

Maher Arar's ordeal, the Harper government and the assault on democratic rights

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5 October 2006

The report of the public inquiry into the official kidnapping, incarceration, and torture of Maher Arar and the reaction to it of Canada's national-security forces, political establishment, and corporate media demonstrates the incompatibility between the agenda of the ruling elite and Canadians' basic democratic rights.

Authored by Justice Dennis O'Connor, the inquiry report provides official substantiation of a series of chilling revelations concerning Arar's ordeal.

Arar, a Syrian-born Canadian citizen, was detained by US authorities in September 2002 when he sought to change planes in New York for the last-leg of his return to Canada from a Tunisian vacation. In violation of international law, the US government subsequently "rendered" Arar to Syria, where he was held in a grave-like dungeon for the better part of a year and systematically tortured.

O'Connor's report confirms that:

* Canada's national security apparatus was complicit in Arar's torture.

Not only did the Royal Canadian Mounted Police (RCMP) provide their US counterparts with "intelligence" on Arar that consisted almost entirely of falsehoods and crude amalgams, it also continued to tell US authorities that Arar was "a person of interest" to Canada's national security services while he was under detention in New York, even though it had no evidence linking him to Al Qaeda.

The RCMP and the Canadian Security Intelligence Service (CSIS) forwarded questions to Syrian authorities to assist them in their interrogation; CSIS agents traveled to Syria to be briefed about the confession Syrian intelligence had beaten out of Arar; and both agencies sought to obstruct the federal government's belated efforts to have Arar released from illegal captivity in Syria.

* After Arar was returned to Canada, the RCMP and/or CSIS waged a dirty tricks campaign against him, leaking his torture-induced "confession" and insinuating to reporters that when the truth finally emerged Arar would be shown to have been party to a terrorist conspiracy.

* Violating fundamental democratic principles concerning elected civilian government oversight and ultimate control over the military-security apparatus, the RCMP omitted to inform or lied to its political masters about key facts in the Arar case.

* The Arar case was not an isolated incident. There is compelling evidence to show that the RCMP and CSIS collaborated with Syrian and Egyptian authorities in the arrest and torture of at least three other Canadians traveling abroad—Abdullah Almalki, Ahmad El Maati and Muayyed Nureddin.

O'Connor's report quotes an October 2002 memo in which a Canadian Foreign Affairs official notes that the RCMP is determined to send Syrian authorities a list of questions to put to Almalki even though the Canadian embassy in Damascus has warned the Syrians may use torture. "The RCMP," says the memo, "are aware of this but have nonetheless decided to send their request."

Consistent with this stance, leading representatives of Canada's national

security establishment argued before the Arar inquiry that their work requires that they be able to use evidence extracted by foreign intelligence agencies through torture, so long as it is "corroborated" by other sources.

Under the government-dictated terms of reference of his inquiry, Justice O'Connor was prohibited from investigating how Almalki, Elmaati, and Nureddin came to be detained by foreign governments and how these governments' intelligence agencies obtained detailed information about their activities in Canada. Moreover, O'Connor due to his loyalty to the Canadian state and support for the so-called "war on terror" is disinclined to draw conclusions damaging to the national-security establishment.

The facts however are not so circumspect. They all but scream out a most disturbing conclusion: The RCMP and CSIS were practicing their own form of rendition; Canada's national security services incited authoritarian foreign governments to arrest Canadians suspected of terrorist ties when they traveled abroad so that these individuals could be subjected to interrogation methods—prolonged detention without charge and torture—that are outlawed in Canada.

Given O'Connor's unequivocal finding that Arar was wronged by Canadian government agencies and the public outcry over the abuse he has suffered, the Conservative government and the RCMP felt compelled to declare that they accept the O'Connor report in its entirety and to profess sympathy for Arar and his family.

But the actions of the government and RCMP clearly demonstrate that this is charade. They have embraced the Arar report, the better to bury it.

Public Security Minister Stockwell Day declared last week that Stephen Harper's Conservative government has full confidence in RCMP Commissioner Giuliano Zaccardelli only moments after the latter had presented an apology for the RCMP's actions in an appearance before the House of Commons Committee on Public Safety and National Security—an apology, moreover, which repeatedly denied the substance of O'Connor's findings and was chock full of contradictions.

Or take O'Connor's recommendation that the Canadian government make an official protest to Washington over its decision to render Arar to Syria in violation of international laws governing the rights of deportees and outlawing torture.

Such protests are standard practice and generally perceived to be an elementary assertion of national sovereignty when a citizen's rights have been grossly violated by a foreign state. In 2003, for example, the then Liberal government recalled Canada's ambassador to Iran after an Iranian-born Canadian, Zahra Kazemi, died as the result injuries she suffered at the hands of Iranian security personnel.

Pressed about the question of a protest to Washington, Foreign Affairs Minister Peter MacKay said late last week that yes, Ottawa will eventually send a "reasoned" protest: "It's very much about tone. It's not about being provocative or insulting or condescending."

This after US authorities arranged to have Arar tortured in Syria and under conditions where the US Attorney-General has, in response to the Arar commission report, publicly reiterated Washington's stance that it

did nothing wrong.

In fact, the Conservative government won't even demand that the names of Arar and his wife be removed from the US's "no-fly" list. It has merely "suggested" to Washington that their names should be removed.

The Conservatives are doing everything they can to signal to the Bush administration that they are indifferent to the violations of Arar's rights and that any protest Ottawa makes will be hollow.

Such non-protests are becoming the norm for the Harper government.

This summer Ottawa complained to Tel Aviv about an Israeli missile strike on a UN observation post in southern Lebanon that killed a member of the Canadian Armed Forces (CAF), but only after Harper had publicly said that he was sure the Israelis had not targeted UN forces and once again blamed Hezbollah for the Israeli invasion of Lebanon and its pummeling of Lebanese civilians.

Earlier, when Israeli bombs had killed eight Canadians in southern Lebanon, Harper shrugged his shoulders. If the cost of closer relations with the Bush administration and its Israeli ally was the death of eight Canadians so be it.

Public Security Minister Stockwell Day's testimony before the House of Commons security committee indicates that the Conservatives intends to twist the facts of the Arar case so as to argue that he was mistakenly assumed to be a potential terrorist because CSIS and the RCMP lack resources. In other words, Canada's national security forces need more money and increased powers.

The Harper government views the Arar case and the O'Connor report as obstacles to its attempt to align Canada even more closely with the Bush administration, expand police powers, and use the current CAF counter-insurgency mission in Afghanistan to whip up militarism and press for a more pronounced and open use of the Canadian military as an instrument for asserting the Canadian elite's predatory economic and geo-political interests on the world stage.

In evaluating the reaction of the Harper government to the O'Connor report, the Conservatives' close relations with the national-security establishment also need to be taken into account.

Over the past decade, the Conservatives and their Reform Party and Canadian Alliance predecessors, have cultivated close ties with the police, RCMP, and CSIS, championing their demands for bigger budgets and greater powers. Zaccardelli himself played a significant role in the Conservative victory in last January's election. Breaking with precedent, the RCMP commissioner revealed that his force was conducting an investigation into a possible leak of a Liberal government taxation announcement. The RCMP announcement gave a powerful boost to the Conservatives' attempts to portray the Liberals as mired in corruption.

But the Arar affair goes far beyond the RCMP, CSIS, and the Harper government. It played out under three governments: the Liberal governments of Jean Chrétien and Paul Martin and the current minority Conservative government. And all sections of the political establishment and corporate media are complicit in the attempt to cover up the role that the RCMP and CSIS have played in the torture of Canadian citizens and the broader threat to democratic rights represented by the expansion of the powers of the national-security elite and the so-called war on terrorism.

The Chrétien Liberal government, it must be recalled, played a decisive roll in creating the climate in which the national security establishment became complicit in the torture of Canadians. In the wake of the September 2001 terrorist attacks, the Liberals massively increased the budgets of Canada's national security agencies, restored to the RCMP an intelligence function it had been stripped of two decades before, following the exposure of decades-long systemic illegal activities, and rushed through new "anti-terrorism" legislation that set aside longstanding juridical principles concerning the rights of the accused.

Since the release of the O'Connor report, various former Liberals cabinet minister have repeated and amplified charges that the RCMP kept

them in the dark about crucial aspects of the Arar affair and said that Zaccardelli's recollections are at odds with their own.

The record clearly does show that the RCMP top brass systematically misinformed the government

But the Liberals' complaints about the RCMP's conduct are much more in the way of alibis for their own inaction over, and complicity in, Arar's ordeal, than calls for bringing the national-security establishment to account.

Far from warning of the dangers to democracy from a national security apparatus that balks at civilian control, the Liberals have been determined to minimize the gravity of the situation.

Thus former Public Safety Minister Anne McLellan told the *Toronto Star* it was "troubling" that the RCMP wasn't "completely honest and forthcoming," but then hastened to add the O'Connor report was "not a wholesale condemnation of the RCMP."

Meanwhile, former foreign affairs minister and current Liberal interim leader Bill Graham says that it "may well be appropriate" that the RCMP did not fully inform him of its role in Arar's detention because "ministers are not supposed to be involved in police inquiries."

The Liberals' attitude to democratic rights is exemplified by the emergence of Michael Ignatieff as the frontrunner to succeed Paul Martin as federal party leader. From his former post as head of Harvard University's human rights center, Ignatieff played a significant role in rallying liberals in the US behind the illegal invasion of Iraq and polemicized on behalf of Bush's "war on terror," including writing weighty tomes about the compatibility of some forms of torture with the defence of liberty.

The *National Post*, the flagship of the Canwest media empire, has denounced the Liberals for their timid criticism of the RCMP's conduct, claiming that it was the Liberal failure to take the threat of terrorism seriously for ten years that lies at the root of the Arar affair. About the national-security establishment's complicity in torture, the *Post* has not a word to say.

The *Globe and Mail* is virtually alone among major dailies in calling for the RCMP commissioner to resign. Its concern, however, is not for the democratic rights of Canadians, but rather that the actions of the RCMP, if they are not seen to be publicly reprimanded, will undermine public support for the "war on terror" that the paper so assiduously promotes.

Ignoring the key issues raised by the Arar affair—the complicity of Canadian authorities in the torture of Canadian citizens, the national-security establishment's refusal to abide by civilian government oversight, and its readiness to mount a covert slander campaign against Arar—the *Globe* concluded a lengthy editorial examining Zaccardelli's appearance before the House of Commons security committee by proclaiming that due to his mistakes "Canada did not wholeheartedly pursue Mr. Arar's freedom."

Side by side with editorials critical of the RCMP, the *Globe* has published warnings from its political affairs columnist John Ibbiston that the Arar inquiry could result in "a culture of timidity in the RCMP" that would facilitate a terrorist attack. "A police force," writes Ibbiston, "where everyone plays strictly by the rules ... is a force that hands out nothing worse than traffic tickets."

And what of the organizations that ostensibly speak for working people, the trade unions and the social-democratic New Democratic Party (NDP)?

The Canadian Labour Congress confined its response to a statement welcoming the vindication of Arar, and supporting O'Connor's call for an independent judicial review of the cases of Almalki, El Maati and Nureddin.

The NDP has issued not a single statement and just one press release on the Arar affair in the more than two weeks since the O'Connor report was issued.

Following Zaccardelli's testimony, NDP MP Joe Comartin said that as

far as his party is concerned the RCMP commissioner is “on probation.”

The indifference of the entire political establishment and corporate media to the pivotal issues raised by the Arar affair demonstrates that there is no significant constituency within the ruling class for the defence of democratic rights.

Moreover, this must be recognized to be an international phenomenon. Under the pretext of fighting terrorism, western governments in the past five years have enacted a battery of laws that greatly expand state powers of surveillance and repression, overthrowing in the process such fundamental legal principles as habeas corpus, the right to public trials, the right to know the prosecution’s evidence, and prohibitions on the use of evidence obtained through coercion and torture.

Last month at the behest of the Bush administration, the US Congress passed legislation that sets aside key provisions of the Constitution and Bill of Rights to permit the indefinite detention without legal recourse of anyone declared by the president to be an “unlawful enemy combatant.”

And Australia recently passed legislation redefining sedition to include “urging disaffection” against the political system, urging “another person to overthrow by force or violence” a government, and urging conduct that “assists” an “organisation or country engaged in armed hostilities” against the Australian military, whether or not a state of war has been declared.

This turn to authoritarian forms of rule is rooted in ever-deepening social inequality and the ruling elite’s pursuit of an agenda of social reaction and militarism that is antithetical to and increasingly opposed by the majority of the population.

The struggle to defend democratic rights requires the mobilization of the working class as an independent political force and in the fight for a radical reorganization of economic life, so as to place social needs before corporate profits.



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