

# Cover-up of Canada's complicity in torture continues

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The corporate media and opposition parties are assisting the Conservative government in suppressing discussion and examination of Canada's complicity in torture.

Apart from a handful of CBC and *Toronto Star* opinion pieces, the media, the Liberals and the trade union-backed NDP have allowed Prime Minister Stephen Harper's claim that the US Senate report documenting CIA torture had "nothing to do whatsoever with the government of Canada" to go entirely unchallenged.

Harper's claim is a bald-faced lie. Canada was a major conduit for the secret CIA flights that, as part of the US's "rendition" program, transported terrorist suspects to offshore torture facilities. Twenty planes commandeered by the CIA reportedly made 74 stopovers at Canadian airports while on rendition flights, meaning Canada facilitated more rendition flights than any country apart from the US itself.

Furthermore, Canada's national-security apparatus, like that of the US, used the September 2001 terror attacks to justify its connivance in torture in flagrant violation of Canadian and international law.

This included the development of a "made-in-Canada" form of rendition in which Canada's national-security agencies encouraged authoritarian governments to detain Canadian terror suspects traveling abroad. By this means, Canada's security-intelligence agencies were able to have people against whom they had insufficient evidence to lay charges arrested and subjected to "enhanced," i.e. brutal, interrogation, thereby circumventing Canada's legal-constitutional prohibitions against detention without trial and torture.

And Canada's complicity in torture continues. The government has authorized the national-security apparatus to make use of information obtained by foreign spy agencies through torture and to share intelligence including on Canadians with countries that practice torture.

The most widely publicized case involving Canadian complicity in torture was that of Maher Arar, a Syrian-born Canadian engineer who was arrested while changing planes in New York in 2002 on the basis of information supplied by Canada's security agencies. Arar was then rendered by the CIA to Syria.

During his twelve months of detention without charge in Syria, Arar was brutally tortured by Syrian intelligence officials. In their torture-interrogation of Arar, Syria's secret police used information that had been supplied to them by Canadian Security Intelligence Service (CSIS) agents who had traveled to Syria to assist in his questioning.

This process of Canadian intelligence agencies effectively subcontracting torture-interrogation would be repeated.

Abousfian Abdelrazik, a Sudanese-born Canadian, was arrested by Sudanese authorities in 2003 at the direct request of the Canadian

Security and Intelligence Service (CSIS). He was held and tortured for eleven months, released, then soon after detained for a further seven months without charge.

CSIS documents obtained by the *Globe and Mail* boast that Sudan, whose government Ottawa had regularly condemned for its abuse of prisoners and other gross violations of human rights, had acted at "our request" in arresting Abdelrazik. CSIS agents also traveled to Sudan to participate directly in his questioning. When Abdelrazik informed Canadian officials he was being tortured, they took no action.

On the contrary, when the Sudanese government released Abdelrazik for the last time saying that there was no evidence to substantiate CSIS's claims he was a terrorist, Ottawa blocked his return to Canada. The government refused to issue him a new passport and told him that it was his responsibility to get his name removed from an international no-fly list. Only in June 2009, three years after his release from Sudanese detention and only after a Canadian Federal Court had instructed the Harper government to stop violating Abdelrazik's citizenship rights, was he permitted to fly from Khartoum back to his home and family in Canada.

Between 2001 and 2004 three other Canadians born in the Middle East—Abdullah Almalki, Ahmad El-Maati and Muayyed Nureddin—were arrested by Syrian authorities based on erroneous CSIS-supplied information linking them to terrorism. All three were held for prolonged periods without charge and subjected to torture with CSIS assisting their Syrian interrogators. This pattern continued after El-Maati was transferred from Syria to an Egyptian prison.

Ultimately these cases, especially that of Arar, provoked a public outcry and in response the government convened public inquiries, first under the Liberals into Canada's role in Arar's detention and torture and then under the Conservatives into who was responsible for the persecution of Almalki, El-Maati, and Nureddin.

The real purpose of these inquiries was not, however, to uncover and expose the crimes of the Canadian state, but rather to whitewash Canada's complicity in torture with the view to restoring public confidence in a national security apparatus whose budgets and powers had been vastly increased since 9/11.

Justice Dennis O'Connor's inquiry into the Arar affair not only absolved CSIS and the Royal Canadian Mounted Police (RCMP) of any role in his initial detention by the US but also exonerated them of collaboration in Arar's torture—no matter that much of the information used against Arar had been supplied by CSIS.

Similarly former Supreme Court of Canada Justice Frank Iacobucci denied Canada was responsible for the Syrian secret police's detention of Almalki, El-Maati and Nureddin. Although CSIS had fed Damascus with intelligence incriminating the men—information that at

least in Almalki's case was "inflammatory, inaccurate, and lacking investigative foundation"—Iacobucci claimed that it could not be concluded this led to their arrest. Grudgingly Iacobucci did admit that CSIS, by supplying the three men's torturers with lines of questioning, and Canadian consular officials, by failing to intervene on the men's behalf, had "indirectly" contributed to their mistreatment and torture.

In his final report, Justice O'Connor only faulted Canada's intelligence agencies for having passed on false information about Arar to their US counterparts when there was a strong likelihood this could result in his illegal detention and torture. To prevent this from recurring, O'Connor proposed Canada's security agencies not share intelligence with their foreign counterparts if there was a "credible" threat that it could result in someone being tortured.

Even this proposed restriction proved too much for the intelligence services. They pushed strongly for the government not to implement it and the Conservative government quickly relented, abandoning its publicly stated intention of implementing O'Connor's recommendation.

Between 2010 and 2012 the Conservative government issued a series of ministerial directives authorizing Canada's five national-security agencies—CSIS, the RCMP, Canada's signals intelligence service (CSEC), the border protection agency, and the Canadian Armed Forces—to exchange information with a foreign security-intelligence service even if there is a "substantial risk" of it resulting in torture.

The government has also issued a framework directive giving CSIS authorization in "exceptional circumstances" to use information obtained by torture. The directive states that when there is a threat to human life or public safety, urgency may require CSIS to "share the most complete information available at the time with relevant authorities, including information based on intelligence provided by foreign agencies that may have been derived from the use of torture or mistreatment."

Indicating the Orwellian character state surveillance has assumed in Canada, a government spokeswoman responded to questions on the content of the government's torture directives in April this year by saying, "National Defence cannot release a copy of the resulting directive on information sharing, nor say when it was completed and issued, because it's a classified document."

Canada's post 9/11 embrace of torture under Liberal and Conservative governments alike was part of a sustained and continuing assault on democratic rights. As in all the advanced capitalist countries, Canada's ruling elite seized on 9/11 to push through a raft of anti-democratic measures, including a draconian anti-terrorism law with a catch-all definition of terrorism, a massive increase in state surveillance of ordinary Canadians, and the abandonment of fundamental legal principles such as the right to remain silent. The build-up of the state's repressive apparatus, which has also involved sweeping attacks on workers' rights, is rooted in ever-deepening social inequality, the ruling elite's assault on what remains of social rights won by the working class in the great mass struggles of the last century, and its embrace of militarism.

Canada's increased involvement in aggressive military interventions abroad has also resulted in its complicity in torture. During its ten-year combat mission in Afghanistan, the Canadian Armed Forces (CAF) violated the Geneva Conventions by handing over 400 Afghan prisoners to Afghan authorities who they knew would in all likelihood torture them. Most of these prisoners were, as one Canadian official

remarked, simply "poor villagers" who had been unfortunate enough to be caught up in Canadian military sweeps.

Canada also connived, as even the Supreme Court had to concede, in the torture of Omar Khadr—the Canadian-born child soldier who with the support of the Canadian government was illegally detained by the US at its Guantanamo Bay concentration camp for a decade. (See: "Canada continues to persecute torture victim Omar Khadr")

The Conservative government has gone to extraordinary lengths since it came to power in 2006 to block any discussion of Canada's complicity in these brutal crimes. It denounced and demonized those who brought to light evidence of Canada's complicity in torture in Afghanistan. Richard Colvin, a leading diplomat, was threatened with criminal prosecution.

Then in December 2009 the government prorogued parliament so as to cut short the work of a parliamentary committee investigating Canada's complicity in torture in Afghanistan. Subsequently, the government defied a House of Commons' motion ordering it to hand over documentation on the prisoner-transfer policy, including who approved it and the fate of those transferred. This defiance resulted in the minority Conservative government being found in contempt of parliament.

The Liberals, under Michael Ignatieff, who had written an "intellectual" screed in defence of the "war on terror" and torture, then came to the government's rescue. He led the opposition parties in agreeing to a laborious, national-security apparatus-vetted, review of the Afghan detainee records, the results of which were to be almost entirely kept from the public. As soon as the Conservatives won a parliamentary majority in the 2011 federal election, they shut down even this highly circumscribed review of the Afghan detainee torture issue—an action which elicited no more than a whimper of protest from the opposition parties.

*The authors also recommend:*

Maher Arar's ordeal, the Harper government and the assault on democratic rights

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