

ARAR INQUIRY UPDATE

Maher Arar Support Committee, info@maherarar.ca
Produced by volunteer labour.

Take Action!

- **Vote in the new poll on maherarar.ca and encourage others to vote.**
- **Write a letter to your local newspaper and comment on the government's actions or on how the inquiry is progressing.**
- **Write to Geoff Regan, the acting attorney general for the Arar Inquiry, and ask for the inquiry to be more open to the public. You can contact him at: Regan.G@parl.gc.ca**

Inquiry witness interrogated in Tunisia

Tunisian intelligence officers interrogated relatives of the Arar family in August, including one relative who has yet to testify in the Arar Inquiry.

Maher Arar and Monia Mazigh held a news conference in early September to denounce the witness intimidation of Mazigh's brother, Mourad Mazigh, who was scheduled to testify in the inquiry when the public hearings were suspended last July. Mazigh's father was also interrogated.

Both Arar and Mazigh say the nature of the questioning shows the interrogations likely came at the request of Canadian

officials. Tunisian officers knew of Mourad's marriage, which was only registered in Canada, and also asked if Arar ever applied for permanent residency in Tunisia, a claim that Canadian officials have long sought to prove.

"It's outrageous that they would have my father-in-law visited just because they are desperate to find evidence that isn't there," said Arar. He and Mazigh said their relatives are extremely frightened by the incidents.

Arar's lawyers sent letters of complaint on Aug. 9 and Sept. 5 to

Anne McLellan, minister of public safety and emergency preparedness. They demanded to know if Canadian officials shared any information which lead to these interrogations and said that such contacts only "intimidate a witness who has yet to give testimony."

McLellan recently responded, saying "the intimidation of witnesses is illegal" and "Canada would never condone such activity."

However, she failed to answer the questions asked by Arar's lawyers, saying only that it would be inappropriate to comment on Arar's case as the inquiry is ongoing.

RCMP's shoddy work revealed in Arar case

Aspects of the RCMP's shoddy work in Maher Arar's case were revealed last month when the Arar Inquiry released the censored results of an internal investigation into RCMP wrongdoing.

Chief Supt. Brian Garvie's investigation, which was requested by the Chair of the Commission for Complaints Against the RCMP, revealed that the RCMP was unfit to

manage security investigations after Sept. 11 and committed several errors in the Arar case, including the failure to obtain a warrant and the sharing of information without caveats or with inaccurate reliability assessments.

The report also revealed that an RCMP liaison officer knew that Arar might be deported to Syria, but failed to notify anyone else within the

RCMP until the day Arar was boarding a flight to Jordan.

"I mean for me it's a clear indication that they were complicit," Arar told the CBC about Garvie's findings.

Some of the other key facts revealed in the report are:

- RCMP officers provided U.S. officials with a list of questions for Arar's interrogation.

Continued on p.2

UPDATE on Maher Arar's lawsuit in the U.S.

According to the Toronto Star, U.S. officials are trying to have Maher Arar's lawsuit against the U.S. government thrown out, arguing that Arar doesn't have any legal basis for his lawsuit.

"Review of those decisions (Arar's deportation to Syria) in this forum at this time is statutorily barred," says the government's motion. They are also arguing that they are not responsible for what was done to him in Syria since U.S. officials didn't participate in his interrogations there.

Furthermore, a prior statement of defence by lawyers for Attorney General John Ashcroft (one of several individuals named in the lawsuit) said the U.S. has the right to deport foreigners anywhere it wants and that Arar cited "nothing other than common inconveniences" in the treatment he received while in U.S. custody.

They also said Arar has not proved that they subjected him to torture, and others named in the lawsuit said the U.S. is a sovereign country with immunity under international doctrine.

RCMP's shoddy work - continued

- RCMP information was used in Arar's deportation hearing (although some of the information was given with an inaccurate reliability assessment).
- Arar's lease was obtained from his landlord without a warrant.
- One RCMP officer said the U.S. deported Arar because the RCMP did not have any evidence that would allow them to lay charges, nor could they block his return to Canada.
- Some officers refused to answer questions, saying they would prefer to give their statements to a public inquiry.
- The RCMP twice squashed letters by Foreign Affairs declaring

Arar innocent of terrorist related accusations, which were to be given to Syria in order to free Arar from imprisonment.

- An "acrimonious" relationship between Ottawa investigators and RCMP headquarters resulted in improper supervision of the Arar case.

Previously, only a summary of the report's findings had been available, in which Assistant Commissioner Ghyslaine Clément wrote that she was "satisfied that members of the RCMP acted within the laws of Canada."

Arar's lawyers noted that the summary was clearly misleading.

"That summary made it

seem as if almost everything was done by the book," Lorne Waldman told the media. "Once again you have the Government of Canada trying to protect itself by concealing what happened, rather than trying to get to the truth in the interest of one of its citizens."

The Garvie report concluded that the RCMP did not encourage Arar's deportation to Syria, but mentioned several times that there was concern about how it would reflect on the RCMP.

However, there was no mention in the uncensored portions of the report of any concern for Arar's well being.

U.S. refuses participation in Inquiry

U.S. Homeland Security investigating Arar's deportation

The U.S. government has refused to participate in the Arar Inquiry, however, U.S. Homeland Security is currently conducting its own investigation into Maher Arar's deportation.

In a letter sent to Commission counsel Paul Cavalluzzo in September, the U.S. State Department said it will not provide the inquiry with any witnesses or documents and said all questions should be directed at Canadian officials since the inquiry is only investigating Canadian authorities.

Cavalluzzo told the media that he isn't surprised by this response, given that Arar is suing the U.S. government. However, he also told the media that he is still hopeful inquiry staff will be allowed to conduct interviews within the U.S.

Despite this setback, human rights organizations have succeeded in pressuring the U.S. Homeland Security Department to conduct an internal audit into why U.S. officials deported Arar. They will also look at the policies

determining where foreign citizens are sent.

"The key question here is not the decision to remove him from the United States, but why was he sent to Syria, and not home to Canada?" said Wendy Patten, the U.S. advocacy director of Human Rights Watch, to the media.

"We hope this will answer the whole question of 'extraordinary rendition.'"

The audit should be completed shortly before the end of the Arar Inquiry.