

**Backgrounder:
Questions the public needs answered in the
El Maati, Almalki and Nureddin cases**

October 9, 2007

Written by Kerry Pither for Amnesty International, the British Columbia Civil Liberties Association, the Canadian Arab Federation, the Canadian Council on American Islamic Relations, the Canadian Muslim Civil Liberties Association and the International Civil Liberties Monitoring Group, organizations with Intervenor Status at the Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou El Maati and Muayyed Nureddin.

Like Maher Arar, Ahmad El Maati, Abdullah Almalki and Muayyed Nureddin are Canadian Muslim men who were detained and tortured overseas after learning they were of interest to Canadian investigators. They were all taken to the same Syrian detention centre — the *Far Falestin*, or Palestine Branch — of the Syrian Military Intelligence. All were tortured. All were interrogated by the same Syrian officials, who accused them of links to terrorism using information and questions that could only have originated with Canadian agencies. As in the case of Mr. Arar, unnamed Canadian officials used the media to publicly accuse Mr. El Maati and Mr. Almalki of having ties to al-Qaeda. No Canadian official has admitted to making these accusations in the media, and no evidence has ever been produced to back their claims. Like Mr. Arar, Messrs. El Maati, Almalki and Nureddin were eventually released without charge and returned to Canada. All have called for a process which will expose the truth about the role of Canadian agencies in what happened to them, and which will help them clear their names and rebuild their lives.

- **Mr. Ahmad El Maati** was on his way to celebrate his wedding in Syria when he was detained at the Damascus airport on November 12, 2001. He was taken to the Palestine Branch of the Syrian Military Intelligence and kept in a dark, underground cell measuring only three by six by seven feet. He was repeatedly tortured and interrogated about information that could only have originated in Canada. He was forced to sign documents he was not permitted to read. Recently released portions of the Arar Commission report revealed that his so-called confession was used to justify warrants in Canada. On January 25, 2002, he was transferred by air to Egypt, where he was subjected to further torture and interrogation until his release almost two years later on January 11, 2004. In total, Mr. El Maati had been held for two years, two months and two days, most of which was in solitary confinement. He has never been charged with any crime.
- **Mr. Abdullah Almalki** was on his way to visit family in Syria when he was detained at the Damascus airport on May 3, 2002. He was taken to the Palestine Branch of the Syrian Military Intelligence, where he was repeatedly tortured and interrogated and forced to sign documents he was not permitted to read. The Arar Report has revealed that some of the questions he was asked came from the RCMP. He was held in a dark, underground cell, measuring only three by six by seven feet, for more than one year and three months until being transferred to another Syrian prison in August, 2003. Mr. Almalki was finally released on March 10, 2004, after more than twenty-two months in detention. Mr. Almalki has never been charged with any crime.
- **Mr. Nureddin** was detained by Syrian officials on December 11, 2003 as he crossed the Iraqi-Syrian border on his way back to Canada after visiting family in northern Iraq. He was taken to the Palestine Branch of the Syrian Military Intelligence, where he was repeatedly tortured and interrogated. Syrian interrogators asked Mr. Nureddin the same questions he had been asked by officials in Canada, and forced him to sign documents he was not permitted to read. He was kept in an

underground cell before being released on January 13, 2004, after thirty-four days in detention. Mr. Nureddin has never been charged with any crime.

THE PATTERN OF INVESTIGATIVE PRACTICES

In the Arar Report, Justice O'Connor describes a pattern of investigative practices behind the cases of *Messrs. El Maati, Almalki and Nureddin*, saying:

- Canadian agencies shared information with foreign agencies that they could use to detain or arrest Canadians.¹
- Canadian agencies shared information with foreign agencies about Canadians they held in detention — information that could be used in interrogations or legal proceedings against the detainees.²
- Canadian agencies continued to pursue investigations of Canadians while they were being detained abroad, “sometimes in conflict with or to the prejudice of diplomatic efforts to have those Canadians released to Canada.”³ Justice O'Connor says this included submitting questions to be asked of Canadians, pursuing the possibility of conducting interviews abroad, and sharing information with foreign agencies for use when questioning Canadians.⁴
- Canadian agencies accepted or relied upon “information that might be the product of torture without conducting an adequate reliability assessment to determine whether or not torture had been involved,” and were “dismissive” or careless about allegations of torture.⁵
- Canadian agencies notified American agencies whenever a Canadian suspected of terrorism-related activities travelled outside of Canada for any reason, and informed American agencies about their intended destinations. Justice O'Connor says that given American practice at the time, it is likely that the American agencies in turn notified the country of destination.⁶

A PATTERN OF COMPLICITY IN DETENTION AND TORTURE

- The Arar Report has confirmed that Mr. El Maati, Mr. Almalki and Mr. Arar were all under investigation by the RCMP's Projects A and A-O Canada before being detained abroad. Mr. Nureddin was questioned by CSIS before he was detained abroad.
- **All of the men were detained while travelling outside Canada.** Like Mr. Arar, Mr. El Maati and Mr. Almalki were **detained and tortured in countries where they**

¹ *Arar Commission Report, Analysis and Recommendations, p.275*

² *Ibid, p.275*

³ *Ibid, p.275*

⁴ *Ibid, p.275*

⁵ *Ibid, p.275*

⁶ *Ibid, p.275-276.*

held dual citizenship, which was said to have made it difficult to work for their release. Mr. El Maati was held incommunicado for almost two months in Syria before being transferred to Egypt. Although his mother is Syrian, he does not hold Syrian citizenship, but has Egyptian citizenship through his father. Both Mr. Arar and Mr. Almalki have dual Canadian/Syrian citizenship.

- **There is no indication that the governments or agencies of the countries where these men were detained, interrogated and tortured had their own reasons to detain these men.** Mr. El Maati had travelled to Syria twice in 2001 without problems before travelling there again in November that year and being detained. He had not been to Egypt since he was a young teenager. Like Mr. Arar, Mr. Almalki left Syria as a teenager and had not been back since. He had obtained an official deferral for his military service requirements before travelling to Syria.
- **All were detained, interrogated and tortured at the Palestine Branch** of the Syrian Military Intelligence. All were interrogated by the same Syrian Military Intelligence officials.
- During their interrogations, *Messrs.* El Maati, Almalki and Nureddin **were all asked questions that could only have originated with Canadian investigators** — and which, it might reasonably be inferred, were intended to elicit answers which would advance Canadian investigations. The Arar Report says that at least one set of questions for Mr. Almalki came from the RCMP and were provided to the Syrian Military Intelligence through the Canadian consul —an exchange facilitated by the Canadian ambassador to Syria.⁷ Previously redacted and recently released portions of the Arar Report also show that the so-called confession extracted from Mr. El Maati by his Syrian interrogators was used to justify a telephone warrant in Canada.⁸
- **All of these men were tortured.** Dr. Stephen Toope was appointed by the Arar Commission to investigate and report on Mr. Arar’s treatment in Syrian and Jordanian detention, and its effects upon him and his family. In the course of fulfilling his mandate, Dr. Toope interviewed *Messrs.* El Maati, Almalki and Nureddin, who each provided detailed accounts of their detention, torture and interrogation in Syria. Dr. Toope concluded that all of their stories were credible,⁹ and that they had all suffered “severe physical and psychological trauma while in detention in Syria.”¹⁰
- Like Mr. Arar, Mr. El Maati and Mr. Almalki have **been implicated by unnamed government and/or intelligence officials in media reports** as having ties to al-Qaeda, both before and after their release. No Canadian official has admitted making these accusations in the media, and no evidence has ever been produced to back their claims.

⁷ *Arar Commission Report, Factual Background, Vol. I, p. 343-345.*

⁸ *Arar Commission Report, Addendum, Analysis and Recommendations, p. 127-127a.*

⁹ *Report of the Events Relating to Maher Arar (“Toope Report”), p. 13.*

¹⁰ *Ibid.*

SOME OF THE MANY QUESTIONS WE NEED ANSWERED

Organizations with Intervenor Status at the Iacobucci Inquiry have prepared an extensive chronology of the available public information on these cases, and the questions raised by this public information. This chronology is available on the Iacobucci Inquiry web site at: <http://www.iacobucciinquiry.ca/pdfs/hearings/2007-04-12-Annex-I-Chronology.pdf>. It is essential to the public interest that all of these questions are fully explored by the Iacobucci Inquiry and comprehensively addressed and answered in the Inquiry's public report. Following are just some of those questions:

- The Arar Report says Canadian officials provided information to American agencies that unjustifiably characterized Mr Arar and his wife as "Islamic Extremist individuals suspected of being linked to Al Qaeda movement," and that this very likely led to the U.S. decision to send Mr. Arar to Syria. Were Mr. El Maati, Mr. Almalki or Mr. Nureddin unjustifiably characterized in the same way in communications with foreign governments, and if so, did this play a role in their detention and treatment abroad?
- Did Canadian agencies play any role in the Syrian detention of Mr. El Maati, Mr. Almalki or Mr. Nureddin? The Arar Report says that prior to Mr. El Maati's November 11, 2001 departure from Canada for Syria, the RCMP exchanged information with U.S. authorities, and that it is reasonable to assume that Syria was informed, and that the RCMP was aware that the U.S. authorities had informed Syrian authorities of his arrival there. Did they do the same when Mr. Almalki and Mr. Nureddin travelled abroad?
- Mr. El Maati remembers being followed to the airport in Toronto, questioned there before boarding his flight, and then followed on his flights to Frankfurt and Vienna en-route to Syria on November 11 and 12, 2001. Did Canadian agencies monitor his travel to Syria? Were any of the men who appear to have followed Mr. El Maati from Canadian agencies?
- Did Canadian agencies play any role in Mr. El Maati's January 2002 transfer from Syria to Egyptian detention? Was Mr. El Maati transferred to Egypt because it would be more difficult to work for his release there, given his dual Canadian/Egyptian citizenship?
- The Arar Report says that the RCMP sent questions to the Syrian Military Intelligence to use in their interrogations of Mr. Almalki. While Justice O'Connor finds that the RCMP did not send questions for Mr. El Maati to any foreign agency, we do not know whether CSIS or any other Canadian agency did so, directly or indirectly.¹¹ What other involvement did Canadian agencies have in providing information that was used during interrogations Mr. El Maati in Syria and Egypt, and Mr. Almalki and Mr. Nureddin in Syria?
- Recently released, previously redacted portions of the Arar Report show that a so-called confession made by Mr. El Maati in Syria was used to justify a telephone

¹¹ *Arar Commission Report, Factual Background, Volume 1, p. 106.*

warrant in Canada.¹² The newly released information also reveals that when applying for the search warrants executed in Ottawa, Toronto and other cities on January 22, 2002, the RCMP “relied on information from a country with a poor human rights record.”¹³ Was this information also the product of Syrian interrogations of Ahmad El Maati? When and how did Canadian agencies receive this kind of information from Syrian and Egyptian agencies? What other information did Canadian agencies receive from Syria or Egypt that may have been the product of torture? How else have Canadian officials made use of information that may have been the product of the torture of these men?

- Why did Mr. Almalki spend more than twenty-two months in Syrian detention without receiving a consular visit from Canadian officials? Why did Mr. El Maati not receive any consular visits from Canadian officials until August 12, 2002, after nine months of incommunicado detention? What efforts did Canadian officials make to secure consular visits with these men?
- The Arar Report says that Canadian agencies continued their investigations of Mr. Almalki and Mr. El Maati while they were in detention by pursuing the possibility of interviewing them there. Mr. El Maati says that during consular visits, Canadian officials, in front of Egyptian officials, were openly preoccupied with getting him to agree to meet in Egyptian detention with Canadian intelligence officials. Mr. El Maati says he was later tortured with electric shock by his Egyptian interrogators in order to pressure him to agree to meet with these Canadian investigators. Did these officials consider the impact of their actions on how these men were being treated, or on efforts to secure their release?
- As in the case of Mr. Arar, unnamed Canadian officials used the media to accuse Mr. El Maati and Mr. Almalki of links to al-Qaeda. Which Canadian officials and agencies made these anonymous allegations in the media and why? Were they relying on information that was very likely the product of torture? Was this, as in the case of Mr. Arar, an intentional campaign by Canadian officials to harm the reputations of Mr. El Maati and Mr. Almalki? What impact did this have on their treatment in detention, and on efforts to secure their release? What impact did these allegations of the existence of an al-Qaeda “terror cell” in Ottawa have on the broader public?
- Did Canadian agencies and officials intentionally impede efforts by the men’s families, human rights groups, and other Canadian officials to have these men released from custody and returned home? If so, why?
- After being released, Mr. Almalki sought refuge in the Canadian embassy in Damascus. Canadian embassy officials accompanied Mr. Arar and Mr. Nureddin home. Why did they refuse to do the same for Mr. El Maati and Mr. Almalki when they were released?

¹² *Arar Commission Report, Addendum, Analysis and Recommendations*, p. 127-127a.

¹³ *Ibid.*, p. 99.