GlobalResearch
Center for Research on Globalization

In Liaison with Washington: Canada's Complicity in Torture

By Matthew Behrens
Global Research, September 25, 2012
Rabble.ca

Region: Canada
Theme: Crimes against Humanity, Intelligence, Law and Justice

The ease with which self-described democratic states embroil themselves in torture continues to be illustrated by the manner in which agencies of the Canadian state, from spies to judges, have wedged open a door to legitimize complicity in a practice that both domestic and international law ban outright.

Before dismissing that paragraph as preposterous, it is worth considering that two federal inquiries into the torture of Abdullah Almalki, Maher Arar, Ahmad El Maati, and Muayyed Nureddin revealed a sinister level of Canadian complicity in torture, from which no accountability or systemic changes have emerged. Further, damning documents reveal Canadian knowledge of and culpability in the renditions and torture of Benamar Benatta and Abousfian Abdelrazik. Meanwhile, the Federal Court, while accepting CSIS memos acknowledging that secret trial "security certificate" cases are based largely on torture, continues with hearings that could result in deportations to torture. That latter possibility is courtesy of a 2002 Supreme Court of Canada decision that left open the possibility of such complicity in torture under "exceptional circumstances."

Outrage over Canadian involvement in torture remains fairly muted, especially as each new revelation of deepening complicity is met by government officials not so much with shamefaced promises to keep our hands clean, but rather bald-faced justifications in the name of security. Indeed, as in the U.S., there appears a growing Canadian effort to justify as legal and legitimate that which is neither.

Process of Legitimization

Part of that process of legitimization – accepting torture as a normal course of social and political events in much the same mundane way we would assess price drops in overseas markets – is now firmly fixed at the Canadian Security Intelligence Service (CSIS). As we learned last month in a declassified memo, CSIS runs a thinly disguised torture committee, using the more group hug-like moniker of the Information Sharing Evaluation Committee.

According to a formerly secret August 2011 memo from CSIS Deputy Director of Operations Michel Coulombe, a group of six people sit around the table and shoot the breeze about information coming across their desks that may have come from torture (or, to use their preferred term, "mistreatment"). Their task is to decide whether to act on the fruits of torture and whether to share information that could lead to the torture of someone else. This may sound familiar, because it's exactly what CSIS and the RCMP were already found to be up to in the decade following 9/11. Rather than ending such practices, they've developed an Orwellian process whereby they justify doing what they are not supposed to do, with subsequent Public Safety memos from [Minister of Public Safety] Vic Toews to the Canadian

Border Services Agency and the RCMP outlining the same process. All of these documents clearly state that the "Government of Canada does not condone the use of torture," but then proceed to justify involvement in torture.

So what does the Gang of Six do when they decide whether they have to defy the law by getting down and dirty with torture? Their list of sources to consult starts with "CSIS databases," a less than objective or reassuring source of information which the departed Inspector General of CSIS, Eva Plunkett, slammed in her November 2011 report as "unreliable." (Her position has since been eliminated to save $1-million, while the War Department continues to spend upwards of $2-million on Viagra).

"Diplomatic Assurances"

CSIS is then to look at their "foreign arrangements" as well as "assurances" that have been received by the foreign entity. In deciding whether to turn someone over to the Gestapo or to share information with those who turn the screws, CSIS must decide whether the Gestapo's promise not to torture someone can be taken at face value (this practice of "diplomatic assurances" has long been condemned as another disgrace that erodes further the outright ban on torture).

CSIS can also check the human rights reports from DFAIT (the Department of Foreign Affairs and International Trade). DFAIT was found to be complicit in torture by two federal inquiries (and their memos with respect to the torture of Abdelrazik, detained in Sudan for years, illustrated similar culpability as well). DFAIT human rights reports are not made public, according to the Arar Inquiry, because "there is some concern about the impact public reports may have on Canadian commercial interests with these countries." In addition, the reliability of DFAIT reports is far from certain. The Arar Inquiry pointed out that while a DFAIT report on torture in Syria in 2001 referenced "credible evidence of torture" and the use of torture to extract confessions, the 2002 report qualifies the use of torture as "allegations" and omits mention of the use of torture to extract confessions. Notably, while Canadians like Maher Arar, Ahmad El Maati and Abdullah Almalki were detained and tortured in Syria, the DFAIT annual report failed to make any mention of them.

And when a perhaps junior staffer at DFAIT has the gall to report the truth, it is rewritten. Indeed, we learned in 2008 that an 89-page PowerPoint DFAIT training manual listed, among countries using torture, the U.S. and Israel (both of which are well-documented facts). Former foreign affairs minister Maxime Bernier reacted by declaring: "It contains a list that wrongly includes some of our closest allies. I have directed that the manual be reviewed and rewritten."

The other items checked include "open source information" (code word for the *National Post* and other right-wing publications and websites from which CSIS builds its cases). To cover their derrieres, they throw a sop about consulting Amnesty International, Human Rights Watch, and U.S. State Department reports, but they likely carry no weight given that CSIS and DFAIT officials have repeatedly refused to acknowledge that torture has been systematic in countries like Syria and Egypt.

By choosing to be part of the torture chain, and using lawyers at Canada's Department of Justice for cover (as they were during the torture of Canadians in Syria and Egypt), it appears that the Canadian government seeks not to hide its involvement, but rather to sanction it under the cover of law.

Training the Torturers?

Skeptics might ask whether this is blowing things out of proportion. Yet this is precisely what happens when the door to torture has been opened. U.S. lawyer Alan Dershowitz famously said that Americans should be able to obtain torture warrants for "extreme cases," yet if one is to open that door, who does the torture? How is it practiced to ensure a torture team will be available and ready to roll when it is mandated by a torture warrant? Thus we enter the world of "torture controls and limitations," in much the same twisted way in which we have global holocaust controls with nuclear weapons limitations.

Richard Matthews of Mount Allison University, in his excellent book *The Absolute Violation*, notes that just as fighter pilots need to train so they can drop their bombs,

> "at some points torturers have to practice on victims if they are going to be any good. The spread of state torture is not merely a risk but is in fact inevitable once the state decides that torture serves a state interest."

In this instance, CSIS has clearly defined its state interest in torture by declaring there will be times when it is necessary to engage in the odious practice. Matthews notes that

> "defenders of torture typically accept that every human being has a right not to be tortured, and they agree that this should be enshrined in international law. The debate is not about whether there is such a right but about whether such rights may ever be overridden." [emphasis added]

Matthews, whose book was published in 2008, has clearly hit the nail on the head, since this is exactly how the CSIS memos are structured. What follows from this rationale, he notes, is a concerted effort to incorporate such processes within the framework of the law, so that any decision that leads to blood on the hands will be seen as lawful.

This is made possible because in the UN Convention Against Torture, its early definition includes a dangerous exception in Article 1, when it states torture "does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." From this definition, one can see the emerging legal and moral calisthenics engaged in by the Bush administration as well as Canada's Justice Department and associated government agencies when they try and bend the definitions, use temperate language, and wrap their procedures in the soothing gauze of international law and respect for human rights. Indeed, in the CSIS memo and related documents, torture becomes mistreatment, and an interrogation session with electric shock or genital crushing gets reduced to a "detention interview."

Furthermore, CSIS declares that it will not "knowingly rely upon information" derived from torture, a convenient construction given the willful blindness with which it operates with its foreign partners. If CSIS does not knowingly acknowledge that Syria engages in torture, then how can it be knowingly relying on the fruits of torture when it receives information from Syria? With such reasoning CSIS maintains it is "essential" to nurture these relationships because, in their eyes, they're doing nothing wrong.

As Canada continually refuses to apologize to and provide compensation for the numerous returnees from overseas torture whose lives the government has ruined, it becomes even clearer how high the stakes have become in these cases: any acknowledgement that what was done in these situations was wrong, illegal, or unethical, would bump Canada from its

comfortable position in the global torture chain. •

Matthew Behrens is a freelance writer and social justice advocate who co-ordinates the Homes not Bombs non-violent direct action network. He has worked closely with the targets of Canadian and U.S. 'national security' profiling for many years. This article first published on Rabble.ca website.
