

# Canada's Arar inquiry prepares to whitewash intelligence establishment

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Public hearings into the case of Maher Arar—a Canadian citizen who with the complicity of Canadian authorities fell victim to the US government's practice of rendering persons to a third country so they can be subjected to torture—are set to begin this month. But the terms that the federal Liberal government and presiding Judge Dennis R. O'Connor have laid down for the public inquiry into the Arar affair indicate that its real purpose is to protect Canada's security-intelligence establishment and bolster public confidence in the "war on terrorism," which in Canada, as elsewhere, has been used to justify sweeping new powers for the state.

In September 2002, Arar, a Syrian-born Canadian, was detained by US authorities while in transit through New York. He was then deported to Syria, where he was imprisoned for a year without charge and repeatedly tortured. Arar was one of a large number of terrorist suspects—news reports have spoken of several hundred—whom US officials "rendered" to Syria, Egypt, Pakistan and other countries known to practice torture so they could be interrogated without running afoul of US and international laws banning torture.

There is every indication that Canadian authorities were complicit in Arar's ordeal. US officials have repeatedly said that it was their Canadian counterparts who first fingered Arar as a terrorist suspect. Paul Celluci, US ambassador to Canada, went so far as to say that Canadian authorities would not have been unhappy to see Arar deported to Syria since they lacked legal grounds to arrest and hold him in Canada.

During Arar's imprisonment in Syria, Canadian Security and Intelligence Service (CSIS) agents traveled to Damascus, so that they could be briefed on the confession the Syrian military had beaten out of Arar. Then, when his Syrian captors released Arar saying the US had failed to substantiate its claims that

he is a terrorist, unidentified elements within Canada's intelligence establishment released details of this forced confession to the media, in a desperate attempt to slander Arar and thereby justify their own actions.

The Liberal government initially resisted calls for a public inquiry, but changed its mind after a Royal Canadian Mounted Police raid on the home of an *Ottawa Citizen* journalist who reported the leaked "information" about Arar's confession provoked a public outcry.

Having been forced to bend to public pressure for an inquiry, the Liberal government's priority has now become ensuring that it does not countenance any consideration of the real context in which the persecution of Arar unfolded—an unprecedented assault on democratic rights carried out by Western governments in the name of combating terrorism. Instead, the terms of reference set down for the inquiry confine it to consideration of the role played by Canadian intelligence forces in the ordeal suffered by Maher Arar, and Maher Arar alone.

In a preliminary hearing, Judge O'Connor cited this narrow criterion in order to deny standing in the inquiry to several Syrian-Canadian men who had also been "rendered" to Syria, or whose relatives were rendered to Syria. With standing would have come funding and the right to question government officials.

One of the men denied standing, Ahmad Abou-El-Maati, underwent an ordeal that is directly tied up with Arar's experience. According to the transcripts of the hearing to determine standing, El-Maati, a 39-year old Toronto truck driver, says that CSIS, the Ontario Provincial Police (OPP), and the RCMP were harassing and spying on him from April 2001. A CSIS threat to block him sponsoring his Syrian wife to come to Canada led him to fly to Syria, where he was promptly

arrested and jailed. While incarcerated, El-Maati was forced to confess to plotting to bomb Canada's Parliament buildings, and in the process he falsely implicated Arar—which may well have been what led to Arar's subsequent mistreatment at the hands of Canadian and US authorities.

El-Maati is still expected to be called as a witness during the inquiry. The two other men denied standing, Youssef Almalki and Muayyed Nureddin, are not. According to the *Globe & Mail*, El-Maati has denounced the inquiry as a cover-up and has filed a legal challenge after being denied standing.

When it came to the security and intelligence establishment, Judge O'Connor gave a much more liberal interpretation of the inquiry's terms of reference. He ceded to an OPP request for standing in the Arar inquiry on the grounds that the OPP had participated in a national security task force with the RCMP. In the hearing on standing, counsel for the OPP emphasized their concern that information sharing between police forces not be jeopardized.

The inquiry's restricted terms of reference and O'Connor's selective interpretation of them reflect the government's desire to placate the security-intelligence establishment which begrudges and fears any public scrutiny into its affairs, however limited and stage-managed. At the same time, it reveals the true goal of the inquiry—to establish a smoother, more efficient apparatus of repression. It should be recalled that the McDonald Commission into RCMP wrongdoing resulted in the government legalizing a whole number of illegal police practices and creating CSIS as a professional and more politically savvy spy service.

Unsurprisingly, the terms of reference established for the inquiry explicitly direct it to “take all steps necessary to prevent disclosure of information that, if it were disclosed to the public, would, in the opinion of the Commissioner, be injurious to international relations, national defence or national security...”

Before the public hearings begin there will be a series of *in camera* hearings with only government representatives and the judge present. In other words, the government is giving itself a free rein to conceal information damaging to itself, to its security and intelligence forces, or to its relationship with the US authorities.



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