

2007

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## Recommended Citation

Neve. 2007. "Extraordinary Rendition, the Canadian Edition: National Security and Challenges to the Global Ban on Torture." *Societies Without Borders* 2 (1): 117-130.  
Available at: <https://scholarlycommons.law.case.edu/swb/vol2/iss1/8>

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*Societies Without Borders* 2 (2007) 117–130

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## Extraordinary Rendition, the Canadian Edition: National Security and Challenges to the Global Ban on Torture

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Received 18 April 2006; accepted 10 May 2006

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### Abstract

Since the September 11th terrorist attacks in the United States, concerns that counter-terrorism laws and practices are directly and indirectly causing human rights violations have mounted. Much of the international focus has been on the United States. This paper highlights, however, that it is a debate with a truly global dimension. The author examines particular concerns that Canadian law enforcement and security agencies may have been complicit in the imprisonment and torture abroad of Canadian citizens who were of interest in the context of national security investigations. The cases are situated in the wider debate about torture that has emerged worldwide in recent years, and argues that any move to create exceptions to the absolute prohibition of torture, enshrined in numerous international treaties, would lead to both injustice and insecurity.

### Rendición extraordinaria, versión canadiense: la seguridad nacional y los retos de la prohibición internacional de la tortura

Desde los ataques terroristas en Estados Unidos del 11 de Septiembre, crece la preocupación de que las leyes y prácticas antiterroristas producen directa e indirectamente violaciones de derechos humanos. El principal foco de atención han sido los Estados Unidos. Los puntos principales de esta ponencia reflejan que se trata de un debate con verdadera dimensión internacional. Su autor examina particularmente la posible complicidad de las autoridades canadienses en la captura y tortura internacional de ciudadanos canadienses. Estos casos se sitúan en el más amplio debate sobre la tortura que se viene desarrollando internacionalmente en estos años y la ponencia argumenta que cualquier tendencia a crear excepciones a la prohibición absoluta de la tortura, contenida en numerosos tratados internacionales, conducirá a la vez a la injusticia y a la seguridad.

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DOI: 10.1163/187188607X163293

### La rendition extraordinaire, l'édition canadienne: sécurité nationale et défis à l'interdiction globale de la torture

Depuis le 11 septembre les attaques terroristes aux Etats-Unis, les soucis que les lois et les pratiques contre-terroristes entraînent directement et indirectement des violations de droits de l'homme montent. En grande partie, le regard international reste sur les Etats-Unis. Cet article accentue, cependant, que c'est une discussion dans une dimension véritablement globale. L'auteur examine des intérêts particuliers que les agences canadiennes d'application de loi et de sécurité ont pu avoir été complicités dans l'emprisonnement et la torture des citoyens canadiens qui étaient d'intérêt dans le contexte des investigations de sécurité nationale. Les cas sont situés au cours de la discussion plus large au sujet de la torture qui apparaît dans le monde entier ces dernières années, et arguent du fait que tout mouvement de créer des exceptions à la prohibition absolue de la torture, enchâssée dans de nombreux traités internationaux, mènerait à l'injustice et à l'insécurité.

#### Keywords

renditions, torture, extraordinary rendition, Canada, national security

### Introduction

*The beating started that day and was very intense for a week, and then less intense for another week. That second and the third days were the worst. I could hear other prisoners being tortured, and screaming and screaming. The cable is a black electrical cable, about two inches thick. They hit me with it everywhere on my body. Where they hit me with the cables, my skin turned blue for two or three weeks, but there was no bleeding. At the end of each day, they would always say, "Tomorrow will be harder for you." So each night, I could not sleep – I did not sleep for the first four days, and slept no more than two hours a day for about two months.*

*They immediately started beating me very hard. The beating was very different than in Syria – it was as if they were trained in martial arts. My hands were cuffed behind my back, and I was still hooded. They kicked me all over my body, and I was sent flying all over the room. Then they forced me to crouch down low, which caused a lot of pain in my knee. If I tried to move, or fell forward, they would beat me. They were yelling at me and insulting my family members and my religion. They asked me about my sister, who was living in Egypt. They said she was being held in the next room and that they were going to rape her. I felt completely broken, and collapsed, and started to repeat the false confession he had given in Syria, because I thought it was what they wanted to hear.*

*The interrogator told me to take off my jacket, shoes and socks. He told me to lie on the floor with my stomach down, my head on the floor, my hands behind my back and my legs up. They lashed the soles of my feet and it felt like they were pouring lava on me. I flipped because of the pain and they ordered me to lie back on my stomach. One person stood on my head, the other on my back, and they took turns beating my feet and kicking me with their wooden-*

*soled shoes. They questioned me while they beat me. They would occasionally pour cold water on my feet and legs, and then ask me to stand and jog on the spot before lying on my stomach for more beating. I think that was to ensure I could still feel the pain from the beating. The torture continued until I told them what they wanted to hear – I lied and told them I knew Osama Bin Laden.*

*I was told to undress, but for my underwear. I was made to lie on the ground on my stomach. I was soaked with cold water and a ceiling fan was put on. I was interrogated again. The officers did not like my answers. I was made to lift my legs, still lying on my stomach. The soles of my feet were lashed with a cable more than a dozen times. I was told to stand and they poured cold water on my feet. I was made to walk, while standing in one place for ten minutes. Then they repeated the same process twice more. Each time I was asked for more information. They called me a liar, when I had nothing new to say to them. I was sent back to my cell and told I would be called back for more questions and that I had better think more about my answers. I could not walk for a number of days after this session. I lived with the constant fear that it would be repeated. I could not sleep. Every time any guard came to the door I was afraid.*

These are harrowing words sadly all too familiar to human rights groups like Amnesty International. Words heard from so many corners of the world, so many different governments. Words that convey the horror and the pain of torture. These words arise in the context of the vigorous, deeply worrying debate about security and human rights that has arisen in the world since September 11th. And what is more these three voices remind us that there is a Canadian face, a Canadian cost and possible Canadian fault in this new global security climate. Those are the harrowing, very painful words of four Canadian citizens: Maher Arar describing torture he experienced in Syria, Ahmad El Maati, describing torture in Egypt, and Abdullah Almalki and Muayyed Nureddin, torture in Syria.

On 26 September 2002 Maher Arar was pulled aside by an immigration officer while transiting through JFK Airport in New York City. Over the coming 12 months he was imprisoned in the United States, then briefly in Jordan and finally in Syria: lost in a nightmare of lawlessness, torture and abuse. Never told what specific allegations had been made against him, he endured extensive interrogations in the United States and Syria, none of which were carried out in the presence of legal counsel. Never given a chance to confront his accusers, or refute the allegations, he was severely tortured in Syria and held in abysmal prison conditions without access to natural or artificial light for months on end. To bring the agonizing torture and mistreatment to an end, he confessed to anything that his Syrian captors demanded of him.

On 12 November 2001 Ahmad El Maati was arrested upon arrival at the airport in Damascus, Syria, where he was traveling to join his new wife. He was held in incommunicado detention, his arrest never acknowledged by Syrian authorities, his whereabouts never disclosed to his family. He was subjected to brutal torture and extensive interrogation in Syria until January 25, 2002 at which point in time he was secretly transferred to Egypt. He remained in detention in Egypt, where the torture continued, in fact intensified. His Egyptian jailors refused to release him, despite a number of court orders requiring his release, until he was finally freed on January 11, 2004.

### **Background**

On 3 May 2002 Abdullah Almalki was arrested upon arrival at the airport in Damascus, Syria. Having heard that his grandmother was ill, he was returning to Syria for the first time since his family had emigrated to Canada 15 years earlier. He remained in prison until 10 March 2004. He was tortured extensively. He was interrogated relentlessly. He was never allowed legal representation or consular assistance.

On 11 December 2003 Muayyed Nureddin, a Canadian citizen of Iraqi descent, was arrested when he sought to cross the border between Iraq and Syria, en route back to Canada after a visit with his family in northern Iraq. He was imprisoned until 13 January 2004, given no consular or legal assistance, and like the others before him was interrogated and subjected to torture.

Throughout their time in detention and then increasingly following their return to Canada, all of these men have been haunted by the very disturbing likelihood that Canadian officials – directly or indirectly, actively or passively, officially or unofficially – had a hand in what had happened to them.

### **Analysis**

The human rights concerns that arise in all of these cases are serious and wide-ranging, including the rights to be protected from torture, not to be arbitrarily arrested and detained, to have a fair trial, to be free from discrimination and not be treated unequally due to religion, ethnicity or national origin, to be held in humane prison conditions, to have consular access, and to have privacy. All of these men face the long-term challenge of recovering

from torture. They feel that their public reputations have been sorely damaged by allegations that they have been involved in or supported terrorist activities, and have not been able to defend themselves as the specifics of the allegations have never been disclosed to them.

Having suffered serious human rights violations these men have understandably looked for justice, for there to be remedy for what they have been through. Justice can play an important role in the healing process for survivors of grave abuses such as torture. But justice has not been there for them. The prospect of turning to the courts of Jordan, Syria or Egypt for accountability and redress is illusory. The Canadian government takes the position that they cannot use the Canadian courts to sue those foreign governments because Canada's *State Immunity Act* shields other governments from civil suits (even for harm as egregious and universally criminal as torture).

A judicial inquiry, the Commission of Inquiry into the actions of Canadian officials in relation to Maher Arar (the Arar Inquiry), offers what can potentially be a profoundly important means of justice for Mr. Arar. (If able to overcome the substantial levels of secrecy the government has foisted upon what is meant to be a public inquiry.) The other three men at present have nothing to look to – despite repeated calls from Amnesty International, leading newspaper editorials, various politicians, and even the UN Human Rights Committee, all calling on the Canadian government to ensure that a public inquiry or some other process of independent review of their cases is launched. Those calls continue to be cavalierly and blithely rebuffed by the government.

### Canadian Involvement

What is at play in these cases? Is it just some inexplicable twist of fate that four Canadians, of varying degrees of interest in Canadian national security investigations found themselves in Syrian jail cells? Sadly, it is virtually certain that this goes far beyond mere fate and coincidence. We have to consider that we have possibly been dealing with what we might call: *extraordinary rendition, the Canadian edition*. Extraordinary rendition – arrested in an airport, abducted in a foreign country, detained at a border crossing – and then bundled off to jail cells in foreign countries where torture is the norm and where the rule of law quite simply does not apply. Extraordinary rendition is one of the most significant human rights concerns that has emerged post-September 11th – a practice that has existed for some time in the shadows of

law enforcement and security operations, but is now more commonplace and well-documented.

Most international attention to date has focused on the US practice of extra-ordinary rendition. There are growing numbers of reports of individuals against whom allegations of involvement in or support for terrorist activities have been made, being arrested, detained or simply abducted directly by US officials or with their tacit involvement, sometimes in the United States and sometimes abroad. These individuals then find themselves dealt with outside existing legal frameworks, certainly denied due process and other essential human rights protections. They ultimately end up being furtively sent to countries with abysmal human rights records, where they are subjected to extensive interrogation frequently marked by torture and cruel treatment. The inevitable conclusion in such cases is that US officials may have turned to other regimes to commit torture on their behalf. The range of countries involved – both those from which individuals have been bundled off and those to which they have been bundled away is becoming dizzying: Syria, Egypt, Sweden, Gambia, Bosnia, Italy, Morocco, Yemen, and more.

Maher Arar's case is of course a very clear example of the US model of extraordinary rendition. He was stopped by US officials while transiting through New York's John F. Kennedy Airport on his way home to Canada. Rather than allow him to return to Canada or even deport him back to Canada, after nearly two weeks of detention in the United States, he was taken out of his prison cell in the middle of the night and flown halfway around the world on a private jet, leading to one year of detention without charge or trial in Syria, where he was subjected to extensive interrogations, severe torture and inhumane prison conditions.

But that is the United States – and US authorities have always insisted that the decisions about why, when, how to send Maher Arar to Syria was theirs and theirs alone. However, these four cases raise yet-unanswered questions as to whether Canadian law enforcement and security agencies may have conducted their own version of extraordinary renditions, "rendition-lite" if you will. No dramatic flights on CIA spy planes in the middle of the night. This is Canada after all, a much more modest nation. In all four of these cases there are allegations of contact between Canadian officials and Syrian and Egyptian authorities before and/or during the detention. The allegations raise the prospect that Canadian officials may have provided information that directly led to their arrests and may have even done so with the expectation or with wilful blindness to the likelihood that it would result in their arrests. It also appears that information provided by Canadian sources

likely served as the basis for the interrogation sessions in Syria and Egypt during which these individuals were subjected to torture. There are further concerns that information coming out of these interrogations was then transferred back to Canada and may have been used by Canadian officials in the course of ongoing investigations of these four men and other individuals.<sup>1</sup> International law makes it very clear that information obtained under torture should not be relied upon and that it is illegal to make use of such information in the course of legal proceedings.

All of this leads to the worrying possibility that Canadian officials may have intentionally or with wilful blindness turned to Syrian security agencies to take action in these cases rather than doing so within Canada's own legal framework, despite the well-documented practice of torture and arbitrary detention in similar cases in Syria. The concerns give rise to a number of crucial questions. Did their arrests come about as a result of information that was provided by Canadian agencies? Did their arrests come about as a result of some sort of request made by Canadian agencies? Did information from Canada form the basis of the interrogations they experienced in jail in Syria? Did Canadian interest in the results of the interrogation sessions interfere in any way with diplomatic efforts to protect the fundamental rights of these men while they were in detention? What use was made of the confessions and information obtained during the various interrogation sessions and in particular, did information from one interrogation flow into any of the other cases, including Mr. Arar's?

All four of these men were held in the same detention centre in Damascus – the Palestine Branch of the Syrian military intelligence. It defies belief to think that it just a tragic coincidence. Mr. El Maati was the first to be arrested, on November 11, 2001. He was held in Syria for several months before being transferred to Egypt. A few months later, while Mr. El Maati was still in detention in Egypt, Mr. Almalki was arrested – on 4 May 2002. Mr. Arar was sent to Syria in October 2002 – and for one year afterwards, all three of those men remained in prison. Mr. Nureddin was arrested in December 2003 – the timing of which is particularly shocking, given that there had just recently at that time been an unparalleled amount of public concern expressed in response to Mr. Arar's public telling of his story.

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<sup>1</sup>) Amnesty International, Canada 2006.

And what points to Canadian involvement? Here are just a few concerns.<sup>2</sup>

- allegations that interrogations in Syria seemed to follow the same script as earlier questioning at the hands of Canadian law enforcement or security agencies.
- allegations that documents from Canada may have been used in the course of interrogation sessions, including a notorious map that was once confiscated from the cab of Mr. El Maati's truck while he was crossing into the United States. Considered suspicious, described as some sort of blueprint for terrorist bombings in Ottawa, this map has been proven by the *Globe and Mail* to have been a simple standard issue photocopied map of an innocuous office complex in western Ottawa. It showed up however during brutal torture and interrogation sessions in Egypt.<sup>3</sup>
- allegations that Canadian security agencies were well-informed of the progress and nature of interrogation sessions and of plans for release from rison.
- allegations that Canadian security agencies informed a family member back in Canada that they might be able to secure one detainee's release, under certain circumstances.
- allegations that information obtained under torture from one man might have in turn been used against another, and another, in files kept by Syrian and/or Canadian officials.

And on and on go the questions. Extraordinary rendition, the Canadian edition – no spy planes and abductions in the middle of the night; but possibly some well-timed phone calls, very active information sharing – all to the same end: no justice, no accountability, no rule of law, just serious, very serious human rights violations.

### So What Needs to Happen?

First, there absolutely must be a full, public, and independent review of all instances of Canadian citizens whose cases involve allegations of involvement in or support for terrorist activities and who have been detained abroad in countries where the protection of their basic human rights was at risk, and

<sup>2</sup>) Amnesty International, Canada 2006.

<sup>3</sup>) Sallot 2005.

where circumstances suggest that Canadian officials may have directly or indirectly facilitated or tolerated their arrest and imprisonment. The review must lead to discipline or criminal prosecution of anyone whose conduct has breached policies or protocols or broken any laws. The review should also include an appropriate mechanism for awarding compensation.

But even without any such public inquiry taking place – beyond the inquiry of course that is looking specifically at Mr. Arar’s case – it is already clear that Canadian law and practice has to be amended in two very important respects. First, recognizing that intelligence and information sharing between Canada and other countries will continue and is in fact a necessary practice, Canada must develop human rights protocols that will govern such arrangements. Second, Canadian law must explicitly prohibit any law enforcement or security practices that intentionally or recklessly expose individuals to the risk of serious human rights violations such as torture, in Canada or abroad.

Behind these cases lies something much bigger – the global debate about the status of the absolute ban on torture in our post September 11th world. It lurks behind what happened to these men. It also of course is at the centre of the Canadian governments continuing assertion that it can and will deport individuals who it considers to pose some sort of threat to national security back to countries where they will face torture, a position that has been criticized four times now by high-level UN human rights bodies. The UN has repeatedly insisted that Canadian law be amended so as to be consistent with the absolute ban on torture, including deportation to torture.

While the practice of torture has continued to be rampant worldwide, until recently, until September 11th, we were at least reasonably assured that its legal status as something that is absolutely, unequivocally forbidden, both at international and national law, was certain. The struggle was not to establish the legal norm. The struggle was to ensure compliance with the norm.

The global ban on torture is enshrined in numerous international human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. The most explicit statement of the unequivocal nature of the ban comes in the UN Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment:

No exceptional circumstance whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

But lately the certainty reflected in these critically important human rights treaties has begun to slip. There is perhaps no clearer indication of how serious the challenge to the outright ban on torture has become than to consider the frequent and very public suggestions by US civil libertarian and Harvard law professor Alan Dershowitz. He said the following on CNN:

We should never under any circumstances allow low-level people to administer torture. If torture is going to be administered as a last resort in the ticking-bomb case, to save enormous numbers of lives, it ought to be done openly, with accountability, with approval by the president of the United States or by a Supreme Court justice... we could use a torture warrant, which puts a heavy burden on the government to demonstrate by factual evidence the necessity to administer this horrible, horrible technique of torture. I would talk about non-lethal torture, say, a sterilized needle underneath the nail, which would violate the Geneva Accords, but you know, countries all over the world violate the Geneva Accords. They do it secretly and hypothetically, the way the French did it in Algeria. If we ever came close to doing it, and we don't know whether this is such a case, I think we would want to do it with accountability and openly and not adopt the way of the hypocrite.<sup>4</sup>

What Professor Dershowitz wants us to do openly and with accountability is a vicious, ugly plague: a ravaging, painful and despicable plague that still, after centuries and centuries, haunts our planet. Just consider the facts. In a study released as part of a global campaign against torture carried out by Amnesty International worldwide in 2000 and 2001 we noted that torture is reported to occur in 150 nations around the world. That is more than three-quarters of the world's states. In half of those countries torture was widespread, pervasive and systematic. In 50 of those countries children were tortured.<sup>5</sup>

Amnesty International, and many groups, have said therefore that this is the time when governments should resolutely commit themselves to doing everything possible to eradicate and abolish torture – within their own borders and in other states – through law reform, political action, public education and much more.

And while it is a formidable, daunting challenge, there is much to build on in that effort. Torture is universally banned in major human rights treaties at

<sup>4</sup>) Dershowitz, "Torture could be justified," CNN Access, 4 March 2003, CNN International, Law Center, <http://edition.cnn.com/2003/LAW/03/03/cnna.Dershowitz/>.

<sup>5</sup>) Amnesty International, *Take a Step to Stamp out Torture*, AI Index: ACT 40/13/00, October 2000.

the international level – the UN – and regional level – bodies such as the Organization of American States, the Council of Europe and the African Union. And not just internationally – nationally – countries the world over have banned torture in their constitutions and other laws. They have also enacted laws making it clear that individuals who commit torture will face justice.<sup>6</sup> And increasingly governments recognize that the responsibility to bring torturers to justice transcend borders – such that a Canadian court must be prepared to bring a Malaysian torturer to justice, a Malaysian a Zimbabwean, and a Zimbabwean court a Canadian torturer. That is, the wonderful, powerful principle of universal justice that was affirmed for instance by the British House of Commons in its 1999 Pinochet decision and which stands at the heart of the International Criminal Court.<sup>7</sup> Justice in the face of torture is a shared global duty.

Splendid treaties, strong constitutions, and new judicial institutions, laws with global reach: it all sounds very promising. But the numbers, the prevalence of torture, and the wrenching individual stories, such as the three with which this essay opens, bring us very much down to earth. There is a wide, wide gap between the promises governments have made to end torture and the reality of torture in prisons, in war, in homes around the world.

Given that gap, the new debate about torture and security and suggestions from Professor Dershowitz and others that we should consider legalizing and regulating that gap, are very, very worrying. At a time when efforts should be redoubled to close the gap between the promise and the reality of a torture-free world, governments have seized on the post September 11th security environment as an opportunity to advance the argument that torture might occasionally be justified.

The response to torture allegations in this era of new security has varied. Often it has been to deny the allegations – an age-old defense to accusations

<sup>6</sup> For instance, article 28 of the Syrian Constitution, “no one may be tortured physically or mentally or treated in a humiliating manner” and article 42 of the Egyptian Constitution: “any person arrested, detained or has his freedom restricted shall be treated in the manner concomitant with the preservation of his dignity. No physical or moral harm is to be inflicted upon him.”

<sup>7</sup> *Regina v. Bartle and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet*.

*Regina v. Evans and Another and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet*. 1999, 24 March 1999, <http://www.parliament.the-stationery-office.co.uk/pa/ld199899/ldjudgmt/jd990324/pino1.htm>.

of human rights violations. Other times it is to dismiss the allegations as being about something other than torture: it is not torture, it is a “stress and duress” interrogation, aggressive questioning, or the CIA’s enhanced interrogation techniques, for instance.

But beyond denying, beyond distinguishing, there have been growing suggestions that society should simply bite the bullet and accept that in some circumstances torture is a necessity. To the extent that Dershowitz proposes the judicially authorized torture warrants – which would allow torture in limited, exceptional cases, under court supervision. And in Canada we continue to see unwillingness on the part of our government and our judges to take a firm stand against torture in an immigration context, exhibiting instead a willingness to deport to torture when security concerns have been put on the table.

And regrettably that position was at least partially endorsed by the Supreme Court of Canada in early 2002 in the Suresh judgment, which stopped short of requiring full compliance with Canada’s international obligations not to deport anyone, anyone to torture, by leaving open an undefined window of extraordinary circumstances which would justify such action when sufficiently pressing security concerns were at stake.<sup>8</sup>

The argument of course is a variant on the scenario whereby police have someone in custody, someone thought to have planted a bomb somewhere which is poised to explode, likely killing many passers-by. Would it not be better to use a bit of torture to get the information about the bomb’s location and thus save lives? Today it is the al-Qaeda scenario. Someone is in custody, thought to have al-Qaeda links. What if torture would result in information that helps crack an al-Qaeda cell and thus thwart a terrorist attack? Why not send him off to Syria and see what they can get out of him? We do not necessarily like torture – but might it sometimes serve a greater common good?

The answer quite simply – absolutely not!

No, we cannot allow it. And we must resist any movement in this direction. We must resist for any number of reasons, three of which I would like to touch on.

First, it is fallacious. I am not a law enforcement expert. But those who are have said repeatedly that you do not get good, reliable information by trying to beat it out of people. You may have the wrong person or even if you do not, most people will say anything to bring the horror of torture to an end. They

<sup>8</sup>) *Suresh v. Canada (Minister of Citizenship and Immigration)* 2002.

will say anything, finger anyone. And more likely than not, it will not be the truth. Here is one expert on interrogation techniques, Patrick McDonald, from his 1993 manual *Make'em Talk: Principles of Military Interrogation*:<sup>9</sup>

Torture will often cause a source to say or do whatever he believes the interrogator wants him to. Truth or personal beliefs become irrelevant to the soldier faced with mutilation, pain, discomfort or death.

And that, of course, is precisely what Maher Arar has said: *"I was ready to confess to anything if it would stop the torture."*

In some instances the torture may strengthen the resolve of the person being tortured not to provide any information, not to cooperate in any way – a martyr's complex of sorts. The end result may well be to detract law enforcement officers from solid policing and intelligence work – the kind of work that would give rise to good leads and reliable information.

1) Torturers do not help enhance security, they simply torture.

Second, where do we draw the line? Allowing any torture is to take the first step down a long, slippery slope. Where would it stop? If we can torture the suspected terrorist, can we torture someone who might know where the suspected terrorist is hiding? His sister? Neighbor? Someone who shares his political views? Religion? Comes from the same country? Someone who knows a person, who knows a person, who knows a person, who knows the suspect's sister? The reality is that the line simply does not get drawn. When torture is excused, or allowed, its use does not remain confined and limited. Quite the contrary, its use grows and expands. Behind the rhetoric of fighting terrorism, waging a war, or routing out criminals, the ugly tentacles of torture reach out and claim more and more victims.

2) Once we allow torture it knows no bounds.

But it is the third point that is truly the most important. Quite simply we must resist any attempt to justify or legalize torture because we must. When international human rights documents like the Universal Declaration of Human Rights were drafted 50 years ago they put it clearly: *article 5: No one shall be subjected to torture.*

<sup>9</sup>) McDonald 1993.

That is not just post-WWII, dewy-eyed hopefulness. It is a bedrock principle, still entirely applicable. No one. No how. No way. It does not go on to qualify that with “except”, “unless” or “this does not apply when...” And every human rights treaty that followed these simple words from 1948 has taken the same firm stand. No one.

Because torture, by its very nature, destroys the basic sense of physical and mental integrity that lies at the heart of human dignity, that is at the foundation of the very notion of fundamental human rights. And this must hold even when societies are faced with threats such as terrorism. To respond to terrorism with the terror of torture does not take us to a better, more secure world. Instead it simply fuels and continues the horrifying cycles of violence and revenge which lead to war and spark acts of torture. We remain trapped in a world which meets violence with violence. A world which creates more victims, more resentment, more fear.

- 3) Torture, of anyone, anywhere demeans us all and breeds greater insecurity not enhanced security.

Now is not the time to consider opening up exceptions to the ban on torture. Now is not the time to leave unanswered questions about any government's policy and practice when it comes to torture. Now is not the time to limit and curtail justice and accountability for survivors of torture. Now is not the time for Canada to send anyone, anywhere to the waiting arms of a torturer.

Now *is* the time, more than ever, to double, to triple our collective, global efforts to bring it to a global end.

## References

- Amnesty International, Canada 2006. *A Chronology of “Non-Accountability”: The Efforts to Seek Answers and Ensure Accountability for Ahmad El Maati, Abdullah Almalki and Muayyed Nureddin*, [http://www.amnesty.ca/archives/resources/non\\_accountability\\_chron.pdf](http://www.amnesty.ca/archives/resources/non_accountability_chron.pdf).
- Sallot, Jeff 2005. “*It was hyped as a TERRORIST map It was cited by Egyptian TORTURERS It is a VISITOR’S GUIDE to Ottawa*,” *Globe and Mail*, September 6: p. A1.
- Dershowitz, Alan 2003. “Torture could be justified,” *CNN Access*, March 4, 2003, *CNN International, Law Center*, <http://edition.cnn.com/2003/LAW/03/03/cnna.Dershowitz/>.
- McDonald, Patrick 1993, July. *Make ‘em Talk: Principles of Military Interrogation*, Boulder, CO: Paladin Press.

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