Canadian government defends intelligence extracted through torture

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The Canadian government told a public inquiry last week that barring Canadian security forces from acting on information obtained through torture would place Canadian lives at unwarranted risk.

Former and current high-level Canadian Security Intelligence Service (CSIS) officials have previously told the inquiry looking into Canadian government involvement in the ordeal of Maher Arar, a Syrian-born Canadian who was imprisoned and tortured in Syria with the complicity of US and Canadian authorities, that CSIS will use information it believes was obtained through torture. But it has concerns about torture-generated intelligence, since people frequently make false confessions to escape further abuse.

In its final brief to the Arar inquiry, the federal government mounted a vigorous defence of current CSIS practice, while arguing that the Canadian state bears no responsibility for the human rights abuses that Arar suffered.

"CSIS will take information from all sources," declared the federal brief. "If information it suspects has been obtained by torture can be independently corroborated and is important to an investigation of a threat to Canada, the information would be used."

In presenting the government's brief, its chief lawyer at the inquiry, Barbara McIsaac, painted two lurid and nightmarish scenarios of imminent terrorist attacks in order to suggest Canadaâ€™s security forces can find themselves morally compelled to cooperate with torturers. If Canada's security forces learn of a plot to bomb Canada's embassy in Damascus, "do we not," asked McIsaac, inform Syrian authorities, even though "we know a lot of people are going to be tortured"? And should CSIS and the Royal Canadian Mounted Police (RCMP) refuse information that would stop a bombing on the Toronto subway because it was obtained by a foreign government through torture?

Ignoring that she had just spun these Hollywood-thriller type scenarios from her head, McIsaac baldly asserted, "That's the moral debate" confronting Canada's security forces. "And that's a horribly difficult question isn't it?"

In reply to a question from inquiry head Justice Dennis O'Connor as to whether she was suggesting Arar had potentially posed a threat to Canadian security akin to her scenarios, McIsaac said, "We now know nothing was going on."

Then, sounding like British Prime Minster Tony Blair excusing last July's state murder of Brazilian immigrant worker Jean Charles de Menezes on the London subway, she added, "But... what if Mr. Arar was in fact a prime player in some (terrorist) event that was going to occur? What if the Syrians knew something as a result of their questioning of Mr. Arar?"

In other words, Canadian authorities acted properly when they accepted Syrian government intelligence on Arar--that is summaries of the confession beaten from him.

Human right groups like Amnesty International and the World Organization Against Torture have argued before the Arar inquiry that the Canadian government is obligated not only to refrain form practicing torture. It has a legal and moral duty to oppose other governments using torture to elicit information and to reject calls for national security to take precedence over opposition to torture.

The Canadian government is moving in the opposite direction, however: toward legitimizing torture, increasing the power of the state and restricting basic civil liberties.

It is no coincidence that North American academics, politicians and newspaper commentators who have called, in the name of combating terrorism, for relaxing or removing traditional prohibitions on the use of torture by the state have sought to bolster their arguments with scenarios very similar to those painted by McIsaac. A case in point is the Canadian-born Harvard academic Michael Ignatieff, who shortly before appearing as the keynote speaker at last Marchâ€™s federal Liberal Party convention authored a book, *The Lesser Evil: Political Ethics in the Age of Terror*, that argues the state may rightfully be compelled to temporarily set aside basic rights and freedoms, including an absolute-ban on torture, to deal with the terrorist "emergency."

In the coming weeks the *World Socialist Web Site* will have more to say about Arar's seizure, deportation, incarceration and torture and about the Arar inquiry.

But at the outset two points need be made.

The Arar case is not unique. While Arar was the only Canadian "rendered" to Syria by US authorities, it has emerged that several other Canadians, including Ahmad El Maati and Abdullah Almalki, were arrested when they traveled to Syria and subjected to brutal interrogations during which their captors referred to persons and events of which they could only have had knowledge through intelligence supplied by the Canadian government. Almalki has said that while captive in Syria, he was at one point told that Canadian security officials had asked to question him, but that the Syrian military intelligence had denied the request. On another occasion, Almalki caught a glimpse of a document titled

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“Meeting with Canadian delegation of Nov. 24 2002.”

Moreover, there is evidence to suggest that some if not all these individuals were seized by the Syrian authorities because they were fingered by the Canadian security-intelligence establishment. El Maati had had several encounters with intelligence-security agents in the weeks before leaving Canada to meet up with his new wife in Syria. In fact, he was questioned by plainclothes officers at Toronto’s Pearson Airport before boarding the plane for his trip to Syria. On his arrival in Damascus, El Maati was seized, hooded and then taken to the first of a series of military prisons.

At the government’s insistence, much of the Arar inquiry has been held in-camera. But the *Toronto Star* uncovered earlier this year that CSIS had established a formal information-sharing agreement with Syrian intelligence in 2002 and, according to *Star* columnist Thomas Walkom this “was indirectly confirmed by CSIS at the inquiry last month.”

The existence of this agreement strongly suggests that the Canadian government was contracting-out interrogations to Syrian authorities --a scaled-down and less obtrusive version of the Bush administration’s practice of “rendition” in which Arar was ensnared. Over the past four years, US authorities have seized and rendered dozens of terrorist suspects to Syria, Egypt, Pakistan and other countries whose intelligence and security forces routinely practice torture.

CSIS and the Liberal government have denied any pattern or practice of complicity in torture. Yet in its closing brief before the Arar inquiry, the government strongly argued that Canada’s intelligence-security services should not reject intelligence extracted through torture.

The second fundamental point that needs to be made about the Arar inquiry is that the Liberal government is determined to whitewash the role and protect the powers of Canada’s national-security establishment--powers which have been vastly expanded since September 2001.

The government’s brief declares that what happened to Arar was “totally unacceptable and should never have happened,” but absolves the government and Canadian security establishment. Any and all violations of Arar’s rights were the fault of US and Syrian authorities.

According to McIsaac, Canadian officials made some mistakes, such as not seeing the “incompatibility” between their acceptance of Syrian intelligence on Arar and appeals to Damascus for his release. But “decisions were made in good faith and with no animus toward Mr. Arar.”

The government’s claims bear no resemblance to the evidence publicly presented at the inquiry. To mention but a few examples: it was CSIS and/or the RCMP who on the basis of spurious intelligence fingered Arar to the US authorities as a terrorist suspect; the RCMP was in close contact with their US counterparts both immediately prior to Arar’s seizure by US authorities and before US authorities rendered him to Syria; CSIS officials admitted that they had “inadvertently” given Syrian authorities the impression they were not interested in seeing Arar freed; after Arar’s release unknown Canadian security officials leaked Arar’s torture-induced confession in an attempt to discredit him; some government and RCMP/CSIS officials continue to blackguard Arar, accusing him of being a liar and gold-digger whose real concern is winning a large compensation package from the government.

If the testimony of government officials like former Foreign Affairs and now Defense Minister Bill Graham is to be believed, Liberal cabinet ministers were deceived by Canada’s security-intelligence establishment as to what happened to Arar. Yet the government has shown no interest in vigorously asserting the subordination of the national-security forces to the elected civilian government--a core democratic principle.

The press has likewise remained silent on this issue. Nor have the country’s principal dailies condemned the government for avowing its readiness to accept torture-generated intelligence.

These silences underscore that the Canadian government and elite are determined to uphold the authority and rapidly expanding powers of the national-security establishment. On the basis of contrived and exponentially-exaggerated claims of the threat Islamicist terrorist groups pose to public safety, the government is curtailing rights and overturning judicial precepts--such as the prohibition on secret trials and hearings and the right of persons involved in judicial procedures to hear they evidence against them--that are in some cases centuries’ old.

No more than in the US or Britain does there exist in Canada a substantial section of the ruling elite that is committed to upholding basic democratic rights.

Those who claim that Canada is fundamentally different from Bushâ€™s America and Blair’s Britain are suffering from nationalist myopia or engaged in conscious deception. The same socio-economic and political processes are at work--mounting social inequality and popular alienation from establishment politics, increasingly aggressive demands by big business that all regulatory restraints on capital be removed so a to meet the challenge of global competition, an elite campaign to promote militarism and legitimize imperialism, the death agony of the official, nationally-based, pro-capitalist labor movement.

The defence of basic democratic rights and civil liberties is intrinsically linked to, and can only be carried forward through, the independent political mobilization of the working class against the political and economic domination of capital and for social equality.

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