

THE AFGHAN MISSION

Detainee file was overseen by 'Tiger Team'

Added scrutiny caused many delays

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A specially created team of military officers played a key role in severely limiting what the Canadian public was allowed to know about the country's role in Afghanistan.

Originally created to assist an investigation into the treatment of detainees in Afghanistan, the new team - codenamed Tiger Team - quickly came to scrutinize virtually every public access to information request dealing with the Afghan mission, according to documents obtained by The Globe and Mail.

In effect, the team added an extra layer of scrutiny to the access to information process, making it so complicated that an access to information official eventually described it as "convoluted."

The added scrutiny also caused many delays in responding to requests, as access to information officers struggled to understand the new system at a time when the government faced harsh criticism over the treatment of detainees.

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Canadian Forces and the Department of National Defence implemented a new process last spring for judging what Canadians could and couldn't know about the Afghan mission - a process that included the creation of a military "investigation support team" that oversaw the release of documents.

At first, the team was supposed to handle just information relating to a number of Military Police Complaints Commission investigations into the

detainee-handling process. However, it soon started dealing with virtually all Afghan-related access to information requests from the public.

According to documents obtained by The Globe through an access to information request, the Canadian Forces' Strategic Joint Staff launched the investigation support team on March 5, 2007. At the time, two MPCC investigations and a board of inquiry were looking into the treatment of Afghan detainees by Canadian Forces in Afghanistan.

In particular, the investigations focused on three people detained on or about April 6 or 7 of 2006.

The investigation support team, led by Lieutenant-Colonel Dana Clarke, included members of various Forces branches.

"This is the first time that the [Canadian Forces] has been engaged in hostilities since the Access to Information Act was introduced in 1985," reads a May, 2007, SJS document outlining the creation of the investigation support team.

"It has been a learning experience and a number of mistakes have been made. We have noted tendencies to be both too restrictive and too open in releasing information."

However, the documents obtained by The Globe show very few instances where the new team erred on the side of openness.

The extent to which top Canadian Forces brass looked to restrict public information about operations in Afghanistan is made clear in a June 20 e-mail to National Defence's director of access to information, Julie Jansen, sent by Brigadier-General Peter Atkinson.

"Any ATI request for information related to DETAINEES, or Battle Damage Assessments (any report, SOP, SIR, sitrep related to IEDs, Vehicle Damage, casualties, protection, armour enhancements) is to be severed in its entirety less the address group at the top of the correspondence," Brig.-Gen. Atkinson wrote.

"The rationale for doing so, is that this information if allowed to go into the public domain can be used by our enemies ie the Taliban, to further target and make assessments on their effectiveness against our own troops ... it is based on these issues that the information identified above cannot be released as it puts our troops at greater risk."

But while blanket severance may seem easy to implement, the new process quickly caused confusion among DND access to information co-ordinators, as well as members of the Canadian Forces.

Co-ordinators reported trouble meeting deadlines, both because of the added layer of scrutiny by the investigation support team, and the added workload from the MPCC investigations.

One brigadier-general complained that while he supported the added scrutiny, he didn't support the new process - specifically, the accountability trail in cases where the general signed off on certain severances and then SJS officials made further indistinguishable deletions.

There is also some confusion about where the new process fits within the access to information framework.

In a string of e-mails that begin with the brigadier-general's accountability concerns, the Forces' access to information deputy director makes it clear that the new process is purely internal and cannot supersede access to information legislation.

Still, the impact that Tiger Team had on restricting the flow of public information about Afghanistan appears to have been significant.

In early June of last year, Ms. Jansen voiced her concerns to Brigadier-General A. J. Howard about fully severing two items that were the subject of an information request. "We can't just apply a blanket exemption based on speculations," she wrote.

Brig.-Gen. Howard replied: "I will not address this any further by e-mail... If you would like to drop by my office so I can explain all of this to your satisfaction I would be happy for you to do so.

"My advice - tread carefully on both of these matters - there are very serious diplomatic and allied issues at stake here."

It is unclear what the two items are - in the documents obtained by The Globe, they are fully severed.

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