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**THE AFGHAN MISSION: 'THE CHAIN OF
COMMAND WAS MADE AWARE OF THE
DECISION' Forces kept Ottawa in the dark on
halting detainee transfers Military commanders
acted alone in reversing controversial practice,
Prime Minister's Office says**

CAMPBELL CLARK With reports from Rheal Seguin in Victoriaville, Que., Karen Howlett in Toronto and Paul Koring in Ottawa OTTAWA The military did not tell the government that it suspended the transfer of prisoners taken by Canadian troops to Afghan authorities in November, the Prime Minister's Office says.

This week's revelation by government lawyers that Canada had quietly suspended the transfer of people detained in Afghanistan because of a credible allegation of torture has opposition leaders accusing Prime Minister Stephen Harper of deception.

A spokeswoman for Mr. Harper said yesterday that the Canadian Forces acted alone.

"Our transfer policy and agreement remains unchanged. The Canadian Forces, working with other Canadian officials in Afghanistan, exercise their discretion concerning this policy," the Prime Minister's communications director, Sandra Buckler, said in an e-mail.

When asked whether it was true that the military did not tell the government that the transfer of prisoners had been suspended, Ms. Buckler replied:

"Yes. This is an operational matter and is the responsibility of the Canadian Forces. The military exercises discretion concerning the transfer policy and agreement." Yesterday, a senior military officer, Brigadier-General Andre Deschamps told a Federal Court hearing that the decision to stop transfers was made by the deputy commander of the task force in Afghanistan, Colonel Christian Juneau, while the commander, Brig.-Gen.

Guy Laroche, was on leave.

"The chain of command was made aware of the decision," Gen. Deschamps said.

He said Gen. Rick Hillier, the Chief of Defence Staff, was told, but suggested that there was no need for approval from the high command because the ground commander in Kandahar had the authority. "The task force commander made his decision independently," he said.

The government's response that it was not told is unlikely to quiet the firestorm, which has come just after a panel headed by former Liberal foreign affairs minister John Manley said a secretive government communications policy on the mission is eroding public confidence.

Last year, former Conservative defence minister Gordon O'Connor came under fire for providing erroneous information to the Commons about safeguards for detainees and, in 2002, Liberal defence minister Art Eggleton was blasted for mistakenly telling the Commons that he had not been informed that Canadian troops had captured prisoners in Afghanistan.

New Democratic MP Dawn Black said she finds it hard to believe the government was not informed of the decision to halt transfers last November. "If that's true, then the Canadian military is out of control," she said.

Justice Department lawyers contesting a Federal Court bid by rights groups to halt the transfers revealed on Wednesday that Canada stopped transferring prisoners into Afghan custody on Nov. 5, but Mr. Harper and his senior ministers had never mentioned it, despite repeated questions in the Commons.

"This is a government that lied to the people, that lied to the House, which manipulated public opinion, which manipulated the House of Commons," Bloc Quebecois Leader Gilles Duceppe told reporters yesterday in Victoriaville, Que.

Opposition politicians cited the silence over the suspension of transfers as a reason that they cannot place trust in the government's conduct of the mission as Parliament heads into a new round of debate on extending it past February, 2009, sparked by the report of the Manley panel.

"[What other information] has not been communicated, not only to Canadians but to this panel that the Prime Minister himself appointed?" Liberal Leader Stephane Dion asked in Toronto.

On Nov. 14, Foreign Affairs Minister Maxime Bernier revealed that Canadian officials "did see a Taliban prisoner with conditions that concerned them." But Mr. Harper said then that the transfer agreement "works well." The next day, Mr. Bernier said that Afghan authorities had launched an investigation.

The government and the military maintained a stony silence yesterday about whether Canadian troops are still taking prisoners in the field, and if so, what is happening to them.

It is not clear if they are being released, held by the Canadian Forces in temporary cells, or transferred to U.S. forces.

In their own words When allegations of abuse of Afghan prisoners first began to surface last February, Canadian government officials dismissed them with some of these responses: PRIME MINISTER STEPHEN HARPER * "I can understand the passion that the Leader of the Opposition and members of his party feel for Taliban prisoners. I just wish occasionally they would show the same passion for Canadian soldiers." - March, 2007 * "These are merely allegations being made by the Taliban." - April, 2007 PUBLIC SAFETY MINISTER STOCKWELL DAY * "These people have no compunction about machine-gunning, mowing down little children. They have no compunction about decapitating or hanging elderly women. . . . Now we've captured them and, yes, these people that we've captured want nothing more to do than to kill you and your children. And we're asking you to treat them humanely." - April, 2007 TORY HOUSE LEADER PETER VAN LOAN * "We do expect these kinds of allegations from the Taliban." - October, 2007 When the government discovered its own abuse allegations in November and stopped putting prisoners in Afghan jails, they did not inform the public. In the weeks that followed, the three opposition parties asked 44 questions about Afghan detainees during Question Period in the Commons, often asking the government when they will stop the transfers. None of the government's replies revealed that the transfers had been suspended. These are some of those responses: STEPHEN HARPER * "Mr. Speaker, the government of Canada has a new agreement with the government of Afghanistan to ensure the monitoring of these prisoners. If serious allegations are made and proof provided, there is a process for verifying and managing these cases. The agreement with the Afghan government works well." - Nov.

14, 2007 * "As the government already has said, we learned of evidence of abuse in one recent case in the past couple of weeks. That is being investigated according to the arrangement we have with the Afghan

investigated according to the arrangement we have with the Afghan government. The troops and the people who represent the government of Canada in Afghanistan uphold their responsibilities at all times and are working with their Afghan colleagues to ensure the highest comportment and respect for international obligations. We should be proud of all of them." - Nov. 19 FOREIGN MINISTER MAXIME BERNIER * "During a recent visit, Canada's officials did see a Taliban prisoner with conditions that concerned them.

Our officials are following up on media reports that the Afghan government has announced an investigation. The allegation has come to light because we have a good agreement with the Afghan government." - Nov. 14 * "Mr. Speaker, we are doing our work. We did 32 interviews with Taliban prisoners. We have a full and complete process, an open process. We released yesterday all of the details about what we are doing right now and what we did in the past. It is very clear.

It is very transparent. We are working with the Afghan government on this." - Nov. 15 * "What we now have is an agreement that meets the highest standards. We are working with the Afghan government to ensure that, when Taliban prisoners are transferred, the agreement is respected.

As I said earlier, there is now an investigation under way in Afghanistan into the treatment of prisoners." - Nov. 15 DEFENCE MINISTER PETER MacKAY * "While we understand fully the need to uphold international obligations, while we understand fully the need to help bolster Afghan capacity with respect to these transferred prisoners, what is absolutely abhorrent is the member's fixation, knowing that the blood of Canadian soldiers and innocent Afghans are on the hands of the Taliban." - Nov. 19 * "Mr. Speaker, first let me say that the Canadian military, in fact all Canadians in Afghanistan are certainly meeting all their international obligations. There has not been one single, solitary proven allegation of abuse of detainees, let alone juvenile detainees in Afghanistan." -Nov. 22