



October 12, 2017

Hon. Ahmed Hussen

Minister of Immigration, Refugees and Citizenship

Hon. Ralph Goodale

Minister of Public Safety and Emergency Preparedness

To the Honourable Ahmed Hussen and the Honourable Ralph Goodale

Re: Welcoming Chelsea Manning to Canada

I write you, in my capacity as Staff Lawyer at the Canadian Internet Policy & Public Interest Clinic (CIPPIC), based at the University of Ottawa, Faculty of Law, regarding Canada's recent decision to refuse Chelsea Manning entry. There is no reason to deny Manning entry into Canada. Doing so is not only an injustice to Manning, but also robs Canadians of access to an important and unique perspective.

Manning is an award-winning advocate for social change, who speaks regularly on civil liberties, human rights, government transparency, prisoner rights and LGBTI issues. Canadians should have an opportunity to hear her story and to learn from her perspective and views. Granting her entry into Canada would enrich our social and cultural fabric and further core Canadian values of inclusion and diversity.

Perhaps more importantly, denying Manning entry is an injustice. The basis for her inadmissibility is serious criminality—her conviction in a United States general court-martial for her access to and disclosure of government materials while working as a low-level intelligence analyst. Her release of these materials was motivated by conscience and a desire to expose a disregard for human life in United States military activities in Iraq and Afghanistan as well as generally enhancing public understanding of government action, including dishonesty in foreign diplomacy.

Her disclosure achieved this goal. Details such as the exposure of tens of thousands of previously unpublicized civilian deaths and a video showing the collateral killing of a Reuters photographer and his driver along with other unarmed civilians during a helicopter attack painted a compelling picture of the heavy toll levied daily by the war in Iraq.¹ The materials also exposed the abuse of detainees by Iraqi army and police officials, as well as the comprehensive knowledge of and frequent indifference to such abuses by their American allies,² and the extra-judicial targeting in Afghanistan of over 2,000 senior Taliban and Al-Qaeda officials for death or detention without trial.³

Her disclosure of diplomatic cables opened a rare and insightful window into an important element of government activity that is often opaque to the general public. These also provided insight into

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many matters of public importance, ranging from the scope of terrorist financing emerging from Saudi Arabia, McDonald's efforts to delay implementation of a trade agreement as a tactic to improve its prospects in an El Salvadoran lawsuit and the lack of cooperation from Vatican officials into investigations of alleged child abuse.⁴

In spite of the depth and breadth of these disclosures, the United States government was hard-pressed to demonstrate a causal relationship between their release and any actual harm that rose above the level of embarrassment or mere speculation.⁵ Moreover, her sentence for these disclosures has been commuted by former United States President Barack Obama. It is difficult to imagine what threat to public safety might possibly be posed by Manning's entry into Canada.

Particularly troubling is the labelling of Manning's activities as equivalent to the crime of treason. Treason is a heavy-handed label that carries heavy stigmatization as well as the specific connotation of aiding a foreign enemy. Yet Manning's activities were intended to increase public debate on United States actions and she was explicitly acquitted of the charge of knowingly giving intelligence to the enemy by indirect means.⁶ Nor does this characterization of Manning's disclosure exhibit any consideration for the countervailing public interest furthered by her disclosure of critical information on many matters of public importance.⁷

As a whistleblower, Manning has already paid a steep penalty for her contributions to the public discourse. She poses not risk whatsoever to public safety, whereas Canadians would greatly benefit from her insights were she permitted to enter Canada.

I urge you to take whatever steps are necessary to facilitate Manning's entry into Canada.

Yours truly,


Tamir Israel

¹ <https://www.theguardian.com/world/2010/oct/22/true-civilian-body-count-iraq>.

² <http://www.nytimes.com/2010/10/23/world/middleeast/23detainees.html>.

³ <https://www.theguardian.com/world/2010/jul/25/task-force-373-secret-afghanistan-taliban>.

⁴ <https://www.cbsnews.com/news/wikileaks-saudis-largest-source-of-terror-funds/>;
<https://www.theguardian.com/business/2010/dec/21/wikileaks-cables-mcdonalds-us-el-salvador>;
<https://www.cbsnews.com/news/wikileaks-sex-abuse-panel-offended-vatican/>.

⁵ <https://s3.fightforthefuture.org/manning-appeal.pdf>.

⁶ <https://alexaobrien.com/wp-content/uploads/13-31-News-Release-PFC-Manning-Verdict-Announced.pdf>.

⁷ <https://www.aclu.org/legal-document/us-v-manning-aclu-amicus-brief>. See also: *Alberta (Information and Privacy Commissioner) v United Food and Commercial Workers, Local 401*, [2013] 3 SCR 733, 2013 SCC 62; *R v Mentuck*, [2001] 3 SCR 442, 2001 SCC 76; *Ontario (Community Safety and Correctional Services) v Ontario (Information and Privacy Commissioner)*, [2014] 1 SCR 674, 2014 SCC 31; *Ontario (Public Safety and Security) v Criminal Lawyers' Association*, [2010] 1 SCR 815, 2010 SCC 23.