

Committee of Organizations with Intervenor Status at the Arar Inquiry
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Joint Intervenors' Submission to the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar

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This submission is being made jointly by the eighteen organizations with Intervenor Status at the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar. They are Amnesty International Canada, the British Columbia Civil Liberties Association, Canadian Arab Federation, Canadian Islamic Congress, Canadian Labour Congress, Council of Canadians, Council on American Islamic Relations (Canada), International Coalition Against Torture, International Civil Liberties Monitoring Group, Law Union of Ontario, Minority Advocacy Rights Council, Muslim Canadian Congress, Muslim Community Council of Ottawa-Gatineau, National Council on Canada-Arab Relations, Polaris Institute, and internationally the Redress Trust, Association for the Prevention of Torture and the World Organization against Torture (OMCT).

INTRODUCTION

There are two issues which all of the Intervening Organizations feel are of prime importance to this Commission of Inquiry, to the Canadian people, and indeed, to the international community as a whole. The first is the issue of pattern — of whether what happened to Mr. Maher Arar can in any way be linked to a pre-existing Canadian policy, practice, or established investigative procedure. The second is the issue of the great injustice that has been done to Mr. Maher Arar, and the urgent need for redress and accountability. We lay out our recommendations on these issues below.

We must first state, however, our continued concern about the government's seemingly and at times evidently random claims of National Security Confidentiality over documentary evidence and testimony. We fully understand that there are sometimes very legitimate reasons for making these claims, but the frequency and enormity of the claims made, and the redacting, re-redacting and re-re-redacting of documents that has plagued this process, has been alarming. In many instances we were left with the impression that these claims were more about avoiding accountability than about safeguarding national security. We cannot know what percentage of the evidence we have not seen and heard, and can only surmise that Mr. Arar, Intervenors and the public have seen only a minute piece of this story. It is based on that incomplete record that we respectfully make our submissions and recommendations and anxiously await the Commission's rulings on those claims.

ISOLATED ABERRATION, OR SYSTEMIC PATTERN?

Intervening organizations feel it is central to the mandate of the Arar Commission to make a finding with respect to whether what happened to Mr. Maher Arar can in any way be linked to a pre-existing policy, practice, or established investigative procedure that led to the detention and interrogation by Syrian and Egyptian intelligence agencies of other Canadian Muslim men.

We cannot know the extent of the evidence seen and heard by the Commission in the course of its in-camera hearings, but we do emphasize that even the very incomplete public record at the Commission points to many very disturbing links between the cases of Mr. Arar, Mr. Ahmad Abou El Maati, Mr. Abdullah Almalki and Mr. Muayyed Nureddin. These links are even more alarming when considered alongside the contextual background information provided in their chronologies.

1. Public evidence has shown that Mr. Arar, Mr. El Maati, Mr. Almalki and Mr. Nureddin are all Muslim Canadian men who were of interest to post September 11, 2001 national security investigations by the RCMP's Project AO Canada, Project O Canada and/or CSIS.

- a) Superintendent Michel Cabana, Officer in charge of Project AO Canada (RCMP) describes Mr. Arar as having become a person of interest, and/or a potential "witness," and/or a potential "associate" of a main target, of the RCMP's investigation (June 30, 2005 transcript, pages 8159-8165).
- b) Superintendent Cabana describes Mr. Almalki as a "main target" of Project AO Canada's investigations (June 29, 2005 transcript page 7972). Mr.

Almalki's chronology details his encounters with CSIS before he was detained abroad.

- c) Superintendent Cabana describes Mr. El Maati as a "main target" of the RCMP's investigations (August 9, 2005 transcript page 9373). Myra Pastyr Lupul testified on July 29, 2005 that Mr. Badr El Maati informed her that his son, Ahmad El Maati, had been followed in Canada by as many as three or four cars at a time before he was detained in Syria (transcript page 9009). Mr. El Maati's chronology details his encounters with CSIS and other agencies before he was detained abroad.
- d) Both Mr. El Maati and Mr. Nureddin were questioned at Pearson International Airport before boarding their flights. Mr. El Maati informed Canadian consular officials of this during a consular visit on August 12, 2002 (Exhibit P-192; El Maati chronology). Mr. Leo Martel reported that on January 13, 2004, Mr. Nureddin informed Canadian embassy officials in Syria that he was questioned by RCMP or CSIS officers at Pearson International Airport before he departed from Canada (Exhibit P-245; Nureddin chronology).
- e) The homes of Mr. Arar, Mr. El Maati and Mr. Almalki were all visited and/or searched by the RCMP on January 22, 2002. In the cases of Mr. El Maati and Mr. Almalki, search warrants were executed (Exhibit P-140, Tab 9, page 4; Exhibit P-167; June 16, 2005 transcript page 7217; El Maati and Almalki chronologies).
- f) Canadian investigators sought to interview all four of these men without legal counsel present, before they were detained in Syria (Exhibit P-140, Tab 12; Exhibit P-140, Tab 9, Page 4; El Maati, Almalki, and Nureddin chronologies).
- g) The RCMP seized or accessed computer equipment, palm pilots and/or other material belonging to Mr. Arar (Edelson transcript, 7401-2), Mr. Almalki and Mr. El Maati (Exhibit P-167, Almalki and El Maati chronologies).

2. Public evidence and contextual documents contain consistent allegations that Mr. Arar, Mr. El Maati, Mr. Almalki and Mr. Nureddin were all detained, interrogated and tortured at the Palestine Branch of the Syrian Military Intelligence.

- a) Mr. El Maati was detained from November 12, 2001 to January 25, 2002 in Syria, where he was interrogated and tortured before being transferred to Egypt where he was again repeatedly interrogated and tortured until his release on January 11, 2004 (Exhibit P-192; El Maati Affidavit in his Application for Standing; El Maati chronology).
- b) Mr. Almalki was detained on May 3, 2002 and held at the Palestine branch until being transferred to an interrogation branch for ten days and then to Sednaya prison on September 6, 2003 — he was released on March 10, 2004 (Almalki chronology). Mr. Edelson testified on June 16, 2005 that Mr. Almalki was detained, interrogated and tortured at the Palestine Branch of the Syrian Military Intelligence (transcript page 7425). Mr. Arar also said in his November 4, 2003 public statement that Mr. Almalki told him he had been

detained at the Palestine Branch. (Exhibit P-42, Volume 8, Tab 693). Mr. Arar's chronology also states that Mr. Almalki told him that he had been severely tortured with the tire and the cable at the Palestine Branch, and had been tortured at Sednaya as well (Exhibit P-242, Tab 17).

- c) Mr. Arar was taken to the Palestine branch on October 9, 2002 and was held there until being transferred to Sednaya prison on August 20, 2003 and later released on October 5, 2003 (Exhibit P-42, Volume 8, Tab 693; Exhibit P-242, Tab 17).
- d) Mr. Nureddin was the last to be detained by Syrian authorities. He was detained on December 11, 2003 and taken to the Palestine branch on December 12, where he was held until his release on January 13, 2004 (Exhibit P-245; Nureddin chronology).
- e) All four men were held in incommunicado detention in Syria for varying lengths of time (Pastyr-Lupul testimony, July 29, 2005, transcript pages 9165-9169; Exhibit P-42, Volume 8, Tab 693; Exhibit P-242, Tab 17; Exhibit P-245; El Maati, Almalki and Nureddin chronologies).
- f) The allegations that these men were tortured while in Syrian detention is consistent with Syria's record on torture. The 2002 US State Department report on Syria noted "continuing serious abuses including the use of torture in detention, poor prison conditions, arbitrary arrest and detention, prolonged detention without trial, fundamentally unfair trials in the security courts, an inefficient judiciary that suffered from corruption and at times political influence." According to Amnesty International, torture and ill-treatment of political prisoners was routine, "especially during incommunicado detention at the Palestine Branch and Military Interrogation Branch detention centres" (Exhibits P-27 and P-28).

3. The public evidence has shown that Mr. Arar was rendered to Syria as a result of information which originated with Canadian investigators, and Mr. El Maati, Mr. Almalki and Mr. Nureddin all say they were asked questions while being interrogated in Syria and/or Egypt which could only have originated with Canadian investigators — and which, it might reasonably be inferred, were intended to elicit answers which would advance a Canadian investigation.

- a) U.S. authorities later said their assessment of Mr. Arar and the decision to send Mr. Arar to Syria was based on information from Canadian agencies (Exhibit P-83, Tab 3, pg. 106; Exhibits P-105 and P-106).
- b) Canadian consular officials reported on August 12, 2002 that during a consular visit Mr. El Maati reported that he believed that he "had been set up by CSIS in Canada" (Exhibit P-192). In his application for standing at the Arar Commission, Mr. El Maati's affidavit also states clearly that he felt that his interrogations in Syria and Egypt were based on questions from Canada (see also El Maati Chronology). Mr. El Maati also reports being questioned in both Syria and Egypt about a map that had been in the possession of the RCMP (El Maati chronology, pages 9, 12 and 16).

- c) Mr. Edelson testified on June 16, 2005 that he informed Inspector Coons of the RCMP that he had information from Syria/from Mr. Almalki's family that Mr. Almalki had seen information from Canada while he was being interrogated and tortured in Syria. Mr. Edelson informed Inspector Coons that his information from Syria/Mr. Almalki's family indicated that Mr. Almalki "was also being tortured and was being detained there and interrogated and that material had been sent to Syria by the Canadian government which was being used to assist in his interrogation and detention, and further his detention" (transcript pages 7392-7393; 7425-7426). This is consistent with what Mr. Almalki recalls telling family members during an unofficial visit in late September, 2003 (Almalki chronology, page 35). See also point 5 (i) below.
- d) Mr. Nureddin informed Canadian consular officials after his release that he had been asked the same questions by Syrian interrogators as he was asked by Canadian agents at Pearson airport when he was leaving Canada. Nureddin had told the Canadian agents how much money he was carrying and was surprised that his Syrian interrogators had that information. He concluded that his Syrian officials must have received information from Canada. Nureddin also noted that he was questioned about Muslim Canadians, the mosque he attended in Canada, and other questions related to Canada (Exhibit P-245).

4. The public evidence has shown that the links between Mr. El Maati, Mr. Almalki and Mr. Arar were a main focus of the RCMP investigation, and Mr. El Maati and Mr. Almalki say that these links were also a focus of their interrogations in Syria.

- a) Superintendent Michel Cabana, Officer in charge of Project AO Canada (RCMP) testified that Mr. Arar was a person of interest, and/or a potential "witness," and/or a potential "associate" of a "main target" of the RCMP's investigation, and testified that Mr. El Maati and Mr. Almalki were the "main targets" of the investigation (June 30, 2005 transcript, pages 8159-8165; June 29, 2005 transcript page 7972; August 9, 2005 transcript page 9373).
- b) Mr. Edelson testified that Mr. Arar told him on January 30, 2002 that he had learned from Mr. Safa Almalki that the RCMP had questioned both Safa and Abdullah Almalki about whether Mr. Arar had "extreme views" about the U.S. (June 16, 2005 transcript page 7253).
- c) Mr. Edelson testified that the RCMP informed him that Mr. Arar was a person of interest because of his relationship with Mr. Almalki (June 16, 2005 transcript page 7353).
- d) Gar Pardy wrote in a memo dated June 5, 2003, that Mr. Arar was of interest to the RCMP because of his association with Mr. Almalki and Mr. El Maati (Exhibit P-103).
- e) Mr. Edelson testified that Mr. Arar had been asked by the RCMP whether he knew Safa and Abdullah Almalki (June 16, 2005 transcript page 7252).

- f) According to Mr. Arar's U.S. deportation order, he was deemed a threat in a large part because of his association with Mr. El Maati and Mr. Almalki (Exhibit P-20). U.S. authorities later said their assessment of Mr. Arar and the decision to send Mr. Arar to Syria was based on information from Canadian agencies.
- g) Mr. El Maati was asked by Syrian interrogators about Mr. Arar and Mr. Almalki, who were, at the time, still in Canada and of interest to the RCMP's Project A O Canada (El Maati application for standing; El Maati chronology).
- h) Mr. Almalki says that his Syrian interrogators questioned him about Mr. El Maati and Mr. Arar. Mr. Almalki says that he was questioned about Mr. Arar just hours before Mr. Arar was rendered from the United States to Syria, and that he was told at the time that Mr. Arar would be arriving shortly (Exhibit P-42, Volume 8, tab 693; Exhibit P-242, tab 17; Almalki chronology, pages 11-12 and 24-25).

5. It can be reasonably inferred through the public evidence that the RCMP and CSIS furthered, or attempted to further, their investigations of Mr. El Maati, Mr. Almalki and Mr. Arar, through direct and/or indirect communications with the Syrian military intelligence. We have seen evidence that there were visits to Syria by the RCMP and CSIS and that there were meetings and information exchanges with the Syrian military intelligence. It also appears that there was an interest in directly interrogating these men while they were in detention in Syria and Egypt. We have also seen evidence that investigators considered sending questions to be asked by foreign interrogators.

- a) Mr. Pillarella testified that at an unspecified time he introduced the RCMP's Rome Liason Officer to General Khalil, head of the Syrian Military intelligence. Mr. Pillarella testified that the purpose of the liason officer's trip was to obtain information that would advance an investigation. We can reasonably infer that the liason officer would have been there to obtain from General Khalil an interrogation report or transcript relating to either Mr. El Maati, Mr. Almalki or Mr. Arar (June 14, 2005 transcript pages 6742-6745).
- b) Sergeant Richard Flewelling, of the Criminal Intelligence Branch, National Security Offences Section, RCMP testified about his personal notes of **June 21, 2002** which stated that the RCMP wanted direct access to someone who we can reasonably infer is Mr. Almalki in Syria, and that they would discuss this with CSIS, their Rome Liason Officer and DFAIT. His notes go on to describe a conversation about whether they wanted this person, Mr. Almalki, back in Canada, and whether they had enough information to lay charges under C36. We can reasonably infer that the RCMP preferred that Mr. Almalki remain in Syrian detention until they had enough to charge him in Canada (August 23 testimony, transcript pages 9985-9990; Exhibit P-211, page 21-23).
- c) Superintendent Cabana wrote in his personal notes on **July 16, 2002** about a meeting with Inspector Covey, ex RCMP Liason Officer for Rome, saying that Mr. Covey had provided a "brief overview of the situation," and that in

his view, "(redacted) will never be returning to Canada. Cabana also writes that they "subsequently discussed protocol for sharing of project info with Syria to reciprocate." We can reasonably infer that this refers to sharing information with the Syrian military intelligence about Mr. Almalki, who was the only Canadian who was a "main target" of AO Canada in Syrian custody at the time (Exhibit P-166, page 40).

- d) We know from Sergeant Flewelling's testimony, and from his personal notes that on **August 20, 2002** (just eight days after Mr. El Maati's allegations of torture in Syria had been communicated to the RCMP) that "Mike Cabana wanted to invite the Syrians to review what Project AO Canada had on (redacted) and provide them with a series of questions they want the Syrians to ask (redacted) on their behalf" (Exhibit P-211, page 29-30; transcript, pages 9765-9769). We can reasonably infer that this refers to Mr. Almalki, the only "target" of AO Canada in Syrian custody at the time.
- e) We know through testimony of Mr. Cabana and Mr. Jim Gould of DFAIT/ISI, and their personal notes, that Mr. Gould advised Mr. Cabana on **October 21, 2002** that Mr. Pillarella would be meeting with Syrian authorities the following day, and asked Mr. Cabana three questions about Mr. Arar and Mr. Almalki: were they wanted in Canada, if so, why, and whether charges would be laid. Mr. Gould also asked Mr. Cabana if they had a message to convey. Mr. Cabana informed Mr. Gould that the RCMP had "intelligence/evidence" that they were prepared to share with the Syrians "if it would be of assistance to their investigation" ..."in light of their information sharing" with the RCMP "in the past" (Exhibit P-166, pages 54 and 55; June 30, 2005 transcript, pages 8106-8107; Exhibit P-236, Tab 1, page 2; August 24, 2005 transcript pages 10333-10336). Mr. Gould's personal notes show that information was "possibly already transmitted to them" (Exhibit P-236, Tab 1, page 10335). We also know through July 27, 2005 testimony by Deputy Commissioner Gary Loeppky that CID was informed, and that he testified that the decision to share would have been made with consultation from DFAIT (transcript pages 8515-8518).
- f) Mr. Pillarella testified that the RCMP had asked him to ask the Syrian Military Intelligence if the RCMP could have direct access to who we can reasonably infer was Mr. Almalki. Mr. Pillarella testified that General Khalil informed him that he was open to this. Pillarella also testified that the RCMP never did get direct access to Mr. Almalki (Exhibit P-138; June 15, 2005 transcripts pages 7138-7144). This is supported as well by Exhibit P-253, a memo written by Mr. Livermore of ISI on **October 30, 2002**, titled "Abdullah Al-Malki," which says that "the RCMP are seeking to either directly interview (redacted) or to send their Syrian counterparts a request that (redacted) be asked questions provided by the RCMP. We can reasonably infer that it is Mr. Almalki's name that has been redacted. We also know through Mr. Edelson's June 16, 2005 testimony that the RCMP indicated to him that they wanted to interview Mr. Arar in Syria (transcript page 7344-7345).

- g) Mr. Pillarella testified that on **November 3, 2002** he asked General Khalil whether he would consider allowing a Canadian official to directly question Mr. Arar in Syrian detention (Exhibit P-138; June 15, 2005 transcript pages 7138 to 7144).
- h) We know through public documents and testimony that CSIS traveled to Syria on **November 19th 2002**, and that the purpose of the visit was to obtain information from Syrian authorities that might be relevant to CSIS investigations of security threats to Canada (Hooper, transcripts page 10626). We can reasonably infer from an ISI chronology entry summarizing the CSIS visit that CSIS received a transcript of Mr. Arar's interrogation from Syrian authorities. Mr. Edelson testified on June 16, 2005 that he had been informed by the RCMP that CSIS had obtained a transcript of Mr. Arar's interrogation when they traveled to Syria in November, 2002 (transcripts pages 7435-7436).
- i) On November 24, 2002, Mr. Almalki says that he was taken out of his cell at the Palestine branch for questioning about Amed Said Khadr. He says that his Syrian interrogators seemed to have a new report, and that it contained detailed information about the family of another Canadian Muslim man. Mr. Almalki says later in December, he was able to see the title of the report, which specified that it was based on a meeting with a Canadian delegation of November 24, 2002 (Almalki chronology, page 27). Mr. Almalki's recollection is consistent with what we know about the timing of CSIS' visit to Syria, and Mr. Livermore's memo cited in 5 (f) above.
- j) Mr. Cabana's personal notes indicate that the RCMP's Rome Liason Officer had advised Mr. Cabana on **December 11, 2002** that he would be traveling to Syria "shortly" and that based on his discussions with someone whose name is redacted he felt that their best approach "would be to share our list of questions with Syrian authorities." Cabana goes on to note that someone also suggested that the "document should be translated into Arabic if possible" (Exhibit P-166, page 61).
- k) Mr. Fiorido, the RCMP's Rome Liason officer (who presumably took over from Covey), was in Damascus on **January 13, 2003**, and that he wrote a "continuation report" following meetings on January 13 and 14, 2003, saying that in both cases, no new information was obtained." We can reasonably infer that he was referring to having attempted, unsuccessfully, to obtain new information from the Syrian military intelligence with respect to Mr. Almalki and Mr. Arar, who were both in Syrian detention at that time (Exhibit P-85, tabs 117-118).
- l) Richard Roy, RCMP Liaison Officer at DFAIT testified about a meeting held on **February 28, 2003**, to discuss plans for the RCMP to travel to Syria to interrogate Mr. Arar as a witness, in Syrian custody. It was decided that this visit should wait until after the visit by Members of Parliament. Mr. Roy's personal notes indicate that on May 23, the RCMP considered passing questions for Mr. Arar to DFAIT (Exhibit P-183; August 22, 2005 transcript, pages 9607-9609).

6. In the cases of Mr. El Maati, Mr. Almalki and Mr. Arar, we have heard evidence that the RCMP and/or CSIS impeded efforts by family members and other government actors to have these men released from custody.

- a) Ms. Myra Pastyr Lupul testified on July 29, 2005 that in retrospect she understood from her conversation with Badr El Maati that he meant to communicate to her that it was his impression that CSIS did not want Mr. El Maati to return to Canada (transcript, page 9256; Affidavit by El Maati in application for standing; El Maati chronology).
- b) Mr. Edelson testified on June 16, 2005 that he informed Inspector Coons of the RCMP that he had information from Syria that information from Canadian government was being used to prolong Mr. Almalki's detention in Syria, and that Mr. Almalki had been told that it was Canadian authorities that did not want him released and returned to Canada (transcript page 7393; 7425-7426; Almalki chronology).
- c) It can be reasonably inferred from the public evidence that the RCMP and CSIS impeded efforts to have Mr. Arar released and returned to Canada. We have heard public evidence from several sources that Syrian authorities believed that CSIS did not want Mr. Arar returned to Canada. We heard, for example, that on March 21, 2003, Syria's ambassador to Canada said this to Members of Parliament Sarkis Assadourian and Marlene Catteral. Mr. Parfy, Director General of Consular Affairs wrote in a memo to that DFAIT had been informed by Syrian authorities that CSIS did not want Mr. Arar back in Canada. On May 9th, 2003, CSIS wrote a briefing note to the Solicitor General emphasizing that Canada's "motives and resolve" could be questioned by the U.S. if Canada works for his release. In addition, CSIS consistently resisted efforts to have a joint letter sent to the Syrian authorities. (June 3, 2005 transcript page 5367-5378).

7. Mr. El Maati, Mr. Almalki and Mr. Arar have all been implicated in media reports by unnamed government and/or intelligence officials as having ties to al-Qaeda.

- a) On October 23, 2002, CTV News aired a story which said that "senior government officials in various departments" told CTV that Mr. Arar was released because he gave information to "the Syrians" about Al-Qaeda cells in Canada, and gave information about four other Canadians including Mr. El Maati and Mr. Almalki (Exhibit P-85, Volume 1, Tab 13). A briefing note to the RCMP Commissioner from Inspector Rick Reynolds dated the same day, October 23, 2002, shows that Mr. Reynolds was aware of the report before it aired, and that he informed the Commissioner and included strategic considerations for their response. The briefing note says there is "a potential CTV news report tonight, 23rd of October, 2003, quoting unnamed government sources as saying Maher Arar is part of al-Qaeda cell in Canada and was only released from Syrian custody because he agreed to tell about other members of his cell" (Exhibit P-84, Page 96). Mr. Reynolds suggests they should neither confirm nor deny the report. RCMP Commissioner Loeppky testified he did not know how Mr. Reynolds knew of

the report before it aired, but speculated that the RCMP may have learned from the media. Unfortunately, Mr. Reynolds was not called as a public witness, so it is not known whether he was one of the “officials in various departments” that talked about Arar (July 27, 2005 transcript, page 8639-8642).

- b) On November 8, 2003 the Ottawa Citizen published an article by Juliet O’Neill. O’Neill cites an unnamed “security source” as having provided her with a document stating that Mr. Arar came to the attention of investigators when he met with Mr. Almalki, the “main target” of their investigation into an “alleged al-Qaeda logistical support group.” Interestingly, the article goes on to say that “it is the existence of that now-disbanded alleged group, most if not all of whose members, including Mr. Almalki, are now in prison abroad, that a security source cites as the root of why the Canadian government is so fiercely opposed to a public inquiry into the case of Mr. Arar.” O’Neill reports that an inquiry would be especially troubling for these “security sources” because it would “present a dilemma over what to do about suspects who have wound up in prison in their native countries, including Mr. Almalki... If Mr. Arar has caused such an uproar, others may do likewise” (Exhibit P-80, Page 5).

Recommendation #1: The Commission must go as far as the evidence allows with respect to determining whether what happened to Mr. Arar can be linked to a Canadian policy of having Canadian citizens detained, and/or interrogated on their behalf in countries known for practicing torture.

We recognize that the Commission may not have seen enough evidence to be able to make conclusive findings of fact with respect to what happened to Mr. Ahmad Abou El Maati, Mr. Abdullah Almalki and Mr. Muayyed Nureddin, or with respect to issues of accountability and redress in their cases. However, if the Commissioner finds that a pattern exists because of others’ stories that are intimately tied to Mr. Arar then the Arar Inquiry would not be complete unless the Commissioner recommends the thorough and independent assessment of those others’ claims of mistreatment.

Recommendation #2: We therefore also urge the Commission to recommend that there be a further process of independent, impartial and expert review, through a second phase of this public inquiry, through the appointment of an independent expert, or through any other kind of effective independent process that the Commissioner feels would provide the kinds of answers and public accountability that are so necessary.

EXONERATION AND COMPENSATION FOR MAHER ARAR

The public evidence has not shown that the RCMP or CSIS have now or have ever had any evidence linking Mr. Arar to terrorist or otherwise criminal activities of any kind. It has also become undeniably clear throughout these proceedings that Canadian agencies bear a great responsibility in relation to some or all of the grave injustice done to Mr. Arar. The public evidence does not rule out, in the opinion of the Intervenors, the possibility that Canadian officials either encouraged, or failed to discourage the United

States from rendering Mr. Arar to torture in Jordan and Syria. Public evidence has shown that once Mr. Arar was in Syria, Canadian agencies, with the assistance of the Canadian Ambassador and other Canadian officials, were quick to obtain the fruits of Mr. Arar's Syrian interrogation. We have also heard and seen public evidence that the RCMP and CSIS impeded efforts to bring Mr. Arar home. Once Mr. Arar was finally released, his reputation was further destroyed by a series of leaks to media, that the evidence has shown were often based on the fruits of his Syrian interrogation. Journalists sourced government and security officials for those reports, and yet witness after witness has denied knowing who passed that information on to the media. The internal investigations into these leaks have produced no answers.

Recommendation #3: We recommend that the Commission make a finding that clearly states that there is no evidence linking Mr. Arar to terrorism or criminal activity.

Recommendation #4: We urge the Commission to recommend that those responsible are named and held accountable for misconduct and negligence as it relates to what happened to Mr. Arar.

Recommendation #5: Furthermore we urge the Commission to recommend that the Government of Canada publicly acknowledge its involvement and responsibility, and that it apologize publicly and award compensation to Maher Arar and his family for the ordeal they have had to endure.