

## THE GLOBE AND MAIL

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### Cannon letter supports Arar's request for U.S. appeal

By Foreign Minister's letter to Supreme Court says Canadian's suit would not harm Canada-U.S. relations  
Globe and Mail Update

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Mahar Arar's quest to force the U.S. government to come clean about why he was shipped by the Bush administration to Syria and tortured has been bolstered by a letter from Foreign Minister Lawrence Cannon, who rejects claims that the truth could damage Canada-U.S. relations.

In an unprecedented move, Mr. Cannon has backed Mr. Arar's effort to have America's nine Supreme Court justices consider his appeal.

"The government of Canada confirms that it does not have reason to believe that Mr. Arar's civil suit in the United States would risk harming relations between Canada and the United States," the minister confirmed in an April 15 letter. It has now been filed, along with a legal brief from the Center for Constitutional Rights, petitioning the Supreme Court to hear Mr. Arar's case.

Mr. Arar's U.S. lawyers hope Mr. Cannon's letter will undermine the Obama administration ongoing efforts to keep secret the Bush administration reasons for arresting the Canadian citizen as he changed planes in New York and sending him against his will to Syria, where he spent nearly a year in prison.

"We're very disappointed to see the Obama administration continuing to use the same arguments advanced by the Bush administration," said Katherine Gallagher, of the Center for Constitutional Rights.

Another CCR attorney, David Cole, said: "The U.S. government has used the excuse of interference with foreign relations to shield its officials from accountability for Maher Arar's torture since this case began. Canada's assertion that its interests will not be undermined by trying Maher Arar's case calls the United States's bluff, and strongly supports review. It is time for accountability at home."

In what amounts to a last-chance legal effort, Mr. Arar wants the Supreme Court to hear his case and overturn the Court of Appeals that ruled against him. That court found the case raised issues of national security that could upset relations with Canada.

It also ruled - wrongly according to Mr. Arar's lawyers - that Mr. Arar was sent to Syria because "Canada was evidently unwilling to receive him."

At the request of Mr. Arar's Canadian lawyers, Mr. Cannon wrote a letter asserting that bilateral relations would not be

harm if the case proceeded. Mr. Cannon also wrote: "The Government of Canada confirms that it has not at any time opposed Mr. Arar's entry to Canada."

It remains unclear what - if any - weight either the Obama administration or the U.S. Supreme Court will give Mr. Cannon's assurances.

In his U.S. lawsuit, Mr. Arar alleges that U.S. officials, including then-attorney-general John Ashcroft - "conspired with Syrian officials to have him tortured in Syria, delivered Mr. Arar to his torturers, provided them with a dossier on him and questions to ask him and obtained the answers tortured out of him," The Center for Constitutional Rights said in a statement.

Canada paid Mr. Arar \$10-million and Canadian Prime Minister Stephen Harper publicly apologized for the role Canadian police and intelligence agents played in falsely fingering Mr. Arar as an Islamic extremist to U.S. intelligence services.

For years, the Harper government failed to get the Bush administration to publicly disclose any details or remove Mr. Arar from the U.S. no-fly and no-entry lists.

Hopes that the arrival of Mr. Obama in the White House would change things have so far proved optimistic.


It's nearly four years since Mr. Harper demanded the "United States government come clean with its version of events, to acknowledge ... the deficiencies and inappropriate conduct that occurred in this case, particularly vis-à-vis its relationship with the Canadian government."

Soon after Mr. Obama became President, Mr. Cannon told Mr. Arar in an e-mail that he would press the case with the new administration. "It has now been more than one year since President Obama took office, which we trust has been sufficient time for you and the Canadian government to develop relationships with this new administration," Mr. Arar's Canadian lawyer, Paul Champ, wrote to Mr. Cannon in February, seeking the letter of support.

Mr. Harper was forthright in his insistence that "Canada has every right to go to bat for one of its citizens when the government believes a Canadian is being unfairly treated," following the refusal of the Bush administration to take Mr. Arar off the no-fly list three years ago.

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