



The Honourable Ralph Goodale
Minister of Public Safety
269 Laurier Avenue West
Ottawa, Ontario K1A 0P8

January 30, 2017

Dear Minister Goodale,

We are writing to you about the urgent need for Canada to revise the Ministerial Directives on torture issued by the previous government to conform to the unconditional ban on torture in international law.

Doing so now would send an important signal to Canadians and to the international community that Canada will under no circumstances use information from a foreign country that was likely obtained under torture, or share information that could likely lead to an individual being tortured.

As you know, in 2011 the government introduced a ministerial directive that allows, under exceptional circumstances, for information garnered under torture by a foreign country to be transmitted to and used by Canadian security agencies. The same directive also provided guidelines for instances when Canadian agencies could share information with countries that are known to engage in human rights abuses, even if doing so would likely result in torture.

One year ago, you committed to reviewing these directives. We hope that, after consideration, you are now prepared to make revisions that will ensure compliance with Canada's binding international obligation to oppose torture in all instances, without exception. Doing so would be consistent with recent steps taken by the government to strengthen Canada's efforts to combat and eradicate torture by initiating steps towards accession to the UN's Optional Protocol to the Convention against Torture.

A decade ago, the public inquiry into the case of Maher Arar clearly documented that irresponsible sharing of intelligence information from and to Canada can and does result in torture. Notably Commissioner Dennis O'Connor made an explicit recommendation that intelligence information should never be shared by Canadian agencies if it is likely to lead to torture. The Ministerial Directives explicitly run counter to those recommendations. Notably the 2008 report from the Iacobucci

Commission that examined the cases of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin similarly documented the grave risk of sharing intelligence without regard for the risk of torture.

Beyond these important national level findings and recommendations we also draw your attention to the fact that the UN's pre-eminent body responsible for overseeing the obligation of states to end torture, the UN's Committee against Torture, has also raised concern. In its 2012 review of Canada's record, the Committee called on Canada to amend the Ministerial Directives to ensure conformity with international obligations.

The international context makes Canada's actions all the more urgent. This week, the *New York Times* reported the United States administration is considering a review of its use of CIA black sites. The same day, US President Donald Trump told ABC News that he is open to the return of torture during interrogations, saying he believes "torture works." Both these revelations raise troubling questions about the very real risk that intelligence sharing between our two countries may again become tainted by concerns about torture.

We believe that Canadians deserve clarity, and that the best way to do so would be to revise the Ministerial Directives so as to fully conform with international law and to pass legislation that creates a clear prohibition on sharing information likely to be derived from, or at risk of leading to, torture.

Sincerely,

Amnesty International Canada

British Columbia Civil Liberties Association

Canadian Civil Liberties Association

Canadian Muslim Lawyer Association

International Civil Liberties Monitoring Group

Ligue des droits et libertés

National Council of Canadian Muslims

Open Media



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