



Working on Arar Inquiry and proving into some serious government secrecy still raises unanswered questions

Probing into the secretive world of consular affairs and security intelligence operations for Maher Arar and Monia Mazigh hasn't been easy, and Ken Rubin does investigative research all the time.

By KEN RUBIN

Hill Times Sept 19, 2005 P. 7
As the largely behind-closed-door meetings of the Arar Inquiry wrap up phase one, I want to tell you about some of the Access to Information Act work I did on behalf of Maher Arar and Monia Mazigh on an unpaid public service basis and the impact this research work had on the hearings.

I began work in May 2003, before the Arar Inquiry was officially called by the federal government in late January 2004 which was called to look into the role of Canadian officials in the U.S. detainment of Maher Arar in September 2002 and his deportation to Syria. Arar, a Syrian born Canadian, was arrested in New York in 2002 and deported back to Syria as a terrorist suspect. Arar says he was tortured by Syrian military intelligence officers until he made false statements that he received al-Qaeda training in Afghanistan.

Some of the information that I uncovered and opened up, publicly, came out in the Arar Inquiry. This included information confirming that the Mounties had been contacted and consulted by U.S. authorities on Mr. Arar's detention and before his deportation to Syria. It included information that Canadian officials had been meeting and were in contact with Syrian military intelligence during Mr. Arar's imprisonment.

Those glimpses at the secretive world of consular affairs and security intelligence operations raised many questions, many still unanswered.

Access documents also publicly revealed for the first time the PM's appeal to the Syrian President for Arar's release from Syria, as well as information that Canadians travelling abroad, not just dual nationals, could be vulnerable to "rendition" practices.

Another revelation revealed at the inquiry is that Mr. Arar's name appeared on a border look-out watch list before his detention in New York City and deportation to Syria, as well as the handwritten notes that indicated Mr. Arar was beaten at the beginning of his incarceration in Syria, despite testimony to the contrary.

Some of the earlier information that I uncovered indicated poor accountability practices, including the fact that then prime minister Jean Chrétien was not totally

informed, early on, about the detention and deportation of Mr. Arar. This information and efforts to prevent the timely and more extensive release of data may well have helped start the campaign to call the inquiry.

One underlying problem in trying to uncover information has been the continual tightening up of what information was released. Sometimes the excuse was that the inquiry needed the information first.

Certainly, the broad national security confidentiality claims put forward once the Maher Arar Inquiry started did not encourage federal officials to meet or to live up to their obligations to release more information under the Access to Information Act.

The disquieting and unacceptable government campaign to cover its tracks needs examination. It reminds me of situations experienced at other inquiries.

Sometimes, more documents were released under the access route than to the inquiry but still this was not enough. Officials often complained that such releases were unwarranted and interfered with their national security agenda.

What stands out, however, is that the government has overwhelming resources in documentation control and presentation which is not too conducive to getting to the bottom of this case, or for that matter, others. The government's efforts to control documentation and presentation have been significantly one-sided and the government's force has been directed, in a most unprecedented fashion, at greatly increasing Ottawa's secrecy practices.

Hearing witnesses testify helps bring access documents alive and, at times, raises questions about the witnesses' statements. Written documentation, at least the documents known and subject to cross examination in public at the inquiry, puts the focus too on missing documentation gaps and exemption claims made.

But travelling on this access route I've been frustrated by how exceedingly secretive this investigation channel really is. However, at times, it has been a useful information avenue for Mr. Arar's quest to get at the facts separate from the Commission of Inquiry.

And that quest is not yet over. There have been numerous complaints launched with the Information Commissioner of Canada and access to information requests are still being made, including into the CSE's role on this file.

The Arar Inquiry, like the Gomery Inquiry, should seek public input and review Ottawa's none-too-positive transparency habits. It would be useful if the Arar Inquiry devoted a separate reporting chapter into understanding and describing the difficulties encountered in the docu-

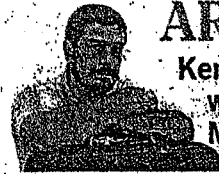
mentation, collection, use and disclosure process; this includes the improper withholding of records, the leaking of records and delayed disclosures. The inquiry should include a closer look at the role that the Privy Council Office and the Justice Department played in events surrounding Mr. Arar and the resulting damage control undertaken.

Meanwhile, in a previous *Hill Times* article (Oct. 4, 2004) in regard to Mr. Arar's suitcase coming home from New

York City where he was initially detained months before he did from Syria, I put it that, "Getting to the bottom of all the circumstances—what happened to Mr. Arar and; yes, his suitcase, is proving difficult. Too many people with too much luggage want the truth buried." And therein lies the transparency challenge.

Ken Rubin is an access to information advocate.

kenrubin@rogers.com
The Hill Times



ARAR

Ken Rubin on working on the Maher Arar inquiry

PAGE 7