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**"We all have the right to the truth"
-- Maher Arar**

Maher Arar's story

On September 26, 2002, Maher Arar was on his way home to Canada from a family vacation in Tunisia when he was detained at New York's JFK Airport. He was interrogated, imprisoned, and accused of having links to al-Qaeda. Twelve days later, Maher was handcuffed and shackled, put on a private jet, and flown to Jordan, where he was handed over to a group of men who blindfolded him, put him in a car and beat him whenever he tried to speak. He was driven over the border to a Syrian prison, where he endured intense interrogation and torture and was forced to sign false confessions. He was locked in a tiny, dark, grave-like underground cell for ten months and ten days before being moved to another Syrian prison.

As Maher's wife, Monia Mazigh, and human rights and Arab and Muslim groups campaigned for his release, it became clear that Canadian law enforcement and security agencies had played a role in what had happened to him. But public pressure mounted for his release, especially as news emerged that he may have been tortured. He was finally released on October 5, 2003, just over a year after he was first detained. One month later, Maher made the difficult decision to sacrifice his privacy and tell the world his story. He said he had nothing to hide, wanted to clear his name and wanted to ensure this never happened to anyone else again. He said we all have the right to the truth, and called for a public inquiry into his case.

Allegations strengthen calls for an inquiry

While the government resisted calls for a public inquiry, Canadian officials stepped up their efforts to discredit Maher. Before and after Maher's release, anonymous Canadian officials told the media that Maher had links to terrorism. These officials had good reason to hide their identities — the information they were sharing with reporters may well have been the product of torture. In one of the many stories stemming from leaks, Ottawa Citizen reporter Juliet O'Neill wrote about a document given to her by an unnamed security official "about what Maher allegedly told Syrian military intelligence officials during the first few weeks of his incarceration" (Ottawa Citizen, Nov. 8, 2003). The document says Maher confessed to having received military training in Afghanistan. Maher says it was during the first few days he was in Syria, in mid-October, 2002, that he was beaten with cables, left to hear the screams of other prisoners being tortured, and forced to sign false confessions saying he had been to Afghanistan.

On January 21, 2004, the RCMP raided Ottawa Citizen reporter Juliet O'Neill's home, saying they were searching for information about who had leaked the interrogation report. The raid fuelled public outrage and demands for an inquiry. One week later, on January 28, 2004, the government responded to public pressure and called a public inquiry. The Commission of

Inquiry into the Actions of Canadian Officials in Relation to Maher Arar began its work in the spring of 2004.

Canadian use of the product of torture

Documents released by the Arar Commission have revealed that just a few days after Maher was tortured, then Canadian Ambassador to Syria, Franco Pillarella, met with Syrian military officials, who told him they were interrogating Maher and promised to pass on anything they learned. Mr. Pillarella returned a week later and asked for a written report that he could take back to Canada. This summary of Maher's coerced "confession" was delivered to CSIS and the RCMP. Mr. Pillarella's actions raise serious questions:

- Did the Canadian government fail to consider that this interrogation file was very likely the product of torture? Why did the former Ambassador ask for this information?
- Was the ambassador not aware that he could be seen as explicitly endorsing, promoting and supporting the continued interrogation of Maher by a regime that is well known for its use of torture in obtaining information?
- Given that this was likely the product of torture, was the distribution of these files handled with the appropriate cautionary measures? Why was this information passed on to Canadian intelligence agencies?
- How was this information used by the different departments and agencies who received it? Were these the reports that were leaked to the media by anonymous officials?

Did Canadian officials try to prevent Arar's release?

While Monia Mazigh was working for her husband's release, a Canadian official told her that not everyone in the Canadian government supported efforts to have him released, and mixed messages were likely a factor in Syria's reluctance to release Maher. Documents released through the Arar Commission have since revealed that Canadian intelligence and law enforcement agencies were advising against working for Maher's release, warning that it could lead to potential embarrassment in the future. We need to know if agencies impeded efforts to have Maher released, and if so, why. Were they concerned they might be implicated in what happened to him? Maher was kept in Syrian detention for over a year. Could he have been released sooner?

Are Canadian agencies contracting out torture?

Is what happened to Maher part of a pattern? Are Canadian agencies contracting out interrogations to regimes well known for practicing torture? We know that the former ambassador to Syria, Mr. Franco Pillarella facilitated an exchange of information about Maher between Syrian and Canadian intelligence agencies, but we need to know more about whether there was a direct relationship between Syrian and Canadian intelligence agencies. Three other Muslim Canadian men, who were under investigation in Canada, were later detained, interrogated and say they were tortured in Syria.

- Mr. Ahmad Abou El Maati says he was constantly harassed and followed by CSIS and the RCMP before he travelled to Syria to be with his wife in November, 2001. He was

detained when he arrived at the Damascus airport and taken to the Palestine Branch of the Syrian military intelligence, the same prison that Maher was later held in. He says he was severely tortured and asked questions that must have come from Canadian officials.

- Mr. Abdullah Almalki was being investigated by the RCMP before he travelled to Syria to visit family in May of 2002. He too was detained when he arrived at the Damascus airport, and says he was severely tortured at the Palestine Branch.
- Mr. Muayyed Nureddin was questioned by Canadian intelligence officers as he left Canada to visit family in his native Iraq. On his way home to Canada he travelled through Syria, where he was detained and taken to the Palestine Branch. He says he was severely tortured and asked the same questions he was asked by Canadian officials.

Will the government let the Arar Commission do its work?

"I want the facts...I want to know exactly what did happen."

— Prime Minister Paul Martin, January 28, 2004

Prime Minister Paul Martin may say he wants all the facts, but his government is doing all it can to undermine the inquiry and cover up the truth. Soon after the Commission of Inquiry began its work, government lawyers sought to limit its scope and effectiveness. Mr. El Maati, Mr. Almalki and Mr. Nureddin sought standing at the inquiry, but the government resisted their attempts, and won, so far shutting them out of the process.

Much of what was supposed to be a public inquiry has been held behind closed doors — only five days of contextual public hearings were held before the inquiry disappeared into eight months of in-camera hearings which excluded Maher's lawyers and organizations that were granted Intervenor Status. The Commission had hoped to issue public summaries of the secret hearings, but the government used the threat of lengthy federal court battles to block their release. The government claimed that releasing this information would threaten national security, but the Commissioner's ruling disagreed, noting that much of what the government suppressed has already been published in the media, or is favourable to Maher. Without access to the evidence presented in these secret hearings, Maher's team and intervening organizations have learned very little on which to base their participation at the inquiry.

A few weeks of public hearings are being held in May and June of 2005, but many are asking how useful these hearings can be without sufficient public disclosure of any meaningful evidence gathered so far. The Commission hopes to issue a public report of findings later in 2005. Many fear the government will continue to oppose the public's right to know the truth, and will fight full public disclosure of the report.

What's at stake?

Essential principles are at stake in this case: due process and the rule of law, the right not to be tortured, protection against discrimination, and the accountability of law enforcement and security agencies. Such important issues should not be discussed in secret.

We all have a right to the truth about what happened to Maher. Here are just some of the key questions we feel the Commission must be able to answer for the public:

- Has the Canadian government ever had credible and concrete evidence linking Maher Arar to terrorism? If not, will they say so publicly and help him clear his name? If so, will they ever disclose it to him so he can respond?
- Did Canadian agencies in any way encourage United States officials to send Maher Arar to Syria? If not, did they actively discourage them from sending him to Syria?
- Is what happened to Maher part of a pattern? Are Canadian agencies contracting out interrogations to regimes like Syria, well known for practicing torture?
- Were Canadian officials aware that Maher was likely being tortured while being interrogated in Syria? If not, why not? If yes, what did they do to ensure that his fundamental right not to be tortured would be protected?
- Did Canadian agencies provide the information that was used during Maher's Syrian interrogation?
- Have Canadian officials made use of any of the information that was obtained from Maher under torture in Syria? If yes, why did they not consider that to be a violation of Canada's obligations under international law?
- Did Canadian agencies impede attempts to have Maher Arar released from Syria? If so, why?
- Who leaked allegations about Maher Arar to the media and why? Where did this information come from? Have those responsible been disciplined for doing so? If so, how, and if not, why not?

Please help us ensure we all learn the truth

- Please write to Prime Minister Martin and remind him that all Canadians have a right to the truth about what happened to Maher Arar. Tell the Prime Minister that you feel his government's conduct at the inquiry has made it virtually impossible to get at the truth. Ask him to personally intervene to ensure that his government stops undermining the work of the Commission and starts respecting the Commissioner's rulings on national security. Ask him to ensure that the Commission and the public will learn the answers to all of these questions.
- Write to Justice Dennis O'Connor at the Arar Commission and urge him to stand up to government efforts to undermine the inquiry and to ensure the public learns the answers to all of these important questions, not just some of them. The Honourable Justice Dennis R. O'Connor can be contacted at the Arar Commission, P.O. Box 507, Stn. B, Ottawa, ON, K1P 5P6, Fax: (613) 992-2366; E-mail: inquiry.admin@bellnet.ca.
- Contact your Member of Parliament and tell them how important it is that all of these questions get answered. Urge them to help ensure the government cooperates with the inquiry's efforts to uncover the truth.
- Talk to your co-workers, friends, family and community organizations about the case, and urge them to write the Prime Minister, the Arar Commission, and their Member of Parliament.
- In the event of a federal election, ask candidates from all parties to commit to ensuring full government cooperation with the Arar Commission, and to ensuring public disclosure of the Commission's findings.

- Stay informed and active. You can access important updates and information about Maher Arar's questions, the Arar Commission, and organizations working to uncover the truth. Start by logging on to MaherArar.ca and the Commission's web site at ararcommission.ca.
- Intervening organizations have formed a committee and have hired a staff person to help us coordinate our work around the inquiry, analyze evidence and keep media and the public informed of developments. Please consider making a financial contribution to help us continue this important work. Cheques should be made out to the "Intervenors' Committee," and sent to 75 Albert Street, Suite 410, Ottawa, ON K1P 5E7. We can also be contacted through email at intervenors@gmail.com.

There are eighteen public interest organizations with intervenor status at the Arar Commission. 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).