

By Center for Constitutional Rights

Vancouver and New York— Today, four torture survivors filed a complaint against Canada with the United Nations Committee against Torture for the country's failure to investigate and prosecute former President George W. Bush during his visit to British Columbia last year. As a signatory to the Convention against Torture, Canada has an obligation to investigate and prosecute a torture suspect on its soil. This is the first time a complaint concerning torture allegations against a high-level U.S. official has been filed with the U.N. Committee. The Canadian Centre for International Justice (CCIJ) and the U.S.-based Center for Constitutional Rights (CCR) filed the complaint on the men's behalf.

"Canada has the jurisdiction and the obligation to prosecute a torture suspect present in Canada, including a former head of state, and even one from a powerful country," said Matt Eisenbrandt, CCIJ's Legal Director. "Canada's failure to conduct a criminal investigation and prosecution against Mr. Bush when there was overwhelming evidence against him constitutes a clear violation of its international obligations and its own policy not to be a safe haven for torturers."

The four men – Hassan bin Attash, Sami el-Hajj, Muhammed Khan Tumani and Murat Kurnaz – found their long quest for justice stymied in October 2011. Canada's Attorney General refused to conduct a criminal investigation against Mr. Bush, and the Attorney General of British Columbia swiftly

intervened to shut down a private criminal [prosecution](#) submitted to a provincial court in her jurisdiction during Mr. Bush's visit. This occurred despite the groups' submission of a 69-page draft [indictment](#) and approximately 4000 pages of evidence against Bush consisting of extensive reports and investigations conducted by multiple U.S. agencies and the United Nations.

The Committee against Torture can require Canada to explain the actions that led to the case being closed without any investigation and can then issue a decision on whether Canada has breached its obligations under the convention. If the committee finds Canada in violation, it can specify appropriate remedial measures.

"Through this process, the world can learn whether Canada's actions were

grounded in law or in politics. Canada's refusal to investigate and prosecute George W. Bush marked a low-point in the ongoing struggle to end impunity for torturers and denied these men the opportunity to achieve some measure of justice," said Katherine Gallagher, Senior Staff Attorney at CCR and legal representative for the men. "They now call upon the Committee to send a clear message that states must uphold their obligations under the Convention against Torture and cannot allow other factors – including political considerations – to interfere with the commitment to end impunity for torturers."

Ratified by 153 countries around the world, the [U.N. Convention against Torture](#) requires states to investigate alleged torturers present on their soil and submit them for prosecution—or extradite them to another country for prosecution. Canada implemented this provision of the Convention into its domestic criminal code and explicitly authorizes prosecution for torture occurring outside Canadian borders. Canada, along with 55 other countries, allows individuals to file petitions with the U.N. Committee for alleged breaches of the Convention; the United States has not signed on to this provision.

In both Afghanistan and Guantánamo, the four men who submitted the complaint survived inhumane treatment including beatings, being hung from walls or ceilings, sleep, food and water deprivation, and exposure to extreme temperatures. U.S. officials eventually released Kurnaz after five years, and both el-Hajj, a reporter with Al-Jazeera, and Khan Tumani, 17 at the time of his detention, after approximately seven years, without ever bringing charges against them. Bin Attash, only 16 when he was detained, remains at Guantánamo, though he has never been formally charged with any wrongdoing.

Earlier this year, CCIJ and CCR submitted a [report](#) about the Bush torture case to the Committee against Torture during an examination of Canada's compliance with the Convention. The Committee, in its concluding observations, called on the Canadian government to "take all necessary measures with a view to ensuring the exercise of the universal jurisdiction over persons responsible for acts of torture, including foreign perpetrators who are temporarily present in Canada."

In February 2011, the Center for Constitutional Rights, on behalf of two survivors and supported by CCIJ and other human rights organizations, attempted to initiate criminal proceedings against Bush ahead of a scheduled visit to Switzerland. Bush cancelled the trip after news of the prosecution, and the apparent unwillingness of Swiss authorities to stop it, became known.

[Read the complaint at CCR's case page](#)

The Canadian Centre for International Justice works with survivors of genocide, torture and other atrocities to seek redress and bring perpetrators to justice. The CCIJ seeks to ensure that individuals present in Canada who are accused of responsibility for serious human rights violations are held accountable and their victims recognized, supported and compensated. For more information visit [www.ccij.ca](http://www.ccij.ca) and follow @CCIJ\_CCJI.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit [www.ccrjustice.org](http://www.ccrjustice.org) and follow @theCCR.