

THE GLOBE AND MAIL

February 23, 2010

CSIS 'contributed indirectly' to Canadian's mistreatment in Mideast

By Bill Curry
The Globe and Mail

Judge releases previously classified material on case of Ahmad Abou-Elmaati, one of three men detained abroad after the Sept. 11 terrorist attacks

A judge has released new, previously-classified information he says shows CSIS played an indirect role in the mistreatment of a Canadian man detained in Egypt after Sept. 11.

Nearly a year and a half has passed since Mr. Justice Frank Iacobucci released his final report into the cases of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin - three Canadian men detained abroad and allegedly tortured.

In a supplemental report [http://www.iacobucciinquiry.ca/pdfs/supplement-to-public-report_2010-01-23_en.pdf] released today, Judge Iacobucci writes that there was some information he wanted to release in his October, 2008, report [<http://www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-en.pdf>] but the government prevented disclosure on national security grounds. After fighting that decision, he is now able to release that new material.

It shows that in June of 2002, CSIS officials sent a message to the Egyptians stating that Mr. Elmaati could possibly have been involved in a plan to commit a terrorist act in Canada. Officials with the agency then travelled to Egypt with a list of prepared questions.

Judge Iacobucci's report states that CSIS officials confirmed they did not ask about Mr. Elmaati's well-being and did not consider human rights to be their responsibility.

Judget Iacobucci's supplemental report - Feb. 23, 2010 [<http://www.scribd.com/doc/27336765/judget-iacobucci-s-supplemental-report-feb-23-2010>]

"In my view, the Service's June 2002 correspondence with Egyptian authorities, preparation of questions, and travel to Egypt for the purpose of obtaining information concerning Mr. Elmaati - all without consultation with DFAIT [the Department of Foreign Affairs] - likely contributed indirectly to Mr. Elmaati's mistreatment in Egypt," states the report, which concludes CSIS should have considered the potential consequences of its actions.

"Several witnesses, from both CSIS and the RCMP, told the Inquiry that it was not the responsibility of intelligence or law enforcement officials to be concerned about the human rights of a Canadian detainee, which were for DFAIT alone to consider. This approach, is not, in my opinion, satisfactory."

The supplemental report concludes by noting that CSIS and the Department of Foreign Affairs have since agreed to improve consultation and co-operation when it comes to consular cases that have a national security dimension.

Mr. El Maati was first detained by Syrian authorities on Nov. 12, 2001 - a month after the Sept. 11 terrorist attacks in the United States - when he travelled to Damascus for a wedding.

He was held in Syria for more than two months before being flown to Egypt in late January, 2002. He was released without charges on Jan. 13, 2004.

In his Oct. 2008 report, Judge Iacobucci stated that while in Syrian and Egyptian detention, Mr. Elmaati "suffered mistreatment amounting to torture."

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