

Bush administration denies responsibility for torture of Canadian

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On the same day that President Bush lectured the United Nations on democracy and threatened Iran and other countries, and White House and congressional leaders continued their negotiations over the exact language of new legislation to legalize torture by the CIA, the Bush administration's chief law enforcement officer publicly denied responsibility for the well-documented torture of a Canadian citizen who was seized by US agents in New York City four years ago.

Maher Arar, then 31 and a computer engineer, was detained by US immigration officials in October 2002 as he changed planes at John F. Kennedy International Airport on his way home to Montreal. He was questioned in the US for more than a week, based on a false description from the Royal Canadian Mounted Police (RCMP) labeling him an Al Qaeda associate.

Arar was taken on a CIA plane to Jordan, then shipped across the border to Syria, the country of his birth. He was severely tortured for ten months and made forced-confessions about attending an Al Qaeda training camp in Afghanistan, until ultimately Syrian, US and Canadian authorities all concluded that there was no real evidence against him. After a year in the Syrian dungeon, Arar was turned over to Canadian officials and returned home.

A Canadian government inquiry chaired by Ontario Supreme Court Justice Dennis O'Connor released its report September 18 after an investigation of more than two years. The report indicts both the RCMP for its false report on Arar and the US government for the virtual kidnapping of the Canadian citizen and the outsourcing of his interrogation and torture to the Syrian regime, which the Bush administration publicly denounces as a state sponsor of terrorism.

Responding to the release of the Canadian report, Attorney General Alberto Gonzales told a press

conference Tuesday "we were not responsible for his removal to Syria," adding as well, "I'm not aware that he was tortured."

When a media uproar ensued—particularly in Canada, where the Arar case has become well known—a Justice Department official retracted the first denial, admitting that the US government had indeed been responsible for sending Arar to Syria, and downplayed the second. The official claimed that Gonzales was only denying Justice Department responsibility for the deportation, since Immigration and Customs Enforcement is now part of the Department of Homeland Security, although the agency was attached to the Justice Department in 2002 when Arar was detained.

Gonzales also claimed that the seizure of Arar was lawful. "Mr. Arar was deported under our immigration laws. He was initially detained because his name appeared on terrorist lists, and he was deported according to our laws," the attorney general said.

If true, this would only demonstrate that existing US laws, which the Bush administration claims are inadequate for its "war on terror," already give the government sufficient power to inflict an appalling injustice on an innocent man, without any official being held accountable.

Gonzales also argued that Arar's detention and transfer to Syria were not an exercise in "extraordinary rendition," the notorious CIA practice of kidnapping individuals overseas and turning them over to third countries where they can be interrogated using torture. The reason: Arar was seized on US soil, not abroad, so his removal was a deportation, not a rendition. This legalistic quibbling will not remove the scars from the torture victim's mind and body.

The attorney general also claimed that the US government would have sought assurances from Syrian

officials that they would not torture Arar, who was born in Syria and emigrated to Canada at the age of 17. By Arar's account, now backed by an 800-page Canadian government report, he was beaten so frequently and intensely with a metal cable that the weapon eventually became shredded. He was confined for a year in a cell a little larger than a grave: three feet by six feet by seven feet.

In interviews with the Canadian and US media, Arar exposed the lies of Gonzales and other US government spokesmen. "I don't think they are being truthful about this," he said. "They rendered me to a country that they consider sponsors terrorism and that has a legacy of torture."

"The facts speak for themselves, you know," he told National Public Radio. "The report clearly concluded that I was tortured. And for him to say that he does not know about the case or does not know I was tortured is really outrageous."

The Canadian government report provides a number of new details about the actions of the US and Canadian security agencies in the Arar case.

* The RCMP labeled Arar as an Al Qaeda associate because he was seen outside a club in conversation with another individual in Montreal's small Muslim community who was himself under (unproven) suspicion.

* This guilt-by-association was applied to Arar's wife, a university economist, who was also placed on the Al Qaeda "watch list." Arar's two young children were also placed on the list.

* The RCMP falsely claimed, and told the FBI, that Arar had been in Washington DC on September 11, 2001 and that he had refused to answer questions about his alleged terrorist connections.

* The FBI lied to the RCMP about its plans to question Arar and then rendered him to Syria, suggesting that he would merely be denied entry to the US and forced to return to Zurich, Switzerland, where his flight had originated.

* US officials denied Arar's requests to speak to officials at the Canadian consulate in New York City, in violation of international

agreements on the treatment of international travelers.

The Bush administration has consistently refused to accept responsibility for the wrongful imprisonment and torture of Arar and sought to block any investigation into the case. Since early 2004, US officials have refused to cooperate with the Canadian government inquiry.

At the same time, the Bush administration has sought to block any redress for Arar through the US legal system. Justice Department attorney Mary Mason told a federal district court in Brooklyn, New York last year that international passengers passing through US airports had essentially no legal rights, even if they had no plans to stop over in the United States and were merely transferring from one plane to another.

They could be detained, questioned without an attorney, denied entry, even denied food and water while in custody. They could be incarcerated in an American prison indefinitely. The only treatment prohibited would be "gross physical abuse," she maintained. In other words, according to the Bush administration, international air travelers have the same legal status as prisoners at Guantánamo Bay.

Earlier this year, Federal Judge David Trager dismissed Arar's lawsuit against the US government, upholding the administration's claim that a "state secrets privilege" could be invoked to block it. This decision is now on appeal.



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