



DON DAVIES, M.P.

VANCOUVER KINGSWAY



September 23, 2011

Hon. Jason Kenney
Minister of Citizenship, Immigration and Multiculturalism
House of Commons
325 East Block
Ottawa, ON, Canada

BY FAX AND EMAIL

Dear Minister Kenney:

Re: Enforcement of *Immigration and Refugee Protection Act* against Foreign National Dick Cheney

As I am sure you are aware, former United States Vice-President Dick Cheney has publicly indicated his intention to enter Canada as a guest of the Vancouver Club on or about September 26, 2011.

As the Official Opposition Critic for Citizenship, Immigration and Multiculturalism, I write to request both your immediate attention to this matter and your appropriate enforcement of all federal government obligations under the *Immigration and Refugee Protection Act* ("IRPA").

Our concerns are as follows.

Section 35. (1) of *IRPA* declares as inadmissible to Canada a foreign national on grounds of violating human or international rights. Provisions are delineated in that section that set forth specific grounds of inadmissibility, including:

- Committing an act outside of Canada that constitutes an offence referred to in sections 4 to 7 of the *Crimes Against Humanity and War Crimes Act*;
- Being a prescribed senior official in the service of a government that, in the Minister's opinion, has engaged in, *inter alia*, a war crime or a crime against humanity within the meaning of sections 6(3) to (5) of the *Crimes Against Humanity and War Crimes Act*.



HOUSE OF COMMONS

CANADA

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Section 36 of *IRPA* further declares as inadmissible to Canada a foreign national on grounds of either criminality, or serious criminality, including:

- Committing an act outside Canada that is an offence in the place where it was committed and, if committed in Canada, would constitute either an indictable offence *simpliciter* or an offence punishable by a maximum term of imprisonment of at least 10 years under an Act of Parliament.

Mr. Cheney has publicly, unequivocally and on numerous occasions admitted to authorizing, approving and failing to prevent acts of torture in circumstances that engage each and every provision of *IRPA* quoted above. These acts include approving the use of water boarding (simulated drowning), sleep deprivation and other treatments prohibited by both Canadian and international law. Evidence that is part of the public record far exceeds the “reasonable grounds” required by the inadmissibility sections of *IRPA*.

Indeed, the acts of which Mr. Cheney was an integral proponent include acts of torture against a Canadian citizen, Mr. Omar Khadr.

The Supreme Court of Canada in *Canada (Justice) v. Khadr* confirmed that the government administration in which Mr. Cheney was a senior official engaged in treatment of prisoners in Guantanamo Bay, Cuba, that violated the Geneva Conventions, Canada’s domestic law and Canada’s international legal obligations.

The Federal Court of Canada has similarly found in *Khadr v. The Prime Minister et. al.* that US treatment against prisoners (and of a Canadian citizen, no less) violated the *Convention Against Torture and other Cruel, Inhuman and Degrading Punishment and Treatment* (“CAT”) and further that Mr. Khadr’s detention itself was illegal under international law.

I would note that Canada is a signatory to all of the above referenced international covenants, as well as the *Rome Statute for an International Criminal Court*. All combine to impose a legal duty on Canada to take effective measures to prevent and deal with crimes against humanity, and war crimes, wherever such crimes occur.

In sum, I would respectfully assert the following principles are self-evident in this case:

Canadian law, including *IRPA*, requires that we refuse entry to or detain for investigation any person or foreign national suspected of committing serious crimes, war crimes or crimes against humanity. Torture is a serious crime, a war crime, and a crime against humanity, and water boarding is torture.



HOUSE OF COMMONS

CANADA

K1A 0A6

Mr. Cheney has publicly admitted to playing an integral part in torture, and *IRPA* must be engaged accordingly.

In the event that you do not regard water boarding or sleep deprivation as torture (which I respectfully submit is an untenable position), I would assert that these acts constitute criminal acts under the *Criminal Code of Canada*, an Act of Parliament, both by indictment and punishable by imprisonment exceeding 10 years, respectively.

Minister, may I remind you of your own government's initiatives this summer in which you called on the public to assist your government in removing from Canada those individuals who had engaged in serious criminality, war crimes or crimes against humanity.

May I also remind you of your own government's actions in denying entry to British MP George Galloway. At that time you stated that:

"It's not about words. It's about deeds."

Your spokesperson, Mr. Alykhan Velshi, on your behalf said:

"We're going to uphold the law."

Minister, the essence of just application of the law is that it is applied evenly and consistently.

I would therefore respectfully request that you deny entry to Mr. Cheney on grounds of inadmissibility under *IRPA* for having engaged in acts of torture. In the event that you do not do so, I would respectfully request that a report be prepared setting out the relevant facts, and that you refer same to the Immigration Division for an admissibility hearing with a view to issuing a removal order against Mr. Cheney, all pursuant to section 44 of *IRPA*.

As this matter is of pressing urgency, I look forward to your immediate attention and response.

Yours truly,

Don Davies, MP

Vancouver Kingsway

Official Opposition Critic for Citizenship, Immigration and Multiculturalism