



Amnesty International

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The Honourable Peter Van Loan
Minister of Public Safety
House of Commons
Ottawa, Ontario K1A 0A6

By fax: 613 954 5186

June 23, 2009

Dear Minister Van Loan,

We are writing to urge the government to comply swiftly with all of the recommendations contained in the House of Commons Standing Committee on Public Safety and National Security's recent report, *Review of the Findings and Recommendations Arising from the Iacobucci and O'Connor Inquiries*.

As individuals and on behalf of our various organizations, we have all closely followed the cases of Maher Arar, Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin. We participated as Interveners in the two inquiries, headed by Justices O'Connor and Iacobucci, which examined the role of Canadian officials in the serious human rights violations experienced by these four men. We made numerous written and oral submissions to the two inquiries, laying out our grave concerns, as well as our recommendations as to action to redress the injustices these men had experienced and the reforms needed to prevent a repeat of such tragedies.

What happened to these four Canadian citizens raises disturbing questions about the protection of fundamental human rights, such as the protection against torture, in Canada's national security activities. Both inquiries revealed numerous troubling ways that Canadian action and/or inaction contributed to the arbitrary arrest, unlawful detention and numerous instances of severe torture of which Messrs. Arar, Almalki, Abou-Elmaati and Nureddin were subjected in a combined total of four countries – the United States, Jordan, Syria and Egypt. Both Inquiries deserve and require the government's full attention and implementation.

Recommendations One and Two

The Standing Committee has, very importantly, called on the government to assure Canadians that decisive and meaningful steps have been taken to implement Justice O'Connor's recommendations and to respond to the concerns at the heart of Justice Iacobucci's findings. The O'Connor and Iacobucci Inquiries thoroughly examined these cases over a period in excess of four years. Yet close to three years after the first of three reports was issued from the two inquiries, and at the cost of several million dollars, none of these men have any clear understanding as to what action has or has not been taken in response to these detailed and comprehensive reports.

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While government Ministers have on occasion publicly stated that action has been taken in response to these inquiries, no details have been provided. These men deserve more than assurances. Canadians deserve more than assurances. As the Standing Committee has recommended, we urge you to immediately commence a practice of issuing “regular public reports on the progress made in implementing the findings and recommendations arising from” these two inquiries.

We draw particular attention to the recommendations included in Justice O’Connor’s second report, issued in December 2006, laying out a comprehensive new model for reviewing the national security activities of the RCMP and other Canadian agencies involved in national security investigations. The need for a new review agency continues to be starkly underscored in other cases involving worrying allegations that the actions of Canadian national security officials have resulted in serious human rights violations, such as in the cases of Benamar Benatta and Abousfian Abdelrazik. Without an appropriate review agency to turn to these men, and others, are inevitably left to call for a full inquiry into their cases. To convene an inquiry every time cases of this nature arise is not in the interests of these men, Canadian taxpayers or the Canadian justice system. It is time to establish the model proposed by Justice O’Connor.

Minister, we highlight, that the Standing Committee was unanimous with respect to the recommendations dealing with implementation of the reports from the two inquiries and regular reporting as to the progress of implementation. We expect and anticipate, therefore, that the government will move quickly to comply.

Recommendation Three

We certainly urge that the government move quickly on the items highlighted in the Standing Committee’s third recommendation, the need for an official apology and compensation for Messrs. Almalki, Abou-Elmaati and Nureddin, as well as action to ensure that misinformation in their files in Canada and abroad is immediately corrected. It has been more than five years since these men were released from unlawful imprisonment and able to return to Canada. It is long past time for the injustices they endured to be remedied.

We were disappointed that a Conservative member of the Standing Committee issued a dissenting opinion with respect to this recommendation. We note, however, that the dissent does not suggest that an apology, compensation and corrective action are not justified, but rather that it was inappropriate to make these recommendations because there is ongoing litigation between the government and the three men. We would highlight as well that under the provisions of the Ontario Apology Act, which applies to all civil proceedings in the province of Ontario, there is no legal impediment to the government offering an apology at this time. In keeping with the majority recommendation, therefore, we would urge that the government move quickly and in good faith to resolve these matters fairly and expeditiously.

Recommendations Four and Five

In recommendation four the Standing Committee has called for a clear Ministerial Directive on torture for all Canadian governmental departments and agencies involved in national security and ongoing directives barring the exchange of information with specified countries when there is a credible risk that such exchanges could lead to torture. Recommendation five calls for the government to reintroduce legislation that would establish a National Security Committee of Parliamentarians.

We strongly endorse both of these recommendations. We note that recommendation five was supported unanimously. A Conservative member of the Standing Committee dissented from recommendation four, but only on the basis that the member felt the government had already complied with the recommendation. The member did not express any disagreement with the substance of the recommendation itself. As such we note that there was clear and full agreement among Committee members that Canadian law and practice must take a firm stand against the risk of information sharing. We urge the government to issue the Ministerial Directives called for by the Standing Committee as a vital safeguard in helping ensure that Canada's information sharing practices do not contribute to torture.

Minister, we look forward to hearing your response to this important report and hope and expect that the government will do what the Standing Committee has recommended. These cases mark a distressing chapter in Canada's human rights history. Complying with the Standing Committee's recommendations offers a powerful way to bring that chapter to a just and equitable close.

Sincerely,

Alex Neve, Secretary General, Amnesty International Canada

Roch Tassé, National Coordinator, International Civil Liberties Monitoring Group

Shirley Heafey, Member, Board of Directors, British Columbia Civil Liberties Association

Kerry Pither, Author, *Dark Days: The Story of Four Canadians Tortured in the Name of Fighting Terror*

Ihsaan Gardee, Executive Director, Canadian Council on American Islamic Relations (CAIR-CAN)

Mohamed Boudjenane, National Executive Director, Canadian Arab Federation