

Canada's Liberal government calls public inquiry into treatment of Maher Arar

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After months of insisting that there was no need to do so, Canada's Liberal government has established a public inquiry into the Maher Arar affair.

A Canadian citizen of Syrian birth, Arar was detained by US authorities while in transit through New York in September 2002, then deported to Syria where he was imprisoned for almost a year and repeatedly tortured. US Attorney-General John Ashcroft has claimed Arar was deported only after the Syrian government provided assurances he would not be maltreated. But this is belied by reports in the *Washington Post* citing high-level US officials lauding the practice of "rendering" terrorist suspects to countries that employ torture.

There is much evidence that Canada's security establishment was complicit in delivering Arar into the hands of his Syrian torturers—a flagrant violation of both Canadian and international law.

* US officials have repeatedly said that Arar, a computer technician with a US work permit, first came to their attention because of intelligence—in fact an amalgam of guilt by association and innuendo—supplied by Canadian security agencies.

* The US Ambassador to Canada, Paul Cellucci, has said Canadian authorities indicated to Washington that they would not be unhappy to see Arar deported to Syria, since they lacked legal grounds to arrest him if he were returned to Canada.

* Canadian consular officials who were in contact with Arar while he was under detention in New York dismissed his fears—prompted by threats from US officials—that he could be deported to Syria.

* Canadian Security Intelligence Service (CSIS) officers reportedly travelled to Damascus to be briefed by the Syrian military on the confession it had beaten out of Arar.

* Since Arar's release, elements within Canada's security establishment have continued to try to smear his

name—and thereby defend their own role—leaking details of his "confession" to the media.

Nevertheless, till last week, first Jean Chrétien, and then his successor as Canada's Prime Minister, Paul Martin, stubbornly resisted calls for a public inquiry into how Arar came to be tortured in Syria. Chrétien claimed that since the deportation of Arar was carried out by US authorities, there was nothing for Canadian officials to answer for. Martin, for his part, maintained that a public inquiry was not needed because the [CSIS] Security Intelligence Review Committee and the Royal Canadian Mounted Police (RCMP) Complaints Commissioner were carrying out their own investigations of the Arar affair. Yet the Security Intelligence Review Committee conducts its work entirely in private and the RCMP Complaints Commissioner has repeatedly complained that the force's top brass has stymied her work and that she lacks the tools to investigate national security cases.

What appears to have changed Martin's mind is the public outcry occasioned by an RCMP police raid on the home and office of Juliet O'Neill, an *Ottawa Citizen* journalist who has written on the Arar affair. On the morning of January 21, ten RCMP officers descended on O'Neill's home and, after a meticulous search, carted off boxes of her papers and computer disks. The raid was a grievous attack on the freedom of the press, doubly so as O'Neill is under threat of being charged with having violated the draconian Security of Information Act.

The RCMP were reputedly looking for information on who had leaked details of Arar's confession to O'Neill. (That O'Neill reported the leak was her responsibility as a journalist; that she chose to treat the information supplied to her as justifying the police's suspicions of Arar, rather than highlighting the fact that elements within Canada's security apparatus are carrying on a vendetta against Arar using materials obtained through torture, however, is not to her credit.)

In any event, it would appear that the police raid was a heavy-handed attempt by the RCMP top brass to convince the government and public that it was not responsible for the smear campaign against Arar. Instead, it forced the government on the defensive—to the RCMP’s dismay, Martin declared O’Neill was guilty of nothing—and caused the corporate media to question for the first time the battery of anti-democratic “anti-terrorist” legislation Canada adopted in the months immediately following the September 11, 2001 terrorist attacks.

For example, the press has now noted that the RCMP has been given a host of new national security powers and responsibilities without any provision for independent, let alone parliamentary, oversight of its activities in this area.

The scope of the newly-announced Arar inquiry, which is to be headed by the judge who led the judicial inquiry into the 2000 Walkerton water tragedy, is as not yet clear, as the terms of reference are still being negotiated between the government and Justice Dennis O’Connor. However, Government officials have said that as the inquiry deals with national security some testimony will likely be given in and remain secret, and that some of the inquiry’s findings may never be publicly revealed.

In announcing the establishment of the inquiry, Deputy Prime Minister Anne McLellan was at pains to reassure Washington that it will in no way weaken or detract from the RCMP’s and CSIS’s cooperation with their US counterparts. “We certainly want to assure our allies,” affirmed McLellan, “... that it is absolutely key that nothing this public inquiry does calls into question our ability to collect and share information under the appropriate protocols which exist, and that we can be trusted with that information.” The next day, McLellan, who is also the Minister for Public Security and Emergency Preparedness, travelled to Washington to meet with Vice-President Dick Cheney, Attorney-General Ashcroft, and Homeland Security Secretary Tom Ridge.

Martin, meanwhile, continues to insist that he has seen no evidence of wrongdoing by any members of Canada’s security establishment. “Now that we have a public inquiry,” Martin told a January 28 news conference, “undoubtedly all the information will be coming forward, but I have seen nothing that would change that opinion.”

Arar has expressed hope that the inquiry will clear his name—he has been unable to find work since returning to Canada—and will recommend that he be compensated by the government for his ordeal. Certainly he is owed that.

No one, however, should be under any illusion that the inquiry’s principal purpose is other than to restore the

credibility of the country’s national security apparatus, which is an integral and vital element of the capitalist state.

Traditionally governments in Canada and other British-style parliamentary democracies have used public inquiries as a means of defusing political crises. Only last week, in Britain, the Hutton inquiry came to the defence of Tony Blair, whitewashing his government’s role in the death of whistle-blower Dr. David Kelly and, more fundamentally, its use of phoney intelligence in justifying the illegal invasion of Iraq. In 1977, the then Trudeau Liberal government responded to a series of politically damaging revelations about RCMP illegal activities directed against leftists and Quebec nationalists by establishing the McDonald Royal Commission into RCMP wrongdoing. While the McDonald Commission did shed light on the routine character of RCMP lawbreaking, its principal recommendations and outcome were the creation of a stronger, more politically astute, intelligence service and legislation that made many of the RCMP’s illegal activities lawful.

Even so, the Martin Liberal government’s decision to set up a public inquiry into the Arar case has caused consternation within the ranks of CSIS and the RCMP and will no doubt exacerbate the already significant tensions between the government and the security-intelligence establishment. With the support of the right-wing Official Opposition and the *National Post*, elements within CSIS and the RCMP have repeatedly criticized the Liberals over the past five years for being “soft” on terrorism.

In this regard, it is significant that Monday’s *Post* gave prominence to warnings from a long-time RCMP Security Service and CSIS officer, now retired, that an inquiry into the Arar affair would “harm the operational interests and capabilities of the RCMP and CSIS,” undermine security cooperation with the US, and possibly cause the security establishment to turn on the government. “To pursue a public inquiry into the Arar affair,” wrote Peter Marwitz to Prime Minister Martin, “is to court political dangers to your government leading into the next election.”



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