

When rights are abused

Civil liberties and the rule of law should not be sacrificed in the name of counter-terrorism and state security, speakers told a McGill University conference.

"I don't think you need to torture people or hold people indefinitely without trial to achieve security goals," said Montreal-based human rights lawyer Pearl Eliades at a symposium on counterterrorism and human rights organized by the university's law faculty. "This results in the long term in a disintegration of the social fabric. You can't have security without justice."

Canadian security forces have been complicit in such violations by sharing information with countries that systematically indulge in them, said Paul Champ, who specializes in civil rights law and has represented, among others, Canadian Omar Khadr, who was charged with terrorist activity by the U.S. and subjected to torture at the Guantanamo Bay detention facility.

"When you do that, they're saying in effect to that country that what they're doing is okay," he said. "Those agencies are acting in a very reckless manner."

The agencies in question, the RCMP and the Canadian Security and Intelligence Service, must be subjected to closer and more effective civilian scrutiny, a succession of speakers said.

"When there is no scrutiny or accountability, that's when abuses occur," Champ said.

Among the speakers was Paul Kennedy, former CSIS counsel and until recently the RCMP's complaints commissioner, who said he called for greater oversight of the force during the four years he occupied the post.

"The problem is that the current civilian oversight model is virtually blocked from looking at any kind of that activity because it falls under one of the confidentiality regimes," he said.

"I'm saying that if the public wants to maintain its trust in the police, you have to have an effective civilian oversight model."

Kennedy said he was encouraged that Ottawa is responding to his complaints with the announcement that \$8 million will be allocated for a revamped RCMP oversight commission. What's needed, he said, is a body with access to all RCMP files and power to subpoena documents and compel people to testify.

"It's clear that there are sensitive files that can't be put in the public domain. What you can have is a third party with access to all information that can make a public report," he said. "It's not going to expose all the things that will damage an operation or people, but that gives the public confidence that an independent third party is giving assurances as to whether there's a problem or not with what the force is doing."

Another speaker was Maher Arar, a McGill alumnus who was a victim of a classic case of security service bungling when faulty data supplied by Canadian authorities caused him to be deported to Syria by the U.S., where he was held and tortured for a year before being released and later cleared by a public inquiry.

Arar said Canada should reconsider its intelligence-sharing arrangement with the U.S., given that country's record of human rights violations in the name of counterterrorism.

"Unfortunately, the U.S. as a country that respects the rule of law, or used to respect the rule of law, is no more the country that we used to know," he said. "In my case, the Canadian passport was not respected. It's time we reconsidered our partnership."

hbauch@thegazette.canwest.com

Â© Copyright (c) The Montreal Gazette