

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

If you would like to submit an editorial, please e-mail it to:

info@maherarar.ca.

Please restrict your work to 575 words and note that it may be edited for content and space limitations. All editorials must be submitted at least seven days in advance of the publication date, which is the 4th day of each month.

Federal court tells Arar inquiry and Martin government to resolve disclosure dispute

Federal Court Judge Allan Lutfy has ordered the Arar inquiry and the Martin government to work out a disagreement over the disclosure of CSIS evidence on their own – without the assistance of his court.

Last month, the Arar inquiry attempted to disclose a summary of CSIS evidence presented in closed hearings. However, the federal government blacked out large portions of the summary before its public release, claiming it was necessary to protect national security. The

government even blacked out portions of Commissioner Dennis O'Connor's ruling on the summary.

"We are very surprised and disappointed with the government's position on what the public is entitled to know," said Paul Cavalluzzo, lead counsel for the commission, after the redactions were made. "This government called a public inquiry and not a private investigation."

The two parties had asked the federal court to settle the matter, with the government arguing that O'Connor failed to paint a

fair picture of CSIS testimony. Cavalluzzo has responded to the media that the summary was fair and that the public is entitled to know all of the information in it. He also said the government was given ample opportunity to provide input on what should be disclosed. It is known that the government suggested only a list of questions asked of CSIS witnesses, and no answers, be provided to the public.

The two parties are now negotiating what further information can be released.

Arar on U.S. watch list because of Canada

A letter from the U.S. State Department has confirmed for the first time that Maher Arar was placed on a U.S. watch list because of information that came from Canada – some of which was unreliable.

"This answers one question, and shows the importance of getting further answers from Canadian officials," says Arar. "We still need to know if Canada consented to deporting me to Syria for torture."

The letter, sent in

December to U.S. Congressman Edward Markey, says "Mr. Arar's name was placed on a terrorist lookout list based on information received from Canada." Markey is urging his government to assist the Canadian inquiry examining Arar's case.

It is known that the RCMP shared all of its information on Arar – some of it unreliable – with U.S. officials. Recently released RCMP documents also show that Arar was only ever

"peripheral" to the RCMP investigation and never even a target.

Arar's lawyer, Lorne Waldman, says this is just further evidence of why the Canadian government needs to reveal the truth about Canada's role in Arar's ordeal. "The truth will come out, it is just a question of when and how. The Canadian government needs to step up to the plate now and demonstrate that it wants the truth to come out by cooperating fully with the inquiry," says Waldman.

UPDATE on Abdullah Almalki's case

According to the Ottawa Citizen, Crown attorneys have asked a judge to revise her own decision on what RCMP information can be disclosed about the search warrants used on Abdullah Almalki. Almalki spent two years in a Syrian prison, where he says he was tortured, after he was investigated in Canada on suspected terrorism links.

Lawyers for the Citizen, who are attempting to have the information released, were quoted in the newspaper as having called this an attempt to have Judge Celynne Dorval appeal her own decision. Judge Dorval has rejected the government's request and responded that her decision can only be appealed to a higher court.

The affair echoes the Arar inquiry, where the government recently contested a ruling by Justice Dennis O'Connor on what CSIS evidence could be released to the public. The government blacked out large portions of the information, despite O'Connor's decision that all of it could be safely disclosed without harming national security.

U.S. invokes special powers in Arar lawsuit

The U.S. government has invoked the rarely used "state secrets privilege" in an attempt to have Maher Arar's lawsuit against U.S. officials thrown out.

The U.S. is arguing that classified information harmful to national security could be released if the lawsuit goes forward and that foreign relations could suffer. The memo also cites a prior case to argue that the disclosure of information could be "embarrassing" to a "foreign government" and might leave their officials open to "political or legal action ... by their own

citizens."

Arar's lawyer, Maria LaHood, says this is an obvious reference to Canada, and criticized the invocation of the privilege.

"It seems obvious that this is just an outrageous effort to try and dismiss Maher's case," said LaHood to the Ottawa Citizen. "(But) they're just asking the judge and everyone else to take their word for it. They're basically asking for a court-sanctioned cover-up."

Arar's lawsuit was filed by the Center for Constitutional Rights in January 2004. Arar is

suing several high-ranking U.S. officials, including former attorney general John Ashcroft, for subjecting him to the policy of "extraordinary rendition" by deporting him to Syria for torture.

U.S. Congressman Edward Markey told the MetroWest Daily News that he is "concerned that the U.S. may be trying to hide behind classification in order to avoid having to admit it sent a man who may be innocent of any wrongdoing into the torture chambers of Syria."

Arar's lawyers have yet to file their response.

Editorial: One Year Later

A summary of what has been learned in the year-old Arar inquiry.

A year ago the Martin government announced a public inquiry into the disturbing case of Maher Arar, so that the truth, amidst confusing leaks to the media, would finally be known.

But a year later much of the truth remains hidden. The inquiry has been forced to remain behind closed doors by a government hell-bent on hiding its secrets – even going so far as to black out portions of a newspaper article already read by the public. But what little has been learned about the Arar saga is nothing short of alarming.

It is now known that the RCMP, who refused an interview with Arar after he requested his

lawyer's presence, shared all of its information on him – some of it unreliable – with the U.S. without placing restrictions on its use. It is also known that Arar was never even a target of the RCMP investigation, but was merely "peripheral," thus making that transfer of information questionable. But it was such bungling by Canada that resulted in Arar's name being wrongly placed on a U.S. terrorist watch list. The U.S. then detained Arar when his flight to Canada made a stopover in New York and deported him to Syria, where he was tortured into making a false confession to crimes he never committed. Shockingly, the RCMP and CSIS then blocked

efforts to have Arar released from Syria, but a persistent campaign by Arar's wife, Monia Mazigh, eventually freed him.

What isn't yet known is the extent of CSIS's involvement in Arar's ordeal, and whether Canadian police and security agencies consented to, or even encouraged, Arar's deportation for torture.

But what can be safely concluded is that Canada's national security is being mismanaged, and that the federal government seems more intent on blocking the public disclosure of information rather than in revealing the truth about how an innocent Canadian citizen ended up in a Syrian prison.