

# Canada: The Arar Affair and the RCMP Commissioner's resignation—the cover-up continues

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Royal Canadian Mounted Police (RCMP) Commissioner Giuliano Zaccardelli tendered his resignation December 6, one day after appearing before a parliamentary committee to retract a key element of his testimony before the same committee two months earlier: that he had known almost immediately that his agency was involved in the illegal deportation of Maher Arar and that he had advised leading political figures of this fact.

Arar is a Canadian citizen of Syrian origin who was detained on September 26, 2002 by American immigration authorities while in transit through New York City's JFK airport. Unjustly accused of "terrorism," he was deported 12 days later to Syria, where he was incarcerated and tortured. Arar, who was never charged with terrorism or any other crime, was released by Syrian authorities a year later.

On September 28, Zaccardelli testified before the House of Commons' Standing Committee on Public Safety and National Security that he personally looked into Arar's dossier shortly after his deportation to Syria, that he came to the conclusion that the RCMP had given American officials false information depicting Arar as an "Islamic extremist" linked to Al Qaeda, and that he worked might and main to right this wrong with American and Canadian authorities.

This testimony raised a multitude of questions. If the RCMP chief knew of Arar's innocence as early as October 2002, why can no trace be found of his supposed efforts to secure Arar's freedom? And if he had "discussions with the minister to inform him" that false information had been transmitted to the US authorities, why did Ottawa deny for so long that Canadian officials had provided information to Washington about Arar?

Zaccardelli's first testimony was given a few days after the Commission of Inquiry into the Arar affair delivered a report that uncovered a series of facts implicating the highest echelons of the Canadian state in the Arar affair, to wit:

- \* that the US decision to deport Arar to Syria was most likely based on false information provided by the RCMP depicting Arar as an Islamic extremist tied to Al Qaeda;

- \* that the RCMP and the Canadian Security Intelligence Service (CSIS) did everything they could to prevent Arar's release with the active support of the Canadian Consulate in Syria;

- \* that Canadian authorities closed their eyes to the torture inflicted on a Canadian citizen by a regime notorious for its brutal treatment of prisoners, and that following this they tried to deny the fact that Arar had been tortured;

- \* that a series of leaks, during and after Arar's detention in Syria, was organized in order to tarnish his image and suggest that he was

linked to terrorist groups and lying about having been tortured.

Judge Dennis O'Connor, the chairman of the Commission of Inquiry and author of its report, paints a picture of the Arar affair as a series of unfortunate mistakes caused by the inadequate training of RCMP investigators and a lack of communication between government agencies. He explicitly rejects any bad faith on the part of police and government authorities. He fails to note that the ordeal suffered by Arar was preceded by the federal Liberal government's adoption of a series of "anti-terrorism" laws that imperil civil liberties. And he draws no conclusions from the fact that three other Canadian citizens of Middle-Eastern origin—Muayyed Nureddin, Ahmad El Maati and Abdullah Almalki—were detained and tortured during the same period by the Syrian regime, also after coming under the watch of the RCMP.

It was on such a misleading interpretation of the facts, smacking of a cover-up, that Zaccardelli sought to base his September testimony. But the RCMP chief said enough to open up a crack in the position taken by leading figures in the political and security establishments who had vehemently denied that Canada had provided false information to US authorities—only to claim, after this was exposed by the O'Connor report, that the incendiary information came from lower-level RCMP officers whose actions they knew nothing about.

Zaccardelli's testimony provoked a veritable storm of counter-testimony. Called to testify after Zaccardelli before the same parliamentary committee, Wayne Easter and Anne McLellan, two former solicitors-general under the Chretien-Martin Liberal government, as well as the former and current directors of CSIS, Ward Elcock and Jim Judd, all denied having caught wind of the fact that Canadian intelligence agencies had made false representations about Arar to Washington, thus supporting Liberal claims that they were innocent victims of RCMP mistakes.

Those pleading ignorance overlook an essential fact: long months passed before the Liberal government so much as raised a finger towards obtaining Arar's release.

It was only after his wife launched a public defense campaign that Ottawa deigned to occupy itself with his case. And it was only after the delivery of the O'Connor report that the Canadian government issued any official protest to the American government, even though the decision to deport a Canadian citizen to a third country clearly constituted a flagrant violation of international law.

To the extent that important details on the Arar file were hidden from political authorities, it is because they willfully avoided asking basic questions so as not to be held politically responsible.

Easter and McLellan, the solicitors-general to whom Canada's security services reported during and immediately after Arar's detention in Syria, maintain that the alleged terrorist activities of Arar were never invoked "explicitly" by the RCMP and CSIS officials in their communications with the government and that he was never qualified as anything more than a "person of interest."

In police jargon, a "person of interest" is not necessarily a suspect or even a material witness. The term can be used to designate anyone police believe may be in some way useful to an ongoing investigation.

It is significant that neither of the two solicitors-general sought to know the precise nature of the security services' intelligence about a citizen who was illegally deported—under international law Arar, as a Canadian, had the right to be returned to Canada—then jailed in a third country. All the more so given that leading US officials at the time, including the ambassador to Canada, Paul Cellucci, and then-secretary of state Colin Powell, publicly declared that information provided by Canadian authorities had played a pivotal role in the US decision to deport Arar to Syria.

It is particularly dishonest for Easter to claim he knew nothing of the charges against Arar that were being circulated within the Canadian security milieu. As the O'Connor report indicates, it was Easter who refused, in 2003, while serving as Canada's solicitor-general, to sign a letter, prepared by the Canadian Ministry of Foreign Affairs and addressed to the Syrian government, demanding Arar's release. The Canadian security services objected to a passage in the letter asserting that there was "no evidence" linking Arar to terrorist or criminal activities and Easter upheld their viewpoint within the government.

As for CSIS Director Jim Judd, he insists too much stress is being laid on the question of torture. As he maintained during his appearance before the Standing Committee on Public Safety and National Security, "It does not necessarily follow, because a country has a poor human rights record, that any information received from it was the product of torture."

The Syrian regime's reputation for torture certainly did not pose any obstacles to the cordial relations that CSIS agents enjoyed with it. According to the O'Connor report, CSIS agents were dispatched to Syria in November 2002, shortly after Arar's incarceration, for a series of discussions with Syrian intelligence. CSIS even sent questions to Syrian authorities to be put to another Canadian citizen intercepted and imprisoned in Syria, Abdullah Almalki. Like Arar, Almalki had been under RCMP-CSIS surveillance. One of CSIS's questions for Almalki pertained to Arar, who had become a "person of interest" to Canada's intelligence establishment after he was seen in Almalki's company for several minutes during a rainstorm.

At the time that Zaccardelli gave his September 28 testimony, the just-released O'Connor report had revealed facts contradicting the official line that Canadian authorities had no hand in Arar's ordeal. The RCMP chief sought to explain away the outrageous actions of his agency as "mistakes," "mistakes" that he claimed to have immediately tried to correct.

But this was in flagrant contradiction with the documented actions of the RCMP and Canada's security establishment as whole. Not only did the security services strenuously oppose any attempt to free Arar, they were undoubtedly behind the campaign of leaks aimed at slandering him as a terrorist—a campaign that continued after the Canadian government had been forced to prevail on Damascus to release him.

It should also be noted that none of the agents involved in the Arar affair have ever been reprimanded or sanctioned. And the RCMP has

sought to blame the media for the fact that its investigation into the leaks in the Arar affair has gone nowhere, arguing that the press sabotaged its investigation by opposing its seizure of box-loads of information from a journalist who had received some of the leaked documents.

Zaccardelli's first appearance before the committee was a complete cover-up. It was in pursuit of the same aim that Zaccardelli, earlier this month, retracted part of his first testimony—his admission that he, together with leading political figures, had been in the know about the false information transmitted by the RCMP to American authorities.

This confession had drawn the anger, not only of other top figures in the security services, but also of former Liberal government officials, who testified to the last man that they had known nothing until the release of the O'Connor report.

Making a 180-degree turn with regard to his initial testimony, Zaccardelli asserted on December 5 that neither he, nor any top official of the RCMP, knew the nature of the intelligence against Arar.

Despite the efforts of the present Conservative government of Stephen Harper to protect Zaccardelli, even after his first lying testimony, voices were raised within the ruling class demanding, and eventually obtaining, his head. The reason invoked was not his flagrant lies—whether in September or December—but rather his incompetence ... in the art of lying.

As the *Globe & Mail*, a leading voice of Canadian big business, put it in an editorial demanding Zaccardelli's resignation, "The [federal police] force has a leader who cannot keep his story straight on his most important file."

Undoubtedly, the Arar affair has caused an intense internal struggle within the Canadian security apparatus, state, and political establishment, with each of the protagonists seeking to shift the blame for the affair onto the others. If, however, the RCMP chief was able to make an "honourable" exit without his integrity being called into question, it is because the main concern of the media and political elite has been to bury the whole issue as quickly as possible.

With Zaccardelli gone, they are continuing their campaign to conceal from the Canadian population the complicity, at the highest level, of its own police and government in the deportation, incarceration and torture of a Canadian citizen.



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