

ARAR INQUIRY UPDATE

Maher Arar Support Committee, info@maherarar.ca
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80 Wellington Street
Ottawa, ON
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pm@pm.gc.ca

Maher still searching for answers

In the closing days of the Arar Inquiry, Maher Arar spoke to the press about the Inquiry. While he said "we have heard some very important testimonies," he also said that some witnesses told "half-truths," and emphasized the need for further transparency. The following excerpts are from this statement, made on the 12th of September.

"As I sat down to listen to testimonies given by Canadian government officials regarding my horrible experience in the United States, Jordan, and Syria, I frequently had flashbacks of what happened to me when I

was tortured and imprisoned in Syria. I could also still hear the screams of those people being tortured."

"What I also found distressful is that, as a consequence of the government's NSC claims, my wife, my family members, and I were not given the chance to give our side of the story...I can only hope that the commissioner will give the opportunity to testify once he rules on the government's NSC claims."

"Regarding the RCMP role, I found it shocking that a consistent theme in their behavior is that of

indifference, coldness, and carelessness about the fate of Canadian citizens detained in countries where torture is commonplace...Is not a police force supposed to protect Canadian citizens wherever they are?

"I would like to ask all these countries involved the following questions: Isn't torture, like terrorism, an international crime? Aren't you concerned about the spread of the use of torture as much as you are concerned in fighting terrorism? Why are you not cooperating as much to eradicate the use of torture? Why? Can you please answer me."

Lawyers condemn use of torture in final submissions

"Here we have a successful professional with two children, converted without warning, without due process, into a suspected terrorist and deported to Syria. Mr. Arar knew only too well what was waiting for him in Syria. He knew only too well that the Syrians use torture to force confessions out of

detainees" Lorne Waldman, Maher Arar's lawyer, said in the opening statement of his final submissions at the Inquiry.

On the 12th and 13th of September, the Arar Inquiry heard from lawyers representing Arar and the government, as well as from various non-profit groups. The final

submissions mark the end of the formal inquiry process, and allow all parties to highlight the most important aspects of their arguments.

Torture, and information obtained under torture, should never be tolerated, Arar's lawyers argued. "We can't say...that there's a little bit of truth that can come from torture,"

The Commission has decided to delay the release of Justice O'Conner's report till the end of March

Government officials say no reason to believe Arar was tortured

Leo Martel, the only consular official to visit Maher Arar in Syria, testified in the closing days of the Arar Inquiry. In previous testimony, questions emerged about the visit reports written by the recently-retired Martel. But on the 31st of August and the 1st of September, Martel spoke for the record about what he saw.

"I did not see any signs of torture on him at that time, except that Maher Arar spoke to me and told me that...he implied he was not free to speak about it," Martel said.

The governments' stance on Arar's condition at these consular visits has been that without clear

evidence of torture, there is no reason to believe Arar had been tortured.

Martel also said he did not receive government concerns, expressed in a letter from Dan Livermore of Foreign Affairs, that Arar may be "aggressively questioned." Martel said because the memo was only addressed to Pillarella, he never heard this concern.

However, Martel refused to admit that Canada could have gone any further in securing Arar's release. Martel said Syrian officials he dealt with had complete control of the visits, and could deny him consular access at any time. For this reason, Martel said he walked a thin line

between obtaining information about Arar's condition and maintaining a relationship with Syrian officials that would allow for future visits.

This aspect of the hearing fueled concerns about the governments' ability, and willingness, to take action to protect Canadians abroad. The recent media coverage on the experiences of Ahmad El-Maati and Abdullah Almalki describe torture worse than that which Arar experienced, and claim that Canada was complicit in their ordeal. The Commission has since accepted the chronologies of these two men's experiences as evidence.

"Isn't torture, like terrorism, an international crime?"

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Marlys Edwardh, Arar's lawyer, said.

Arar also spoke on the importance of renouncing torture in a statement to the press during a break in the hearings. Arar compared torture to terrorism, and implored Canadians to act *Continued on pg 2* out against both forms of violence.

"Isn't torture, like terrorism, an international crime? Aren't you concerned about the spread of the use of torture as much

as you are concerned in fighting terrorism?"

The final submissions combed closely over the actions of the RCMP, CSIS, and Foreign Affairs. Waldman argued that, when Arar was first detained in the U.S., the RCMP knew of plans to deport him to Syria. Either they knew, Waldman said, or they "turned a blind eye and were incompetent and failed to appreciate the obvious signs of the U.S. intent to deport Mr. Arar to Syria."

While the bulk of the information on CSIS was heard in camera, Edwardh argued that the CSIS trip to Syria (during which they discussed Arar), and the subsequent reports, can only be interpreted in one way: CSIS did not want Arar back in Canada.

Lawyers for the various government agencies continued to insist that all officials involved acted in good faith, and blamed the U.S. for Arar's experience.