



## CSIS grilled trio in Cuba

**Interrogation of former Montrealer being used to justify his indefinite detention, lawyer says**

July 27, 2008

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NATIONAL SECURITY REPORTER

When agents from Canada's spy service were given access to Guantanamo Bay in February 2003, it wasn't just 16-year-old Omar Khadr they were coming to see.

They wanted to interrogate three other detainees who were not Canadian but had once lived in Montreal.

As one agent interviewed Khadr over four days, two other agents tried to get what information they could from the former Canadian residents.

No one from the federal government, or the Canadian Security Intelligence Service, will discuss the cases involving Algerians Djamel Ameziane and Ahcene Zemiri, and Mauritanian Mohamedou Ould Slahi.

But Canadian and American government officials interviewed by the *Toronto Star* confirm there were three CSIS employees on the private jet that took the Canadians to the U.S. naval base at Guantanamo, Cuba, from Washington in early 2003. Another group travelled to the base in September 2003.

The *Star* also independently confirmed that the identity of the "Canadian government representative" that was given to Ameziane during the February 2003 interrogation was a CSIS agent. (The *Star* is prohibited by law from revealing the names of the CSIS agents.)

Canada's spy service has the power to gather intelligence pertaining to the country's security. With warnings in 2003 that another attack on Western soil was imminent, CSIS was eager to learn what they could from the Guantanamo detainees.

But CSIS's visit also raises a question that has dogged the spy service for years: How did CSIS share the information they gathered and what responsibility does Canada have to ensure the intelligence was used legally?

Justice Dennis O'Connor, who headed the inquiry into the Maher Arar affair, warned in his 2006 report that while information sharing is vital for intelligence agencies trying to thwart possible terrorist attacks, it is a "highly sensitive and potentially risky exercise."

"It is crucial that the shared information be accurate and that assessments of it be correct," O'Connor wrote.

He concluded later in his report: "If it is determined that there is a credible risk that the Canadian interactions would render Canada complicit in torture or create the perception that Canada condones the use of torture, then a decision should be made that no interaction is to take place."

The U.S. Supreme Court ruled in 2006 that Guantanamo was operating outside the law during the time CSIS agents visited. In a related decision this year, Canada's Supreme Court concluded that Canadian authorities acted illegally.

A lawyer for Ameziane, who lived in Montreal in the late 1990s, now says he believes the Pentagon is using CSIS information to justify his client's indefinite detention.

"Canadian interrogators were very clearly participating in illegal interrogations and they were providing information to the United States that they knew would be used to further his unlawful detention," Wells Dixon, a New York lawyer with the Center for Constitutional Rights, said in an interview.

Ameziane, who met with a French-speaking Canadian interrogator for four hours in February 2003, was later surprised to hear the same information being used against him in an administrative hearing at Guantanamo.

Ameziane, 41, has been detained in solitary confinement for much of his detention at Guantanamo and is not one of the detainees the Pentagon intends to try for war crimes. He is accused of conspiring with Al Qaeda or the Taliban and living in a guesthouse run by an Al Qaeda specialist before his capture.

The case of Slahi may also lead to questions about the involvement of Canada's spy service. Slahi is accused of being part of Al Qaeda's inner circle and suspected of helping assemble the Hamburg cell in Germany that included three of the 9/11 hijacker pilots. However, he has never been charged since the prosecutor assigned to his case refused to proceed.

Marine Lt.-Col. V. Stuart Couch, a pilot and lawyer, quit after he concluded Slahi had been tortured into making confessions. Those statements were the core of the government's case and would be inadmissible under U.S. and international law, Couch told the *Wall Street Journal*, so he decided he couldn't support charges.

Zemiri, who was arrested in Afghanistan after 9/11, remains one of the 275 detainees in Guantanamo whose fates are uncertain.