

Prisoners continue hunger strike at Canada's Guantánamo

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Mohammad Mahjoub, Mahmoud Jaballah and Hassan Almrei—who have been imprisoned indefinitely without charge or trial under a Canadian government “national security certificate”—are continuing a hunger strike to protest their inhumane conditions of detention.

Accused of terrorist links, the three detainees have been denied access to the evidence on which the government bases its allegations or even rudimentary information concerning the nature of their purported terrorist ties.

The federal Conservative government has adopted a hard-line against the strike, going so far as to claim that the security-certificate detainees are not really on hunger strike since they are imbibing fruit juice and other liquids.

On January 22, Mohammed Mahjoub will have been 59 days without food and Hassan Almrei and Mahmoud Jaballah 48 days. Mohammad Mahjoub, an engineer and father of two children, has been under detention by Canadian authorities since June 2000, whilst Hassan Almrei and Mahmoud Jaballah have been incarcerated since 2001.

On January 8, the three published an open letter in which they described their conditions of detention and asked the public to put pressure on the government to accept their demands.

A moving appeal, the letter begins, “We are writing to you today because the Canadian government refuses to speak to us. We are three Muslim men and have been detained under a security certificate, without charge or bail for between five and six-and-a-half years.”

“Many groups such as Amnesty International have called security certificates fundamentally flawed and unfair. The United Nations has criticized Canada for this practice. Right now, the Supreme Court is deciding what Canada should do about them.

“We are held at a place called the Kingston Immigration Holding Centre (KIHC), located in the grounds of Millhaven [maximum security] Penitentiary. Some people have called this place Guantánamo Bay North. Like the detainees in Guantánamo Bay, Cuba, we are held indefinitely. This is a kind of psychological torture that is almost unimaginable. We do not know when, or if, we will be released from jail.

“We have been very patient and have done our best to confront a process against which it is impossible to defend

oneself. We will remain patient and hope that we will finally be released, because we are innocent men.

“But sometimes there is only so much human beings should be required to accept before they raise their voice in peaceful protest.

“Right now we are on a liquid-only hunger strike protesting the conditions of our detention.... It is hard on us and our families. But it is the only voice we have.”

The three men are the only detainees at the KIHC. They were transferred there last April. Before then they were detained at provincial detention centers, one of which was the Toronto West detention center.

The following facts give an idea of the treatment that these three men have received at the hands of the Canadian government. In 2005, Almrei went on hunger strike twice: the first for 39 days to obtain winter shoes and clothes so as to protect himself from winter-cold in his barely heated cell; the aim of the second hunger strike, which lasted 73 days, was to obtain the right to have an hour's exercise per day. Till then Almrei had been confined to his cell 24 hours a day with the lights permanently on.

While in detention, Mohammad Mahjoub was infected with the hepatitis C virus, a disease that can be life-threatening if not treated. In 2005, he went on hunger strike to obtain the necessary treatment. Even today, one of the most pressing demands of the strikers is for medical care for Mahjoub, who must also be treated for a knee injury, a demand which also dates from 2005.

These conditions are made all the more unbearable due to the arbitrary and antidemocratic nature of Canada's national security certificate regime. A security certificate is a ministerial decree ordering, for national security reasons, the detention and expulsion from Canada of the person whose name appears on the certificate. For the moment, only non-citizens—that is, visitors, students, refugee claimants and landed immigrants—can be held under a “security certificate,” but there have been calls from Liberal and Conservative ranks for the security certificate regime and indefinite detention without trial to be employed against citizens as well.

Before a judge can order someone who is the subject of a security certificate expelled from Canada, a judge must attest to

the “reasonable character” of the certificate. To this end, the judge is authorized to examine some of the evidence the state has amassed against the individual, but this examination is done in secret, with lawyers for the government and representatives of Canada’s secret service personnel present to make their case. The detainee and his legal counsel, meanwhile, are barred from the proceedings and denied any knowledge of the state’s evidence or claims. And the judge is legally barred from revealing any of the state’s evidence.

Thus a person designated a threat to Canada’s national security finds themselves in a Catch 22—unable to reply to the evidence which justifies their detention and expulsion because the government claims that to apprise them of that evidence would endanger national security.

The evidence on which the minister bases himself in issuing a security certificate is frequently obtained by Canada’s national security agencies through collaboration with the police services of the countries of origin of the persons concerned, countries that in the cases of Mohammad Mahjoub, Mahmoud Jaballah and Hassan Almrei are infamous for their use of torture in extracting incriminating statements.

Canada’s security services and federal government lawyers do not hesitate to use evidence obtained under torture by foreign security services. The public inquiry into the case of Maher Arar—the Canadian citizen, who was “rendered” by US authorities to Syria—established that the Royal Canadian Mounted Police (RCMP) and Canadian Security Intelligence Service (CSIS) connived with Syrian authorities in the “interrogation” through torture of Arar.

Totally ignoring all this, *La presse*, Quebec’s largest circulation and most influential daily, published a report January 5 deploring the high costs involved in maintaining the special KIHU unit at Kingston without mentioning that its three detainees are on hunger strike, let alone their legitimate demands. The article sets out to give the impression that the security certificate detainees are “privileged,” having all to themselves a prison that has swallowed up \$5 million in construction and running costs.

In turning reality on its head and treating the detainees of Guantánamo North as privileged, when they are in fact deprived amenities accorded those convicted of even the most violent crimes, *La presse* is exhibiting its hostility to longstanding judicial principles and a callous indifference to human life.

This article faithfully reflects the ruling class’s state of mind. The security certificates were introduced as part of the 1993 law on immigration and used by the Liberals from 1993 to 2006. The Conservatives have since promised to widen their application.

The New Democratic Party (NDP) is demanding security certificates be abolished. But this demand is largely negated by its acceptance of the supposed “fight against terrorism,” which serves as the pretext for the attack on democratic rights, and its

readiness to ally in parliament with both of Canada’s traditional ruling parties, the Liberals and Stephen Harper’s Conservatives. (The NDP voted for the sweeping “anti-terrorist” laws adopted in the weeks following the September 2001 terrorist attacks, while urging the inclusion of a timid clause calling for their later re-examination. During the last election campaign, the NDP competed with the Conservatives and Liberals in calling for new law-and-order measures to counter a reputed surge in violent crime.)

The only difference between the policy of the NDP and that of the Conservatives or Liberals concerns the means employed. In the NDP’s eyes, the tools of repression that already exist are sufficient. The use of security certificates, denounced by Amnesty International, tarnishes the more “humane” image of Canadian imperialism—which has served so well in the past and that the NDP is trying to keep alive in order to rally the population behind the imperialist interests of the Canadian bourgeoisie, in Afghanistan and around the world.

Canada’s “security certificates” are a flagrant attack on democratic rights and longstanding judicial principles. They give the state the power to detain persons indefinitely without charge, to deny them or their legal counsel any knowledge of the basis for their being labelled a threat to national security, and to expel them from Canada, even if they face a real threat of torture and death. And the only restraint over this unbridled exercise of arbitrary state power is a judicial process that has been stacked against those detained, with the government and security agencies presenting their case behind closed doors and with the power to deny, in the name of national security, showing even the judges charged with determining the “reasonable character” of the security certificate parts of the state’s “evidence.”

Whilst this regime is today limited to non-citizens, in overthrowing basic judicial principles, it is laying the legal-judicial framework for threatening all Canadians deemed opponents of the state with arbitrary and indefinite detention without charge and with being denied the right to see and challenge the evidence against them.



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