

Who will police the police?

Maher Arar scandal proves why our governments still need to play by the rules



ADAM
GAUMONT

The long-overdue resolution of the Maher Arar case, while a bittersweet and Pyrrhic victory in itself, brings to the foreground a burning question in today's heated political climate: to what extent should a government go to protect its citizens from perceived threats? Specifically, at what cost to personal liberties should our collective freedom come?

For the sake of this argument, never mind the dubious grounds on which Arar was arrested (he had worked with the brother of a suspected terrorist in the past, and had never even met the guy himself)—as these grounds have indeed been proven dubious as of late. Never mind that, though he was “detained” on 26 September, 2002 in New York and held captive ever since, he was never once charged with a crime. Never mind that our current PM, emblem of honesty and transparency in government that he purports to be, can't even be brought to apologize to Arar now that he's been proven innocent, all because of petty political squabbling about which party was in power when US authorities were (falsely) tipped off. Never mind that evidence obtained by torture can never be admissible, no matter what the political circumstances, and for reasons which hardly merit explanation.

And by all means, pay no heed to US Attorney General Alberto Gonzales' remark that his government “would never knowingly ship a suspect terrorist to another country if it believed that person would be tortured”—that

a high-ranking member of the US government would tell a bald-faced lie to its people is, I think, beyond debate at this point.

Indeed, deporting suspects to countries where torture is conveniently overlooked is precisely the US' policy of so-called “extraordinary rendition” for extracting information out of so-called “illegal enemy combatants.” This is what Guantanamo Bay is used for, and it also explains why since 2001, an estimated 150 other suspected “illegal enemy combatants” have been shipped off to Syria, Egypt and other countries as well.

The truth is, many countries and governments are at fault here: Canada, the US, Syria. There's no one right answer for the Arar scandal, as it will likely come to be known, and even if Canada apologizes and reforms its ways, it's unlikely the other two aforementioned nations will.

Instead, let us focus on the specific issue of whether a government has the right to break laws concerning personal liberty and safety when it comes to the interests of national security. This argument is completely bogus, and undermines the notion of civil liberties—as well as such hijacked and overused expressions as freedom and democracy—altogether. After all, if the rules only apply some of the time, then what's the point of having them? The argument that such rule-bending methods are working doesn't hold water either, because, as the Maher Arar case has just proven, the US is wrong at least some of the time.

Another, more high-minded argument that gets hauled out in such cases goes something like this: without taking whatever measures necessary to protect national security, all other laws become theoretical. In other words, if we don't protect national security, there will soon be

no nation to protect.

This argument seems to suggest that if Canada (or any other country for that matter) were to allow civil liberties to continue in the status quo, we would become more prone to terrorist attacks, and furthermore that if we were prone to enough terrorism, our country would eventually cease to exist as a political (and possibly physical) entity. But suppose some obvious, symbolic terrorist attack occurs on our soil—as direct result, for the sake of argument, from intelligence failure stemming directly from unchecked civil liberties—such as the destruction of the CN Tower or even the Parliament buildings. Would our country as a whole cease to exist? Of course not.

Suppose a far more destructive force were unleashed on us—a much-feared but as-yet unrealized bout of biological terror, say—which killed fully 99 per cent of our population. Would our country cease to exist then? Though it would certainly bring Canada to its geopolitical knees, the answer is still no. In fact, barring some sort of fully militarized empirical conquest, the end of Canada as we know it seems highly improbable.

Moreover, what's the one empire that exists right now that has the military might to accomplish such a feat? Our friendly neighbours to the South, of course—and they're the ones who claim to be preventing such exaggerated situations from happening in the first place. At any rate, it's certainly not a dispersed, apolitical entity such as Al-Qaeda that will spell an end to our nation-state. So until and unless this reality changes, let's stand up for ourselves in a non-militaristic way by continuing to live as the “free” and “democratic” nation that we're so keen on defending in the first place—if those terms still have any meaning left.

Canada, RCMP to blame in Arar case



MATT
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In the mistreatment of Canadian Maher Arar, it's easy to point fingers at the Syrian government, who allowed him to be brutally beaten and tortured; or the US Administration, whose counter-terrorism policies led to Arar's extradition to Syria; unfortunately, however, the bulk of the blame falls squarely on Canada.

The case was grossly and unacceptably mishandled by the RCMP, as has been proved by Justice Dennis O'Connor's commission of inquiry into the case. In my mind, it's clear that the RCMP fell victim to the sensationalism surrounding 9/11, and were only too quick to peg him as a potential terrorist.

The absolute failing of the RCMP isn't just a simple case of a Muslim man being taken for a terrorist, however. The Mounties blatantly misrepresented the facts about Arar, and worked to conceal their missteps once their errors were known internally. According to O'Connor, the RCMP characterized Arar and his wife as Islamic extremists with links to al-Qaeda, and gave their information to the US without

checking its veracity. For example, in an error that would be hilarious if the situation wasn't so dire, the RCMP told the Americans that Arar was in Washington on 11 September, 2001, when in fact he was in San Diego.

Officials also didn't believe Arar's statement that he'd been tortured; and, once torture was suspected, the RCMP failed to work to expedite Arar's release. These are but a few of the many mistakes that led, directly, to Arar's deportation and subsequent torture as a terrorist suspect, and the decimation of his livelihood and reputation.

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Back in Edmonton, the *Journal* ran an editorial on Tuesday entitled “What's delaying Whyte case?” They

asked why, three months after the fact, we have yet to hear anything from Edmonton police concerning the alleged assault of Kristin Wilson by an Edmonton officer during the Oilers playoff run. The case is not all that ambiguous, either, as *Journal* photographer Jimmy Jeong's images captured the assault frame-by-frame, complete with bloodied face.

Delays in such a case, especially when they're seemingly unnecessary, make us question the honesty and integrity of the Edmonton Police Service as a whole. The *Journal* has it completely right when they claim that this speaks to the “enormous amount of power police have in society.” It's crucially important that this power is wielded properly—and when it isn't, that those accountable are dealt with authoritatively, or else the public has little cause to respect peace officers.

On a much larger scale, the same is true for the RCMP and Maher Arar. The Mounties fucked up, big time. O'Connor's commission found absolutely no evidence that Arar was a terrorist or that he posed a threat to Canadian security, nor that he had committed any illegal acts. The cost of ruining a man's life cannot be paid by simple inquiry and apology. As Canadians, we should expect real explanations and decisive change—so let's start with giving RCMP Commissioner Giuliano Zaccardelli the pink slip.

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