

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.
- Submit your comments to 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 Geoff Regan, the acting attorney general for the Arar inquiry, and ask for the government to be more open. You can contact him at: Regan.G@parl.gc.ca

RCMP needs more accountability, groups tell Arar inquiry

The RCMP is violating the rights of Canadians and greatly needs more accountability to the public, say human rights groups and the Commission for Public Complaints Against the RCMP.

"Racial profiling is an accepted tool of Canadian security forces," says a joint report to the Arar inquiry by the Council on American-Islamic Relations Canada and the Canadian Arab Federation. "The experience of too many Canadians ... (is) that their rights and freedoms

have not been protected."

Even Shirley Heafey, the head of the RCMP's complaints commission, has spoken out against the RCMP's lack of accountability.

"I passionately believe that there is an urgent need for reform if we are to have effective civilian review of RCMP conduct," wrote Heafey in her report to the inquiry.

The Arar inquiry is mandated to recommend a new review mechanism for the RCMP's national security activities, and has been accepting public proposals on the matter.

Heafey told the media that the RCMP frequently fails to cooperate in investigations of its wrongdoing and that her commission lacks the power to hold the police force fully accountable. She has asked for more tools to check up on the RCMP, such as the ability to audit its activities and compel testimony, and has also proposed the creation of a new "National Security Review Commission" to oversee the activities of all government and police agencies involved in national security.

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Arar can't sue Jordan in Canada, says Judge

The Superior Court of Ontario has ruled that Maher Arar cannot hold the country of Jordan accountable for torture in Canadian court.

"The state immunity concept is founded upon the principle that complaints should be brought in the international forum and not through lawsuits commenced in domestic courts," wrote Justice Randall Echlin in his ruling granting Jordan's motion to dismiss Arar's lawsuit.

Arar was sent to

Jordan by U.S. officials in 2002, where he says he was beaten before being transferred to a year-long imprisonment in Syria.

Arar's lawyers had argued that Canada's Charter of Rights and Freedoms should override the State Immunity Act so that Jordan does not get away with the torture of a Canadian citizen. They also argued that because Canadian officials were involved in Arar's case, the lawsuit should be tried in Canadian court.

"The government of

Canada ... should have to seriously consider whether it's acceptable for Canada to allow regimes that engage in torture of Canadian citizens to hide behind state immunity," said Lorne Waldman, Arar's lawyer, to the Toronto Star.

Judge Echlin noted in his ruling that allowing Arar's lawsuit to proceed would require an act of Parliament.

Arar has yet to decide if he will appeal the decision or take other legal action.

UPDATE on the review of the Anti-Terrorism Act

The parliamentary committee reviewing the Anti-Terrorism act has decided to broaden its review to include the use of security certificates and the Security of Information Act – the law used to raid a journalist's home and office a year ago.

"It is about time that parliamentarians started to pay attention to how bad the security certificate process is," said Paul Copeland, a lawyer for one of the men detained under a security certificate, to the Ottawa Citizen.

Security certificates have been used to detain suspected terrorists, but is a power that existed before the creation of the Anti-Terrorism Act. The certificates have been criticized because they allow for indefinite detentions and secret evidence that only crown attorneys and the judge are allowed to see.

Nonetheless, Ministers Anne McLellan and Irwin Cotler have defended the Anti-Terrorism Act and the use of security certificates before the committee.

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"The existing patchwork approach to civilian review of national security activities poses significant risks for rights and freedoms, since these are the principles that may be compromised when national security activities are permitted to go unchecked," wrote Heafey in her report.

The Council on American-Islamic Relations Canada and the Canadian Arab Federation agree that there should be a review body to oversee all national security intelligence work, but proposed a new parliamentary committee to do the job. The two groups have also recommended that a new institution, with more

powers than Heafey's commission, should be created to review the RCMP's activities.

The Canadian Civil Liberties Association has also recommended a new system for reviewing the RCMP, writing in their report to the inquiry that "the existing safeguards are woefully inadequate."

But not everyone feels a new watchdog is needed.

"What we don't need is another institution, another layer and another hodge-podge of oversight," said Liberal MP Derek Lee, who even told the media that Heafey should "stick to her knitting."

The RCMP has also filed its own submission to

the inquiry, warning that there "may be a price to pay for circumscribing police discretion too closely."

But the International Civil Liberties Monitoring Group says that without a better review process, Canadians are already being put at risk.

"Without a proper and professional review mechanism (for the RCMP), innocent individuals can be put on punitive lists, lose or be fired from jobs, be denied immigration and refugee status, encounter difficulty in traveling, be held in prison indefinitely without charge and be sent abroad to be tortured and incarcerated," wrote the monitoring group.

U.S. Congressman fights to stop rendition cases like Maher Arar's

A U.S. Congressman has introduced new legislation to ban the practice of "extraordinary rendition," the same practice by which Maher Arar was sent to Syria for torture.

"Extraordinary rendition is outsourcing torture, and it is morally repugnant to allow such a practice to continue," said Congressman Edward Markey, who also notes that the total number of people rendered to other countries is unknown. "Extraordinary rendition violates the Convention Against Torture, which the U.S. has signed and

ratified."

The practice of sending individuals to other countries for the purpose of torture has been increasingly noted by the U.S. media. Recent news reports have described how the U.S. government is using planes registered to fake companies to fly prisoners to countries such as Syria and Egypt, where they are imprisoned and tortured.

Arar is a commonly cited victim of the practice in the U.S. media. The U.S. rendered Arar to Syria in 2002, where he spent a year in prison and says he was tortured.

Markey has also been urging the U.S. government to participate in the Canadian inquiry in Arar's case.

And Markey isn't the only U.S. politician taking action against rendition. Senator John D. Rockefeller IV requested the U.S. Senate Intelligence Committee investigate rendition, but his request was denied.

Markey's own legislation may not have much support either. The New York Times recently reported that Congressman and House Speaker Dennis Hastert will not support the bill.