

The Honourable Robert Douglas Nicholson
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario
Canada K1A 0H8

September 29, 2011

Dear Minister Nicholson,

The Canadian Centre for International Justice and the Center for Constitutional Rights call on you to launch a criminal investigation against former U.S. president George W. Bush for his role in authorizing and overseeing his administration's well-documented torture program.

Mr. Bush will visit Surrey, British Columbia on October 20, as a paid speaker at the Surrey Regional Economic Summit at the invitation of Surrey Mayor Diane Watts. As a signatory of the *Convention Against Torture*, Canada is obligated to prosecute or extradite for prosecution anyone present in its territory for whom there is a reasonable belief he has committed torture. If the evidence warrants, as we contend it does in this case, Canada must, under law, prosecute Mr. Bush for torture if the United States (or a third country that would guarantee a fair trial) fails to request his extradition. To date, the United States has refused to investigate Mr. Bush so we have no reason to believe an extradition request for a torture prosecution would be forthcoming during his trip to Canada.

We are attaching to this letter an extensive and detailed draft indictment against Mr. Bush, setting forth the factual and legal basis for charging him with torture. In addition, we are including a DVD with approximately 4,000 pages of public documentation supporting the allegations. These materials include U.S. government reports and memoranda, reports from the United Nations and the International Committee of the Red Cross, and statements by Mr. Bush. According to the draft indictment and accompanying documentation, Mr. Bush bears individual and command responsibility for the acts of torture committed by his subordinates that he ordered, authorized, condoned, or otherwise aided and abetted, as well as for torture committed by his subordinates that he failed to prevent or punish. In particular, the draft indictment and documentation include allegations that Mr. Bush authorized or oversaw enforced disappearance and secret detention, "extraordinary rendition," waterboarding, exposure to extreme temperatures, sleep deprivation, punching, kicking, isolation in "coffin" cells for prolonged periods, threats of bad treatment, solitary confinement, and forced nudity.

As you are aware, Canada's rejection of torture is reflected in criminal penalties imposed under Article 269.1 of the Canadian Criminal Code (R.S.C., 1985, c. C-46). Article 269.1 also applies

to torture committed outside Canada when the alleged torturer is later present in Canada or the victim is a Canadian citizen. As noted in the draft indictment, Canada already has jurisdiction because a Canadian citizen was tortured as part of the U.S. “extraordinary rendition” program, and Canada will have jurisdiction over other acts of torture once Mr. Bush arrives in October.

The federal War Crimes Program is most needed in situations like this one, in which there is no reasonable prospect of fair and real prosecution in the country that would otherwise be most likely to assume jurisdiction. We appeal to you because the United States government has failed to take proper steps to investigate those in positions of military, intelligence and political leadership who may have been involved in torture in the so-called “War on Terror.” Furthermore, we recall Canada’s obligation as a signatory to the *Convention Against Torture* to take legal measures against suspected torturers within their jurisdiction.

In the event that your office indicates it will not launch an investigation of Mr. Bush or takes no steps to do so, we will support individual survivors of torture in laying an information against Mr. Bush under section 504 of the Criminal Code.

Sincerely,



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