

Secrecy is a nasty virus that can lay low the body politic

Canada's former Minister of Foreign Affairs Speaks Out

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foreign affairs minister from 1996 to 2000

There is a disturbing virus settling into Ottawa. Let's call it the Spreading Northern Security Plague, a variation of a virulent strain of illegal counterterrorism practices imported from the Bush White House. Its symptoms were first detected in the Maher Arar case, where a Canadian was sent off to be tortured in a Syrian jail. Only years later was an inquiry established, presided over by a courageous judge who blew the whistle on such nefarious practices by our security forces.

But by then, the disease had become embedded in the body politic of successive governments with all the signs of a well-established syndrome in which security trumps human rights, international covenants can be disregarded, commissions of inquiry can be secretive and dismissive of rule and procedure, and vital information on crucial issues such as the transfer of Afghan detainees is deliberately withheld.

And now, we learn of Abousfian Abdelrazik, a Sudanese Canadian who was imprisoned in Khartoum, allegedly at the request of CSIS, and who has been stranded in the country for nearly five years. That the Canadian government, knowing full well the egregious human-rights record of the Sudanese regime, would leave one of its citizens marooned in the Sudan, is inexplicable.

The outbreak of this malady eating away at our valued respect for rules of law is also demonstrated by the cases of Abdullah Almalki, Ahmad El Maati and Muayyed Nureddin, three Canadians held in a Syrian jail who say they were tortured during interrogations.

From information already on the public record, it appears likely their disappearance and detention were prompted by Canadian influence, and that the information used in interrogations came from Canada.

It seems the spirit of Alberto Gonzales, the former Bush attorney-general who defended similar proceedings in U.S. courts, is alive and well in Ottawa.

The "internal inquiry" under former Supreme Court justice Frank Iacobucci into the circumstances surrounding the cases of these three Canadians represents an unprecedented suppression of basic due process. The almost entirely secret process has meant that the men, their counsel and the public have yet to see a single document or,

indeed, any of the evidence gathered from government witnesses. It's not clear they, or we, will ever see any of the evidence.

In the one hearing that was held in public, the government demonstrated why transparency is so badly needed. Arguing about the standards by which the actions of Canadian officials should be judged, counsel for the government revealed a dangerous dereliction of Canada's international agreements. The government's position rests on its stated proposition that the need to share information between states within the context of national security supersedes the consideration of human rights, including protection from torture. Commissioner Iacobucci has a singular opportunity to right the wrongs committed against these three Canadians, and to remedy the imbalance between security interests and human rights. Such a decision could begin to address the infirmity that has afflicted this country, making clear that respect for human rights is essential to the achievement of peace and security and, in the process, steering Canada back to the path it has long travelled as a champion of human liberties.

It is surprising that Canada's narrow preoccupation with security and secrecy has been allowed to go on with impunity. Public indignation and parliamentary attention have been in short supply. There has not been the kind of legal challenge to these transgressions that has recently marked efforts in the U.S., even though our Charter gives us a solid basis for judicial action.

The time has come for Parliament in its minority status to take a stand and call for a major overview, review and assessment of how our security laws are eroding the Charter of Rights, our international commitments and our global standing.

A more open and transparent process at the Iacobucci inquiry would go a long way toward informing that assessment, as would proper diplomatic efforts to give Mr. Abdelrazik the full protection of Canadian law and due process.

It is time that Canadians understood the need for effective treatment – before this virus gets out of control.

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