenever it occurs. "It's frustrating," she says, "but I believe that the citizens of Canada and the



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world will support what we are trying to do, and will voice their outrage. We want people to know and participate in what we are doing."

Gag Order Lifted On Canadian Torture Charges Against Bush

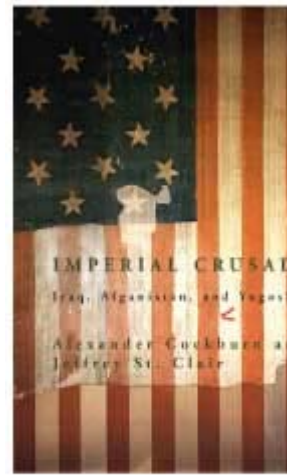
October 18th 2005 Vancouver B.C.

Lawyers Against the War (LAW) has achieved what it is calling a "very important victory" in its battle to have George W. Bush face criminal charges in Canada for torture.

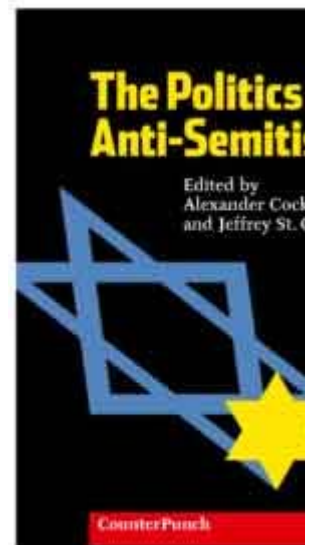
The charges stem from the notorious cases of torture carried out by U.S. forces in Iraq, Afghanistan and Guantánamo Bay, Cuba, first exposed in a series of gruesome private photos that scandalized the world in early 2004. Torture charges were laid against Bush on the occasion of his controversial visit to Canada in November of that year.

The charges were laid under sections of the Canadian Criminal Code enacted pursuant to the United Nations Torture Convention, which requires extra-territorial jurisdiction to be exercised against officials, even Heads of State, who authorize or oversee torture.

On Monday, the Supreme Court of British Columbia quashed an order banning publication of everything having to do with the case. In a secret hearing held December 6th 2004 in Provincial Court, the charges against Bush were rejected on the basis of arguments by the Attorney General of British Columbia that the visiting president was shielded from prosecution by diplomatic immunity. The ban on publication of



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anything to do with the proceedings was imposed at the same time.

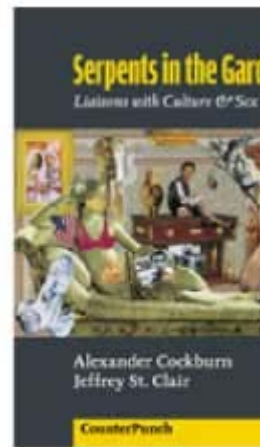
The secrecy, the immunity claim and the ban were vigorously opposed by LAW, who appealed all aspects of the decision.

On Monday, Justice Deborah Satanove of the Supreme Court of British Columbia quashed the publication ban after government lawyers failed to come up with any argument to defend it. The British Columbia Civil Liberties Association had intervened on the side of LAW against the ban.

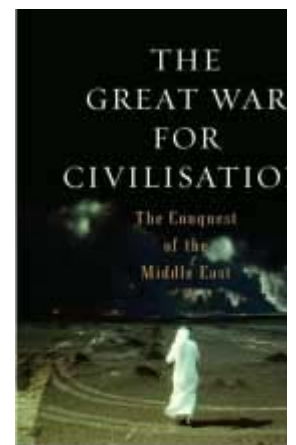
"This is a very important victory", said Vancouver lawyer Gail Davidson, who laid the charges for LAW, "because it ensures that the proceedings will be scrutinized by people in Canada and throughout the world, to make sure that the law is applied fairly and properly and, above all, to make sure that Bush doesn't get away with torture."

"The American legal system seems incapable of bringing him to justice and there are no international courts with jurisdiction. So it's up to Canada to enforce the law that everybody has signed on to but nobody else seems willing to apply."

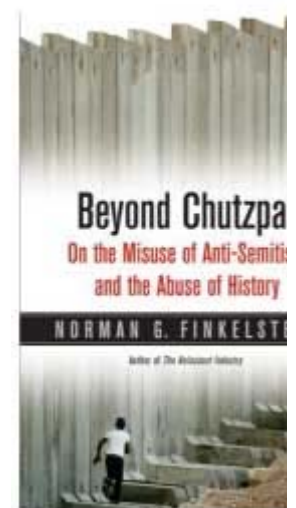
The next hearing in the case will take place on November 25th 2005, at 10:00 a.m. at the B.C. Supreme Court, 800 Smithe Street, Vancouver, B.C., when government lawyers have said they will argue that the issue is now "moot" because the Attorney General of Canada has not yet consented to the prosecution. Toronto law professor Michael Mandel, co-chair of LAW, calls this argument "bogus": "It's irrelevant to the issues before the court. Anyway



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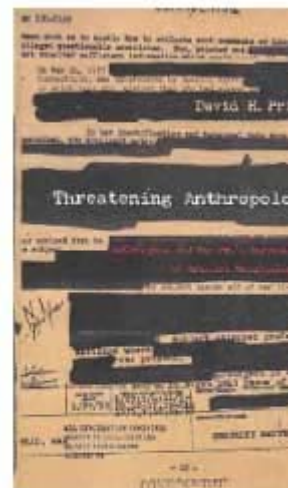
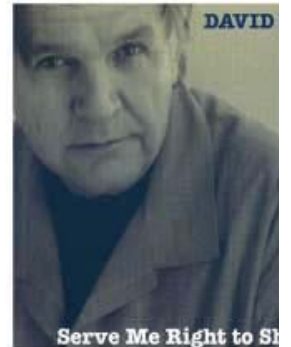
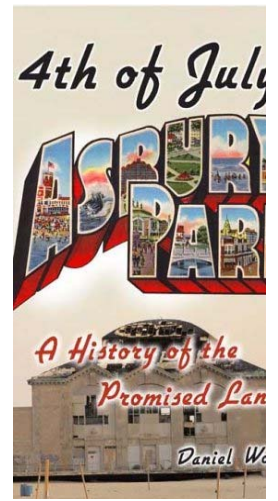
it's hard to see how the Attorney General can withhold his consent to simply let justice take its course. Irwin Cotler's credo is supposed to be "Justice, justice shall you pursue" not ingratiation with superpowers who practice torture. Bush is still guilty, he's still on the loose and we still have our obligations under the United Nations Convention to bring torturers to justice."

Lawyers Against the War is an international group of jurists based in Canada with members in fourteen countries.

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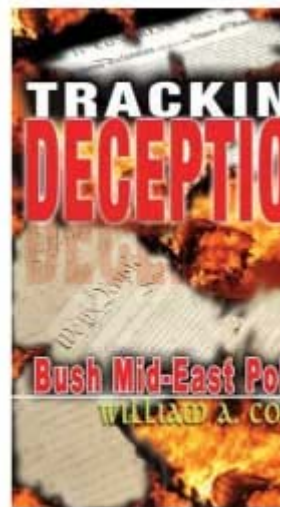
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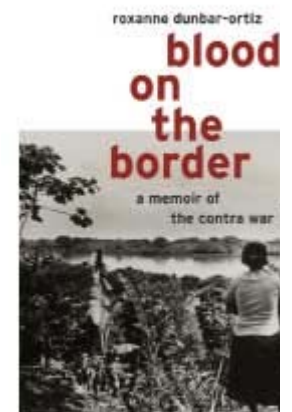
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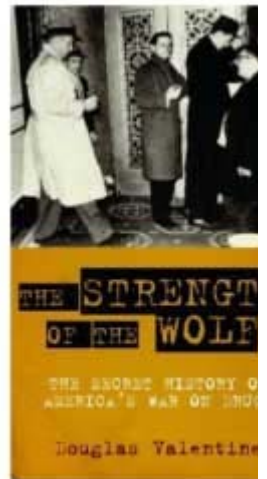
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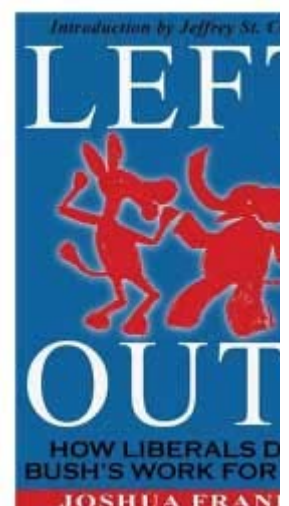
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