

# Canadian Government Lies over Complicity in CIA Torture

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Global Research, December 13, 2014  
[World Socialist Web Site](#)

Region: [Canada](#), [USA](#)

Theme: [Crimes against Humanity](#), [Law and Justice](#)

*Tuesday's publication of the US Senate report into the CIA's brutal interrogation techniques in the aftermath of 9/11 has shed new light on Ottawa's complicity in acts of torture.*

The response of the Conservative government was in keeping with its long-standing refusal to acknowledge any Canadian involvement in torture. Prime Minister Stephen Harper, answering a question in the House of Commons on Tuesday, declared, "This is a report of the United States Senate. It has nothing to do whatsoever with the government of Canada."

Foreign minister John Baird reacted to a question from the press on the harm done to Canada's reputation by its complicity with torture programs by arrogantly declaring, "Canada doesn't torture. Period! Period!" He walked away without answering a follow-up query.

These are barefaced lies. Successive governments have been implicated in facilitating the brutal and inhumane techniques outlined in the Senate document. Canada acted as a major transit route for US rendition flights that sent captured suspects to third countries or CIA black sites to be tortured. According to the *Globe and Mail*, a total of 20 US aircraft made 74 stopovers at Canadian airports while on rendition flights. The number of flights was second only to the US itself.

Previously Canadian authorities have admitted that information CSIS used to argue for the indefinite detention of Adil Charkaoui and Mohamed Harkat came from Abu Zubaydah, an al-Qaeda terror suspect who figures prominently in the Senate report. The CIA used Zubaydah as something of a "guinea pig" in its torture campaign, including "waterboarding" him 83 times. For years, Canadian authorities insisted before the courts that there was no reason to think Abu Zubaydah had named Charkaoui and Harkat other than willingly.

The Conservative government's assertions are also disproved by directives it has itself issued to the police and intelligence agencies that explicitly permit them to use information gained through torture and to supply information to foreign intelligence agencies even if it is likely to lead those named to be tortured. These directives apply to Canada's Security and Intelligence Service (CSIS), the Royal Canadian Mounted Police (RCMP), the military, Canada's signals intelligence agency (CSEC), and the border control agency.

According to the federal framework document on which the directives are based, in the event of a "substantial risk" that sharing information with a foreign agency will cause someone to be tortured, consultation with a deputy minister or minister is required to approve it. Guidelines state that the minister must take into account the immediacy of the

threat and the danger to Canadian national security interests.

A statement released by the office of Public Safety Minister Stephen Blaney was no less disingenuous than Harper. "Our government does not condone the use of torture, and certainly does not engage in it." But the statement then went on to make clear that information gained through the use of torture would be used by Canadian intelligence. "If we get a tip from any source that Canadian lives are in danger, we will act to save those lives."

It is no secret that Canada, more than any other country, has integrated its intelligence and military services with those of its southern neighbour. Ottawa has been Washington's unflinching ally for decades.

Canada's intelligence services are a key component of the global five eyes alliance, which includes the American NSA, and the intelligence agencies of Britain, New Zealand and Australia. Speaking to CBC, a former CSIS agent explained that links were even more direct with the CIA, since CSIS liaison officers work in CIA headquarters, while CIA officials do likewise in Ottawa.

Criticizing Canada's ties to the US intelligence apparatus, Ottawa-based human rights lawyer Paul Champ told the media, "I don't think that anyone in the intelligence community in the world, at least in democratic countries, can wake up tomorrow and tell themselves that their relationship with the United States and the CIA can remain the same. Until and unless the United States shows that there's going to be real accountability for these criminal acts, I think our relationship with the CIA has to be very closely monitored and reviewed at all times."

In reality, a diametrically opposed approach is being taken by Canada's ruling elite. Showing its contempt for democratic rights, Canada's parliament is in the process of substantially expanding the powers of the spy agencies. Under an antiterrorism bill currently making its way through parliament, CSIS is explicitly authorized to share information with the members of the "Five Eyes" and to conduct investigations abroad.

This policy has the full backing of all of the parliamentary parties. The latest reforms to counterterrorist legislation have been backed at the committee stage by both the Liberals and Official Opposition New Democratic Party (NDP). In the wake of the torture report, the NDP merely called on the Harper government to revoke the directives issued in 2011 permitting the five government agencies to use information gained via torture. No call for a serious investigation, let alone the prosecution, of individuals implicated in torture was made.

A series of cases involving Canadian nationals demonstrate that Canada's intelligence agencies not only assisted the US rendition program, but also developed its own version of the practice. This involved Canada's national-security agencies encouraging the detention of Canadian terror suspects who were travelling abroad by third countries. These countries included authoritarian regimes where the prohibitions on detention without charge and the mistreatment of prisoners contained in Canadian law did not apply. The job of interrogating suspects, frequently with the use of torture techniques, was in this way subcontracted by Ottawa, which made intelligence gathered in Canada available to the country concerned.

Canadian intelligence passed information to the US on Maher Arar, A Syrian-born Canadian

citizen who was arrested in New York in 2002. Arar was then flown to Syria, where he was imprisoned for a year and tortured. During this time, Canadian intelligence gave information to the Syrian regime to be used in his interrogation, including a list of questions he was to answer. False confessions were extracted from him that he had participated in an Al-Qaeda plot. Recognizing the injustice done to him, he was awarded over \$10 million in a court appeal following his release.

Another infamous case is that of Omar Khadr, who was arrested in Afghanistan as a 15-year-old and transferred by the US to Guantanamo Bay where he was tortured. Canadian agents visited him at the prison camp to carry out their own interrogation, even though they were fully aware that he had been subject to sleep deprivation immediately prior to their visit. Despite strong government opposition, he has since been returned to Canada. The Harper government is currently engaged in an attempt to have the Supreme Court overturn a lower court decision to consider him as a young offender, because were it to stand, Khadr would likely be released.

Canada's military is also complicit in torture. Canadian forces in Afghanistan passed detainees on to both the US and Afghan troops, although Ottawa and the military knew there was a strong likelihood they would be tortured. Approximately 400 detainees were handed over by Canadian troops to the Afghan army, while 40 were transferred to US custody, according to a report in *the Toronto Star*. This is a war crime under the Geneva Conventions, which make it illegal to transfer persons to authorities where there is a reasonable belief that they will be tortured.

The Harper government repeatedly blocked efforts to investigate the full extent of Canadian involvement in torture in Afghanistan. Citing national security considerations, it prevented a parliamentary committee from accessing documents from the Canadian Armed Forces authorizing the transfers. Officials who could have provided more information on what went on, such as one of Ottawa's leading diplomats in Afghanistan, Richard Colvin, were threatened with prosecution if they spoke publicly.

A UN report in 2012 issued a further condemnation of this practice, accusing the Canadian government of "complicity in torture." The UN committee also called on Ottawa to pay compensation to three torture victims, Abdullah Almalki, Ahmad Abu Almaati and Muayyed Nureddin, who had been the subject of a public inquiry over their arrests in Egypt and Syria. These cases provided yet more examples of how Canadian intelligence worked directly with authoritarian regimes, first to have their nationals detained, and then abused using torture methods to extract confessions.

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