

# Ottawa's "apology" to Maher Arar

## A fig-leaf for the assault on democratic rights

**Richard Dufour**  
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Canada's Conservative government recently offered a belated and perfunctory apology to torture-victim Maher Arar. A Syrian-born Canadian citizen, Arar was fingered by Canada's security agencies to their US counterparts as a terrorist suspect, detained by US immigration officials in September 2002 while in transit through New York's JFK Airport, and subsequently deported to Syria where he was imprisoned for almost a year without charge and repeatedly tortured.

A public inquiry into the Arar affair concluded, after questioning dozens of witnesses and reviewing thousands of pages of documents, that "there is nothing to indicate that Mr. Arar committed an offence or that his activities constitute a threat to the security of Canada." In labeling Arar a terrorist suspect, Canada's national intelligence agencies had drawn unsupportable conclusions from scant and sometimes false information, added inquiry head Justice O'Connor.

O'Connor's report demonstrated that the Canadian government and its national-security agencies were complicit in the illegal deportation, detention, and torture of an innocent man.

It was Canadian officials' baseless charges of Arar's terrorist links that resulted in his name being put on a US border watch-list. After US authorities violated international law by refusing to deport Arar to Canada—his country of residence and the place where he wanted to be sent—and rendered him to Syria via a secret flight to Jordan, Ottawa did not lift a finger to free him from the clutches of a regime well-known for its gross abuse of prisoners. To the contrary, the Canadian government approved a request by the security agencies that had been spying on Arar—the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP)—to forward a list of questions to his Syrian captors, so that they could be put to Arar during his interrogation-torture sessions. Canadian consular officials, who acted as go-betweens, subsequently claimed that they had no idea that the Syrian regime routinely employs torture. Only after Arar's detention had provoked a national outcry due to the tireless efforts of his wife to bring his plight to public attention did the Canadian government send a letter to Damascus seeking Arar's release. The top brass of CSIS and the RCMP opposed the sending of such a letter, however, and refused to co-sign it.

Ottawa's intimate collaboration with Syrian authorities in the torturing of Canadian citizens is not confined to the case of Arar. Three other Canadian citizens of Middle-Eastern origin who were also under RCMP-CSIS surveillance—Abdullah Almalki, Ahmad El Maati and Muayyed Nureddin—were detained and tortured by Syrian authorities during the same period. And as happened to Arar, Syrian intelligence put to the three many of the same questions that they had previously been asked by RCMP and CSIS officers.

This pattern strongly suggests that Canada's national security-intelligence agencies used the Syrian dictatorship (and other authoritarian regimes) to get around Canadian prohibitions on coercing suspects through detention without charge and torture.

In a letter to Arar and his family on behalf of the Canadian government, Prime Minister Stephen Harper all but denied that the Canadian state was responsible for Arar's plight, merely apologizing "for any role Canadian officials *may* have played in the terrible ordeal that all of you experienced in 2002 and 2003." [Emphasis added].

But as the above has shown, Ottawa's complicity in the detention and torture of Arar is not a matter of conjecture. It is an established fact. Nor did the Canadian state's abuse of Arar stop after Ottawa was pressured into demanding his release. Months after his return to Canada, Arar was still being slandered in press reports based on leaks that could only have come from the highest levels of the Canadian security establishment. These leaks included verbatim extracts of the confession that the Syrian authorities beaten out of Arar. Not surprisingly the RCMP investigation into the source of these leaks has stalled.

Ottawa's half-hearted "apology" came with an out-of-court financial settlement. Arar is to be given \$10-million to compensate him for the physical and psychological torment and loss of income that he and his family suffered. On his return to Canada, Arar who lost his job due to his incarceration, was unable to find work because of the stigma attached to his name and the continuing efforts of sections of the national-security establishment to smear him. The government is also providing Arar with money to cover his legal expenses.

While such compensation is entirely warranted, the settlement—as exemplified by Harper's use of the conditional

“may”—is part of the continuing attempt of Canada’s political elite to obscure the role that the Canadian government and state played in the torture of an entirely innocent man and, moreover, the threat to democratic rights represented by the Canadian establishment’s “war on terror.”

The corporate media and political elite have sought to portray what happened to Arar as a unique, unfortunate mistake.

But in the wake of the September 11, 2001 terrorist attacks the then-Liberal government, with the support of all the opposition parties and the corporate media, dramatically increased the budgets and mandate of CSIS and the RCMP and rushed legislation through parliament that overturns longstanding judicial principles, including an accused’s right to a public trial and to be fully apprised of the state’s evidence.

The Canadian elite’s readiness to trample over civil liberties and complicity in torture is further illustrated by the Canadian government’s failure to make any protest against the Bush administration’s inhuman treatment of its Guantánamo Bay prisoners and the flouting of habeas corpus rights in a Military Commissions Act that authorizes the indefinite incarceration of those the government designates as “unlawful enemy combatants.”

Last fall, when Prime Minister Harper called on the Bush administration to admit that US authorities had erred in their treatment of Arar, he said his aim was to facilitate even closer relations, including cooperation in security matters, between Ottawa and Washington. But to the embarrassment of a Canadian government that is among the Bush administration’s most enthusiastic allies, the US government continues to insist that it did nothing wrong in sending Arar off to Syria and has every right to ignore the findings of the Canadian public inquiry into the Arar affair and continue to publicly identify him as a terrorist suspect.

In a letter to Canadian officials dated January 16, Attorney General Alberto Gonzales and Homeland Security Secretary Michael Chertoff argue that “the continued watch-listing of Mr. Arar is appropriate” and is “supported by information developed by U.S. law enforcement agencies that is independent of that provided to us by Canada regarding Mr. Arar.”

Canada’s Public Safety Minister Stockwell Day, however, has said that there is nothing new in the American dossier on Arar: “Our officials recently have looked at all the US information, and that does not change our position.”

This mild criticism of the Bush administration’s refusal to take Arar off the US no-fly list prompted an angry outburst from Washington’s ambassador to Canada. “It’s a little presumptuous for him [Day] to say who the United States can and cannot allow into our country,” barked US Ambassador David Wilkins.

Washington’s decision to maintain Arar on the US no-fly list has far-reaching implications for him. Not only does it mean that he cannot travel to the US, but the US no-fly list is used by

some 30 other countries, meaning that in much of the world Arar could find himself treated as a terrorist. In fact, Arar faces serious restrictions on his right to travel by-air even within Canada, since many domestic Canadian flights travel over US airspace and the US reserves the right to force down any plane within its airspace that is carrying someone on its no-flight list.

The Bush administration’s intransigence in respect to Arar is rooted in fears that to admit that it erred in sending him to Syria would open the floodgates to legal challenges to its patently illegal practice of “extraordinary rendition”—the handing over of so-called suspected terrorists to police-state regimes around the globe to be interrogated through torture.

But if Washington feels that it can so easily ignore Ottawa’s stance on the Arar case, it is because it knows that the Canadian government and national-security apparatus were entirely complicit in his ordeal and to this day remains ambivalent about the entire affair.

Harper’s pronouncement in the face of Washington’s refusal to remove Arar from the US no-fly list that his government retains “the right to disagree with the Americans when we have something substantial to disagree about” is posturing.

The Conservatives came to office last February determined to bring Canada’s foreign policy and geo-political stance even more in line with that of the Bush administration. The Harper government echoed Washington’s endorsement of the Israeli assault on Lebanon last summer and has promoted Canada’s increasing involvement in Afghanistan, which has allowed Washington to shift troops to Iraq, as Canada’s contribution to the “war on terror.”

Just as the Bush administration is ignoring the overwhelming popular opposition to its war of plunder in Iraq, Harper’s Conservatives are pushing ahead with Canada’s counter-insurgency operation in Afghanistan even if opinion polls consistently show a majority of Canadians opposing it.

The Harper government is also embracing unsubstantiated claims by American officials about Iran’s nuclear program. A Canadian warship has joined the US military buildup in the Persian Gulf, which is one of many signs of a possible impending US attack on Iran.

A strong consensus has emerged in the Canadian establishment that it must flex its military muscle in order to assert its own economic and geo-political interests in the world. Behind the occasional criticism of Washington and such token measures as the compensation deal with Arar, what remains in force is the militarist and anti-democratic agenda of the ruling elite—in Canada no less than in the United States.



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