

The Canadian Arar affair—censored report released

How the practice of torture hides behind the slogan of “national security”

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In mid-August, formerly blacked-out portions of the report on the Arar Commission of Enquiry were released after a Canadian Federal Court judge ruled in favor of the Commission and against the Conservative government, which had sought to keep the censored material secret.

The release of 1,000 of the 1,500 words censored from the report when it was published in September 2006 adds substantial weight to a charge that already enjoys much evidentiary support: that the Canadian security services—along with their American counterparts—systematically use torture in their so-called War on Terror.

Maher Arar is a Canadian citizen of Syrian origin, who had been under surveillance by the Canadian secret service. He was suddenly arrested in September 2002 at New York’s JFK international airport, while making a flight connection to Canada after a holiday in Tunisia.

According to international law, as the holder of a Canadian passport, Arar should have been sent back to Canada. The American authorities decided instead to “render” him to Syria, a country well known for its human rights abuses. There he was imprisoned in a cell the size of a tomb and savagely tortured. He was released one year later without a single charge having been brought against him.

The Royal Canadian Mounted Police (RCMP) had provided the American authorities spurious information based on obvious lies that supposedly linked Arar to terrorist activities. After Arar’s deportation, the RCMP and the Canadian Security Information Service (CSIS) collaborated with his Syrian jailers, going as far as to send them interrogation questions.

When Ottawa belatedly sought to have Arar freed, the Canadian security agencies did everything to prevent this outcome. After his return to Canada, they mounted a further slander campaign against him, leaking a supposed confession, which he had made under torture, concerning his participation in a terrorist training camp in Afghanistan. In fact, Arar has never been implicated in any way in any terrorist activity.

All these facts were laid out before the Commission of Enquiry, established in February 2004 by the Liberal government after Arar publicly proclaimed his innocence and recounted his horror story.

Nonetheless, Judge Dennis O’Connor, president of the Commission, presented the Arar affair in his September 2006 report as a series of unfortunate errors and explicitly denied that the actions taken by police and governmental authorities had displayed any willful intent. This interpretation did not square with the facts presented in the same report and, with the release of previously censored passages, it can now be definitively rejected.

The newly released portions of the report show that the Arar investigation was set into motion by the confession of another Canadian held in a Syrian prison, Ahmed el-Maati. El-Maati would later repudiate his confession as having been extracted through torture. In September 2002, the RCMP obtained a surveillance warrant against Arar, without revealing to the Judge that the supposed evidence justifying it was suspect in the extreme. The police hid from the Judge that el-Maati had been detained incommunicado by the Syrian military, well-known for its practice of torture against prisoners suspected of terrorism. They also avoided mentioning that a report by the Ministry of Foreign Affairs, which found el-Maati in good health in prison, was made following a visit some

nine months after the torture he had endured.

The previously suppressed passages also reveal that the government was well aware of the fate that American authorities were planning for Arar and did nothing to stop it or to condemn his “extraordinary rendition.” It puts the lie to O’Connor’s categorical claim in his report that “Canadian officials did not participate or acquiesce in the American decisions to detain Mr. Arar and remove him to Syria.”

As early as October 11, 2002, a CSIS agent posted in Washington reported that the FBI and the CIA had found a roundabout means of making people suspected of terrorism talk. A now-released passage from the Commission Report explains that in 2002 the CSIS agent “spoke of a trend they had noted lately that when the CIA or FBI cannot legally hold a terrorist subject, or wish a target questioned in a firm manner, they have them rendered to countries willing to fulfill that role.” In another note dated October 10, 2002, CSIS Assistant Director of Operations Jack Hooper wrote, “I think the U.S. would like to get Arar to Jordan where they can have their way with him.” These documents were written only two days after Arar’s expulsion to Syria.

The newly released passages also include a statement by a CSIS delegation following its November 2002 trip to Syria that the Syrians “did not appear to view this as a major case and seemed to look upon the matter as more of a nuisance than anything else.” In other words, the Canadian authorities knew that Syria had no hint of proof against Arar, but they did nothing to get him out of his torture cell and left him rotting in prison for a year.

The press has reacted to these new revelations by seeking to stifle all debate over the effective use of torture by Canadian authorities and its threatening implications for democratic rights.

The *Globe and Mail*, principal mouthpiece for Canadian business, published an editorial blaming the entire Arar affair on the American government. “The United States ... has never admitted its error or made amends to Mr. Arar or to Canadians generally,” it wrote.

The editorial carefully avoids any mention, let alone any examination, of Ottawa’s role in this affair. It is silent on the Harper government’s refusal to condemn Washington, either for its illegal deportation of a Canadian citizen to a third country, or for its decision to keep Arar on the list of presumed terrorists, even after a Public Enquiry in Canada declared him innocent.

For his part, Prime Minister Harper has swept the new revelations under the rug, stating, “[w]e’re talking about

events that occurred under the previous [Liberal] government.” It was his government, however, which sought to prevent the publication of the suppressed passages. Harper has inadvertently let slip a critical aspect of the Arar affair, that is, that it has implicated all elements of the Canadian ruling class—Liberals and Conservatives, security services and judges, as well as the media.

Harper has good reason to divert public attention away from the Arar affair. His government is presently engaged in a much larger cover-up operation than the suppression of the O’Connor report. The new affair concerns three other Canadian citizens who were arrested and tortured abroad with the probable complicity of the Canadian security services: Abdullah Almalki, Muayyed Nureddin and the above-mentioned Ahmed el-Maati. The Conservative government has set up a Commission of Enquiry whose proceedings are being held in secret and with the mandate that no information “harmful to national security” be divulged.

Whenever social tensions mount, the Canadian ruling class has traditionally used Commissions of Enquiry to let off a bit of steam, while continuing to pursue its class policy. Now even this small concession to popular sentiment has become unmanageable for them. “There is good reason to accept such secrecy as the necessary price of vigilance,” writes John Ibbitson, a leading *Globe and Mail* columnist, justifying the Harper government’s censoring of the O’Connor report.

No section of the political or media establishment is seriously attached to the defense of democratic rights. These can only be protected and developed by the independent struggle of the working class.



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