

Hi James,  
You can find the actual charges here:

<http://www.lawyersagainstthewar.org/legalaction/Page1.pdf>

As for the law, we're relying on the following Criminal Code sections:

269.1 (1) **Every official, or every person acting at the instigation of or with the consent or acquiescence of an official, who inflicts torture on any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.**

#### Definitions

(2) For the purposes of this section,  
"official" «fonctionnaire»

"official" means

- (a) a peace officer,
- (b) a public officer,
- (c) a member of the Canadian Forces, or
- (d) any person who may exercise powers, pursuant to a law in force in a foreign state, that would, in Canada, be exercised by a person referred to in paragraph (a), (b), or (c), whether the person exercises powers in Canada or outside Canada;

"torture" «torture»

"torture" means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person

- (a) for a purpose including
  - (i) obtaining from the person or from a third person information or a statement,
  - (ii) punishing the person for an act that the person or a third person has committed or is suspected of having committed, and
  - (iii) intimidating or coercing the person or a third person, or
- (b) for any reason based on discrimination of any kind, but does not include any act or omission arising only from, inherent in or incidental to lawful sanctions.

#### No defence

(3) **It is no defence to a charge under this section that the accused was ordered by a superior or a public authority to perform the act or omission that forms the subject-matter of the charge or that the act or omission is alleged to have been justified by exceptional circumstances, including a state of war, a threat of war, internal political instability or any other public emergency.**

#### Evidence

(4) In any proceedings over which Parliament has jurisdiction, any statement obtained as a result of the commission of an offence under this section is inadmissible in evidence, except as evidence that the statement was so obtained.

R.S., 1985, c. 10 (3rd Supp.), s. 2.

7 (3.7) **Notwithstanding anything in this Act or any other Act, every one who, outside Canada, commits an act or omission that, if committed in Canada, would constitute an offence against, a conspiracy or an attempt to commit an offence against, being an accessory after the fact in relation to an offence against, or any counselling in relation to an offence against, section 269.1 shall be deemed to commit that act or omission in Canada if**

- (a) the act or omission is committed on a ship that is registered or licensed, or for which an identification number has been issued, pursuant to any Act of Parliament;
- (b) the act or omission is committed on an aircraft
  - (i) registered in Canada under regulations made under the Aeronautics Act, or
  - (ii) leased without crew and operated by a person who is qualified under regulations made under the Aeronautics Act to be registered as owner of an aircraft in Canada under those regulations;
- (c) the person who commits the act or omission is a Canadian citizen;
- (d) the complainant is a Canadian citizen; or
- (e) **the person who commits the act or omission is, after the commission thereof, present in Canada.**

Hope this helps,

MM  
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