



## Canada signs new prisoner transfer agreement



**Chief of the Defence Staff Gen. Rick Hillier speaks with Lisa LaFlamme from the base in Kandahar on Thursday, May 3, 2007.**

CTV.ca News Staff

*Updated: Thu. May. 3 2007 7:02 PM ET*

Canada has signed a re-written prisoner-transfer agreement with Afghanistan that will allow them greater access to captured insurgents that Canadian soldiers turn over to the Afghans.

The deal, inked early Thursday, comes as the Conservative government has been on the defensive after allegations surfaced that detainees were tortured after being released from Canadian care.

Among provisions of the new deal is a guarantee that captured fighters can be interviewed in private without the intimidating presence of their Afghan jailers.

Ottawa negotiated the deal despite insisting that the allegations of torture were false.

"What we have done is enhance the 2005 agreement -- that is exactly what people were calling for," said Foreign Affairs Minister Peter MacKay.

Thursday's developments, meanwhile, delayed a court proceeding by Amnesty International and the B.C. Civil Liberties Union pending further examination of the transfer agreement.

The human rights groups had planned to ask a federal judge to grant an injunction that would halt the transfer of Afghan detainees from Canadian custody to local authorities until proper monitoring measures were in place.

Government lawyers filed an affidavit this morning before proceedings began, assuring the court that the new deal does just that.

But Amnesty International says the re-written agreement isn't good enough.

"It would seem ... that the agreement clearly is an improvement over the status quo, which isn't to say much because the status quo was problematic," Amnesty

spokesperson Alex Neve said on Mike Duffy Live.

"It also appears that it may even be better than the other agreements that other NATO countries have individually entered into with the Afghan government. But is it the solution? Is it going to truly prevent torture? No it won't."

Neve said the only solution is for Canada or NATO to establish a detention facility collaboratively with Afghanistan, where Afghan guards can be properly trained to respect human rights.

### A 'NATO problem'

Retired Maj.-Gen. Lewis Mackenzie argues, however, that the problem should lie solely with NATO.

"This is not a bloody Canadian problem," he said on Mike Duffy Live. "I'm getting sick and tired of all the time and effort that's being wasted, while there's a war being fought, on the implications of dealings with detainees when it's a NATO problem.

"There are 29 countries there. And a good majority of them, a significant number of them, are capturing people -- detainees, prisoners of war, or whatever -- and here we are rushing off making bilateral arrangements with the host country that's invited us in, under a UN mandate, and doing it nationally. It's just idiotic."

Mackenzie has said torture is widespread throughout Afghanistan, and suggested earlier this week on CTV's Canada AM that prisoners might exaggerate their claims of torture if they felt they were going to be taken seriously.

### Opposition reaction

Chief of Defence Staff Gen. Rick Hillier signed the original prisoner handover agreement back in 2005.

However, the deal was criticized because it had no clause to allow Canada to follow up on the treatment of detainees handed over.

Last week, Defence Minister Gordon O'Connor said officials had an agreement in place to allow access to the detainees. But then, a day later, Prime Minister Stephen Harper said the deal had not been formalized.

The new deal comes despite Harper's assurances to the House of Commons that the old deal was working well.



**Liberal party leader Stephane Dion asks a question during question period in the House of Commons in Ottawa on May 3, 2007. (CP / Tom Hanson)**

Opposition members have also accused the prime minister of misleading Commons by claiming that Public Safety Minister Stockwell Day had mentioned the corrections report of torture last week. In fact, Day said nothing of torture reports last week.

Neither Harper nor O'Connor were present Thursday for question period in the House of Commons, so opposition members bombarded Government House leader Peter Van Loan with demands to make clear details of the new agreement after weeks of conflicting messages.

"The defence minister said there was an agreement that the foreign affairs minister didn't know anything about it," said Liberal Leader Stephane Dion.

"The public safety minister said that there was no need for an agreement -- but that the work was being done anyway. And today, the government claims that there is an agreement. If they all answered together they're all going to contradict one another. But can they table that agreement today, now, immediately in the House?"

Van Loan repeatedly made reference to the original 2005 agreement signed under the previous Liberal government.

Van Loan said two new provisions added today to that agreement improves upon it.

"The arrangements that we have in place are those that will allow Canadians to be able to, in conjunction with the Afghan agencies and government, deal with effective oversight to the issue of Taliban prisoners," he said.

"We're satisfied that those arrangements will work and I think we can take comfort in the arrangements that we have struck."

*With a report from the Canadian Press*

© 2007 **CTVglobemedia** All Rights Reserved.