

# ARAR INQUIRY UPDATE

Maher Arar Support Committee, [info@maherarar.ca](mailto:info@maherarar.ca)  
Produced by volunteer labour.

## Take Action!

- Vote in the new poll on [maherarar.ca](http://maherarar.ca) and encourage others to vote.
- Submit your comments to [maherarar.ca](http://maherarar.ca) on the *Have Your Say* page.
- Write a letter to your local newspaper and comment on the government's actions or on how the inquiry is progressing.
- Write to Prime Minister Paul Martin and tell him the government must stop undermining the work of the commission and start cooperating with it, because we all have a right to the truth. You can contact him by writing to:

Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON  
K1A 0A2  
Fax: 613-941-6900  
[pm@pm.gc.ca](mailto:pm@pm.gc.ca)

## Arar inquiry ends release of secret evidence

Negotiations between the federal government and the Arar inquiry have ended in an agreement for the temporary halt to the disclosure of secret information.

The government has withdrawn its court challenge to the release of a summary of secret CSIS evidence on the agreement that the inquiry will not release the information at this time.

Paul Cavalluzzo, lead commission counsel, told the media that the arrangement allows the

inquiry to continue its work without being hindered by a series of court challenges against any further summaries, which will no longer be released as originally planned.

He says the inquiry will still seek to release information considered harmless to national security that was presented in the closed hearings – but only at a later date.

However, lawyers for Maher Arar say the loss of the summaries creates an unfair situation for their

client. They say he cannot testify without having access to the evidence presented in the secret hearings.

Alex Neve, the secretary general of Amnesty International Canada, has also denounced as “absurd” the situation of Arar being cross-examined without knowing the information levelled against him.

“The results could be destabilizing or cause further harm for a survivor of torture,” said Neve to the Globe and Mail.

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## Jet used to send Arar to Syria identified

The New York Times has located aviation records confirming Maher Arar's account of his flight to Syria in 2002, where he was rendered for a year-long imprisonment.

“Finding this ... does remind me of this trip, which is painful, but it should make people understand that this is for real,” Arar told the newspaper. “I hope people will now stop for a moment and think about the morality of this.”

Arar was rendered to Syria by the U.S. after Canadian officials gave them inaccurate information about him. A public inquiry is currently

examining Canadian involvement, and possible consent, to the rendition.

The New York Times has found U.S. federal aviation logs documenting the deportation. The logs show a luxury Gulfstream jet leaving New Jersey on Oct. 8, 2002, the day of Arar's rendition, and stopping in an airport near Washington, D.C. and again at Bangor, Maine before continuing to Rome, Italy, where the records stop as overseas flights are not documented by the U.S. The Times said this is the only jet with this flight plan on that day. Arar had repeatedly told the media that he was

shackled and placed on a luxury jet where a map displayed on a video screen showed he was flown from New Jersey to Washington, to a city he thought was Portland, Maine, and then on to a refueling stop in Rome before ending in Amman, Jordan, where Arar was driven into Syria.

“The facts we got from Maher right after he was released are now corroborated by public records,” said Maria LaHood, Arar's lawyer in his lawsuit against U.S. officials, to the New York Times. “This is an important public issue that can't be kept secret.”

## IMPORTANT NOTICE:

*The Arar inquiry will hold two roundtable discussions on its policy review of recommending a new watchdog for the RCMP's national security activities.*

*The first roundtable will be held on May 20, 2005 and will involve international experts.*

*The second roundtable of Canadian experts will occur on June 10, 2005.*

*The events will be held from 9:30 a.m. to 4:30 p.m. at 111 Sussex Dr. and are open to the public.*

*Further information about the roundtables and the policy review can be found at the commission's website:*

*[www.ararcommission.ca](http://www.ararcommission.ca)*

## Arar inquiry – continued from page 1

The disagreement over the disclosure began in December when the inquiry released its first summary of CSIS evidence presented in closed hearings. Although the summaries are permitted by the inquiry's terms of reference, the government blocked its full disclosure by redacting large portions of information on the grounds that it would harm national security, even blacking out such things as a quoted newspaper article which had already been published. Justice Dennis O'Connor had ruled that the information in the summary was harmless to national security, however the government redacted parts of his ruling as well,

including information Judge O'Connor said was favourable to Arar.

Cavalluzzo had lashed out at the censorship at the time, telling a news conference that he was "surprised and disappointed" and that this is a "public inquiry, not a private investigation."

Arar and his wife, Monia Mazigh, also criticized the government's actions. "There must be a balance between national security and the public's right to know, but what we're seeing here is undermining both," Arar told a separate news conference.

The matter was then taken to federal court, but the court refused to arbitrate the issue, telling

the two sides to work it out on their own. Three months of negotiations have resulted in the new agreement that sees the disclosures temporarily stopped.

"We decided the best idea would be to basically continue on with the hearings and release (O'Connor's) report and if there is still a dispute between the parties as to what should be disclosed to the public, then we will have one fight in the courts rather than a series along the way," said Cavalluzzo to the Toronto Star.

Some are predicting a similar court battle over the disclosure of Justice O'Connor's final report on the actions of Canadian officials in Arar's case.

## Inquiry's public hearings to start in May

The Arar inquiry's public hearings will restart in early May, although an official start date hasn't yet been announced.

Francine Bastien, a spokesperson for the inquiry, says the hearings are expected to continue through June, though the list of witnesses has not yet been fully settled.

Last summer, the inquiry completed about two weeks of public hearings before they were abruptly suspended to deal with an influx of confidential information from the federal government. Only senior officials from the RCMP, CSIS and the Department of Foreign Affairs had

completed their testimony, and further officials from these agencies are expected to testify this summer too.

According to the Ottawa Citizen, the witness list will also include John Manley, the former deputy prime minister, Wayne Easter, the former solicitor general and Bill Graham, the current Defence Minister. Graham had been the minister of foreign affairs during Arar's ordeal.

But it remains unknown whether the inquiry will receive testimony from any of the other Canadians who, like Maher Arar, had been

imprisoned and tortured in Syria after first being investigated by Canadian police and intelligence officers. Some of those individuals are still under investigation, and might not be able to testify.

The inquiry has also had some scandal with its witnesses. A family member of Monia Mazigh, Arar's wife, had been listed as a witness last summer and was later interrogated by Tunisian authorities. During a news conference in September, Mazigh denounced the incident as witness intimidation and said the Tunisians possessed information that could only have come from Canada.