

Red Cross contradicts Ottawa on detainees

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WASHINGTON — The International Committee of the Red Cross confirmed Wednesday that it has no role in monitoring the Canada-Afghanistan detainee-transfer agreement, in direct contradiction to assurances Defence Minister Gordon O'Connor has made to the House of Commons.

The Red Cross also said that it would never divulge to Ottawa any abuses it might identify in Afghan prisons.

"We were informed of the agreement, but we are not a party to it and we are not monitoring the implementation of it," Simon Schorno, a spokesman for the ICRC, said in an interview.

In his most explicit statement to the House of Commons on May 31, Mr. O'Connor said: "The Red Cross or the Red Crescent is responsible to supervise their treatment once the prisoners are in the hands of the Afghan authorities. If there is something wrong with their treatment, the Red Cross or Red Crescent would inform us and we would take action."

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Weeks earlier, Mr. O'Connor told Parliament essentially the same thing: "The process is that if Canadian soldiers capture insurgents or terrorists they hand them over to the Afghan authorities and then the International Red Cross or Red Crescent supervise the detainees. If there is any problem, the Red Cross or Red Crescent would inform us and then we would become involved."

That claim has been persistently and vigorously disputed by opposition political and human-rights groups, which contend the ICRC never divulges its findings either publicly or to third parties and that the minister is misrepresenting its role.

"The minister is wrong," NDP defence critic Dawn Black said.

"Either he is woefully ill informed or he is misleading the House. He needs to clear this up," she said this week in a interview from her riding in British Columbia.

Even the Foreign Affairs Department has now formally contradicted the minister's statement.

"The ICRC is not required to notify Canada," Foreign Affairs spokeswoman Ambra Dickie confirmed in an e-mail, delivering a formal response that had been approved by senior officials to a written question from The Globe and Mail. The question was: "Is the ICRC required to notify Canada of any suspected violations of the Geneva Convention against detainees transferred into Afghan custody by Canada?"

Mr. O'Connor has never rescinded or clarified his May 31, 2006, statement, in which he claimed Canada would be informed if detainees transferred by its troops into Afghan custody were abused or ill treated or disappeared.

Isabelle Bouchard, the minister's spokeswoman, didn't return calls seeking comment from Mr. O'Connor.

Several times the minister and senior defence officials have implied that the ICRC has given a clean bill of health to Canada, or the detainee-transfer agreement or Afghan detention practices.

"I'm not aware that the Red Cross have any complaints," Mr. O'Connor said as recently as last weekend on CTV's *Question Period*. "In fact, they were quite pleased with the arrangements."

Mr. Schorno, although aware of the various statements made by Mr. O'Connor, didn't comment specifically about them.

However, he did stress that ICRC "silence doesn't mean all is well," and that the ICRC is precluded from making known its assessments or interventions except to the government whose facilities it is visiting. The ICRC is prohibited under its own charter and by decades of confidential practice from disclosing its findings to third parties.

"Our visits should not be interpreted as a fact that we don't have concerns to raise," he said.

Mr. Schorno said the ICRC has no arrangement with Canada to visit detainees in the custody of Canadian Forces and has never done so. It has no complaints or any other conclusions about Canadian treatment of detainees because it has no arrangement with Canada. Mr. Schorno said the Red Cross has never inspected any Canadian cells in Afghanistan. "The ICRC doesn't visit detainees in Canadian detention," he said.

Last December, Vincent Rigby, the acting assistant deputy minister for policy, testified that, "We've had absolutely no information passed to us directly by the ICRC or the Afghan Independent Human Rights Commission or Afghan authorities themselves as to mistreatment of detainees passed on to Afghan authorities by Canadian Forces."

Mr. O'Conner, a former brigadier-general with 30 years experience in the army in a combat branch, could be expected to be well versed in both the Geneva Conventions and the role of the ICRC. Studies of both are part of the coursework at Canada's military staff college.

The ICRC's role was also made clear by its president, Jakob Kellenberger, when he met with Mr. O'Connor and Foreign Affairs Minister Peter MacKay.

"This was clearly explained during our president's visit" to Ottawa last September, Mr. Schorno said. At that time, Mr. Kellenberger said, "Canada is scrupulous about notifying the Red Cross when it takes prisoners and hands them over."

Defence officials routinely cite that quote to buttress their claim that the ICRC has come to a conclusion about either the treatment of detainees in Canadian custody or the detainee-transfer process. In fact, as Mr. Schorno pointed out Wednesday, any findings the ICRC might have about the conditions of Afghan detention would only be divulged to the government of Afghanistan.

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