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October 11, 2006

The Hon. Minister of Justice Vic Toews
Ottawa, ON
Canada

Re: The Criminal Code and Torture by Non-State Actors

Purpose of this letter: To ask that a motion be moved to recommend that non-state actor torture be made a criminal offence, all by itself.

MP Bill Casey has presented you with our previous correspondence regarding non-state actor torture. To this correspondence we briefly add these additional points:

1. Existing provisions in the Criminal Code are unacceptable to address non-state actor torture because the only difference between state and non-state actor torture is the perpetrator—the torturer who willfully inflicts acts of physical, sexualized, and mind-spirit torture. It is unacceptable to minimize any form of torture. For example, would Mr. Arar have found it acceptable if Mr. Justice Dennis O’Conner and the Canadian government had minimized and disregarded the torture he endured as a physical assault?
2. For 14 years we have listened to Canadians, who as children, many from infancy, endured chronic non-state actor torture (including ritual abuse-torture). They are repeatedly told by lawyers and police that their reports of non-state actor torture cannot be taken to court as there are no laws to address such crimes; their only option, they are told, is to minimize their ordeals of torture to assault. This is a disregard of their human rights, their truth, and unacceptable as we assume it would have been to Mr. Arar.
3. Torture is involved in at least 20% of the pedophilic pornography viewed by the RCMP Child Exploitation Unit in Ottawa (CTV News July 23, 2006). Since 1996 police have repeatedly revealed to Canadians, via the media, that babies in diapers and some with their umbilical cords still attached are being so victimized.
4. The Canadian Panel on Violence Against Women, in 1993, identified in their report, *Changing the Landscape: Ending violence ~ Achieving Equality*, that non-state actor torture (including ritual abuse and torture) was present in every region of Canada (pp. 45-47). This crime of non-state actor torture has yet to be addressed in Canada.
5. It has been addressed elsewhere: Michigan Governor J. M. Granholm, in January, 2006, signed legislation to make acts of torture by non-state actors illegal because prosecutors were so disturbed that they had insufficient laws to hold a husband fully responsible for the torture of his blind diabetic wife (see the back of this page for copy of this news clip).

Respectively submitted,

Jeanne Sarson and Linda MacDonald

cc: Bill Casey, MP

NEWSCLIP

Governor Granholm Signs Legislation to Strengthen Penalties for Torture Contact:

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http://www.michigan.gov/gov/0,1607,7-168-23442_21974-133334--,00.html

January 3, 2006

LANSING – Governor Jennifer M. Granholm today signed legislation that will, for the first time, make torture a criminal act in Michigan and provide penalties of up to life imprisonment for persons convicted under the new statute. The laws become effective on March 1, 2006.

“The torture of a fellow human being is one of the most heinous crimes a person can commit,” said Granholm. “I am proud to sign legislation that will provide prosecutors with the tools they need to ensure that anyone who would commit this type of reprehensible act is punished appropriately.”

The two bills signed by Granholm define torture as intent to cause cruel or extreme physical or mental pain and suffering. Torture is now a Class A felony punishable by a maximum sentence of life imprisonment. The Governor applauded the efforts of Representative John Espinoza (D-Croswell) who first introduced anti-torture legislation last July after learning that Huron County prosecutors were frustrated that a man accused of torturing his blind, diabetic wife could not be held accountable for the unspeakable acts of torture he committed, because no such law existed in Michigan.

"Victims of people who torture will now have the weapons they need to get justice, and those who torture others will now be held accountable for their crimes," said Espinoza. "I applaud the Governor for giving Michigan and our citizens an important law enforcement tool to help protect our families and loved ones and to make our communities safer."

House Bill 5268 (PA 335 of 2005) was sponsored by Representative Tom Meyer (R-Bad Axe), and House Bill 5269 (PA 336 of 2005) was sponsored by Representative Mike Nofs (R-Battle Creek).

cc: Bill Casey, MP