

**AMNESTY INTERNATIONAL CANADA ET AL V
CHIEF OF DEFENCE STAFF FOR THE CANADIAN
FORCES ET AL: A FAILED STRATEGY THAT LEAD
TO A FLAWED JUDGMENT**

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ABSTRACT

This article is a case note on Amnesty International and the British Columbia Civil Liberties Association v. Chief of the Defence Staff for the Canadian Forces et al. delivered by the Federal Court of Canada. Since this decision was delivered in the background of the armed conflict in Afghanistan, a preliminary survey is made on the Afghan armed conflict and the Canadian involvement in it. There is a discussion on the manner in which members of the Canadian armed forces dealt with individuals captured or otherwise detained by them.

This article extensively deals with the Afghan armed conflict and the Canadian involvement from the following perspectives: (i) the extraterritorial application of human rights obligations; (ii) interpretation of the issues of 'jurisdiction and/or control' of the same; (iii) how the Federal Court of Canada considered the issue of 'jurisdiction and control'; and (iv) whether, the Canadian court either failed to comprehend, or in the alternative misapplied law from both the European Court of Human Rights and the courts of the United Kingdom.

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