

Canada's antidemocratic "national security certificates" and the impotence of official liberalism

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Mohammad Mahjoub, Mahmoud Jaballah, Hassan Almrei, Mohamed Harkat and Adil Charkaoui have a sword of Damocles hanging over their heads in the form of a "national security certificate" issued by the Canadian government.

They have been detained indefinitely without charge and without knowing why. They have been told that they represent a threat to Canada's national security but that they do not have any right to see the evidence against them. The Canadian government has kept them in isolation in small cells while it waits court sanction to deport them to countries where, as the government itself admits, they face the possibility of torture and death.

For some of them, this state of affairs goes back as far as 2000. Harkat and Charkaoui were recently "freed", but they are essentially restricted to their own homes, must wear a GPS (Global Positioning System) bracelet at all times, and remain under the threat of expulsion from Canada. As for the other three detainees—Majoub, Jaballah, and Almrei—they have been on hunger strike for the past three weeks in order to obtain access to medical care and preserve their personal dignity.

On November 29 the journalist and documentary filmmaker Alexandre Trudeau presented his film about the security certificates, one of the most undemocratic and reactionary legal measures in the Canadian justice system.

Titled "Les prisonniers de la liberté" (The Prisoners of Freedom), the film was presented at Montreal's Centre St. Pierre by the "Justice for Adil Charkaoui Coalition" in collaboration with the "Collectif échec à la guerre" (The Stop War Collective). Nearly 70 people attended. After the film, speeches were given by Charkaoui and Trudeau, followed by a question-and-answer session.

Shot in the style of an investigative documentary, the film leads us on the trail of the security certificates. It tells of Trudeau's encounter with a somber aspect of the Canadian state and of his political evolution. From a "passive observer", skeptical about street power (as he himself put it after the film's showing), the filmmaker became a "militant" seeking the abolition of security certificates.

The film begins with a commentary by Trudeau suggesting that Canada is different from the United States because it has not participated in the invasion and occupation of Iraq and is not implicated in the Abu Ghraib prison scandals in Iraq and Guantánamo Bay in Cuba. This leads him to conclude that "Canadian values" are different from those of the U.S.

However, Trudeau explains to us, there is a prison in Canada, dubbed by its critics "Guantanamo North", where several people are detained without trial or charge under security certificates. It is these "certificates" that Trudeau sets out to investigate. But he succeeds only in revealing their brutal character. On account of his own moribund liberal perspective, he fails to perceive, let alone lay bare, the objective processes that lie

behind the rise of militarism and the attack on democratic rights in the US, Canada, and other traditional capitalist democracies.

The focus of Trudeau's journey is the people directly affected by the certificates. He meets the lawyers of the detainees, certain detainees and their families, as well as a representative of the Canadian Security Intelligence Service (CSIS), the country's principal political police agency. He goes to Syria to learn that torture is widely practiced there. He asks some of the security certificate detainees about the Canadian government's allegations that they are a threat to national security, allegations not backed up by any evidence. Ties are formed between Trudeau and these victims of government abuse.

The filmmaker discovers the existence of a legal system which authorizes detention without charge, for an unlimited period, and without the usual rules of judicial procedure that are supposed to protect against arbitrary decisions and violations of democratic rights.

Trudeau learns that a security certificate is a decree signed by the Minister for Public Safety and the Minister of Immigration ordering the arrest and detention of the person whose name figures on the certificate. He also learns that the government's decision to issue such a certificate can be based on information obtained under torture, and thus, that Ottawa, although a signatory to an international convention against the use of torture, colludes, including in its intelligence gathering, with countries using these barbaric methods.

The film succeeds in illustrating the general brutality of the national security certificate program, and particularly the brutal conditions of detention.

Trudeau met with Almrei. Detained since October 2001, Almrei explained that he spends 24 hours a day in a small cell, without books or television, with the light permanently on and with only a bed, a toilet and a wash basin for furnishings. He has spent two winters without heating, huddling under his blanket to keep warm.

To obtain the right to a television and a few other "privileges", Almrei conducted a 65-day hunger strike together with another detainee. In the end, he survived only because of the intervention of the filmmaker, who has political connections in Ottawa. (Alexandre Trudeau is the son of Pierre Elliot Trudeau, who was the leader of the Liberal Party and Canada's Prime Minister during the greater part of the years 1968-1984 and who is considered by some to be the arch-representative of Canadian liberalism. Alexandre's brother, Justin Trudeau, is a rising star in the federal Liberal Party).

The film also portrays the plight of the detainees' families, as well as their devotion to the detainees. Family members participate in demonstrations and devote their lives to obtaining the liberation of their loved ones. In spite of the state's stigmatization of their spouses and parents as threats to national security—i.e. terrorists—and the press-

fomented climate of anti-Arab racism, none give up and all express their outrage over the arbitrary methods employed by the government.

The main part of the families' activity aims at convincing the courts and representatives of the various political parties of the anti-democratic character of the security-certificate procedure. (Charkaoui says that he has been before the Federal Court some fifty times and before the Supreme Court three times.)

In one scene, the wife of Mohammad Mahjoub succeeds in approaching Anne McLellan, Deputy Prime Minister and Minister of Public Safety under the Liberal government of Jean Chrétien, in an attempt to get some answers to her questions. McLellan scornfully ignores her and cynically claims that the security certificates, some of which have been personally signed by her, offer sufficient legal guarantees.

The film ends on the day in June 2006 when Canada's Supreme Court heard constitutional arguments in favor of abolishing the certificates presented by the lawyers of the detainees and Charkaoui himself. This is followed by a commentary from Almrei, in prison, clothed in an orange overcoat, declaring that he is confident of victory, if not here, then at least in Syria or before God.

After the projection of the film, Trudeau and Charkaoui addressed the gathering and replied to questions. In his comments, Charkaoui admitted that he saw the future in very bleak terms. He explained that the experience that had affected him the most was when he pled his case before the Supreme Court, and had listened to the arguments put forward by groups supporting him and those supporting the government.

None of those intervening on his behalf before Canada's nine Supreme Court justices, Charkaoui noted, called for the abolition of the certificate system. All were content to ask for modifications to the procedure. These interveners included the Canadian Bar Association, the Canadian Council on American-Islamic Relations, the Canadian Muslim Civil Liberties Association, the International Human Rights Clinic of the Faculty of Law at the University of Toronto, Human Rights Watch, the Canadian Civil Liberties Association, Amnesty International, the Canadian Council for Refugees, the African Canadian Legal Clinic, the International Civil Liberties Monitoring Group and the National Anti-Racism Council of Canada.

Trudeau mentioned that he was shocked to learn that lawyers representing the Canadian government had argued in judicial proceedings that information obtained under torture was admissible in Court. In other words, they argued in favor of torture.

At the end of the day, despite their justified indignation over Canada's anti-democratic security certificates, Trudeau and Charkaoui failed to present a viable political perspective for combating a practice which has more in common with a police state than a democracy. When they were asked what they would do if the Supreme Court rejects Charkaoui's demand, they replied that it would then be necessary to turn to the UN, an institution subordinated to the interests of the great powers and which has shown on innumerable occasions its impotence when confronted with the crimes committed by imperialism, most recently in Iraq.

The experience presented in the film, the struggle of victims for their basic rights against the executive and judicial apparatus as well as the Canadian security services, illustrates in the end the bankruptcy of bourgeois liberalism as a social and intellectual force for the defense of democratic rights.

The security certificates have been on the books since a 1993 immigration law and were given new prominence and legitimacy by the Chretien-Martin Liberal government and Canada's political establishment as a whole after they joined the Bush administration in proclaiming a "war on terror" in response to the September 11, 2001 attacks.

Although for the moment security certificates can only be issued against non-Canadian citizens (permanent residents, refugee claimants and other persons with only temporary status in Canada), strong voices have

emerged within both the Liberal and Conservative camps to argue for their extension to Canadian citizens who obtained their citizenship "fraudulently" or who pose a threat to national security. The Conservative government recently issued its first certificate against an alleged Russian spy.

According to Charkaoui, the Bloc Québécois (BQ), the pro-Québec independence party in the federal Parliament, has said behind the scenes that it opposes the certificates, but it refuses to say so publicly. As for the social democrats of the New Democratic Party (NDP), their call for the canceling of security certificates has not been accompanied by a vigorous political campaign and rings hollow given their support for the Conservative government's program of law and order.

The various civil liberties groups and the liberal critics of the security-certificate program all accept the framework of the "struggle against terrorism", which serves as a pretext for the attack on democratic rights. They are therefore incapable of systematically opposing the latter.

In Canada, no less than the U.S or anywhere else in the world, the ruling class sings the same extremely exaggerated chorus about the terrorist "threat" in order to justify a radical and abrupt political turn to the right. This turn, manifested in militarism and a wholesale attack on democratic rights, jobs and social programs, is rooted in the economic and social crisis of the global capitalist system.

Trudeau is incapable of connecting his experience with the security certificates to the objective changes underpinning the adoption of the anti-terror laws, the election as Canada's prime minister of a neo-conservative like Stephen Harper, and the deep involvement of Canada in a US-led neo-colonial war in Afghanistan.

This is not surprising, since the defence of "Canadian values" promoted by Trudeau is a nationalist approach that covers up the efforts of the Canadian ruling class to defend its own interests against those of its powerful neighbour to the south.

Ironically, Trudeau tells us right at the beginning of the film that he does not understand why the Canadian elite would defend, or at most criticize without taking action, the existence of the security certificates, which he associates more with an "American" policy than a Canadian one. He is blind to the obvious political fact that Canada's ruling class, as much as that of the US, Britain and other capitalist powers, increasingly bases the defence of its privileges on anti-democratic measures.

The fight against the hated security certificates must be linked to a general fight for the defence of democratic rights and for social equality. Today the only social force capable of leading such a struggle is the international working class armed with a socialist program.



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