Dark Days: The Story of Four Canadians Tortured in the Name of Fighting Terror

by Kerry Pither, Forward by Maher Arar
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Reviewed by Mike Larsen

To say that Canada's national security community has an accountability problem is an understatement. While the bodies responsible for providing review or oversight for the various components of this system have their own particular deficiencies, the system as a whole lacks anything resembling a meaningful top-town oversight mechanism (Whitaker and Farson, 2009). This is problematic, as Canadian national security activities – particularly post-2001 – have taken on an increasingly integrated and collaborative character, both nationally and transnationally. A good example of this is Project A-O Canada, an immediate post-11 September 2001 anti-terrorism investigation led by the RCMP, but linked to CSIS and, through the sharing of information, to a host of other agencies. Information compiled by Ottawa RCMP officers would eventually, through a complex series of interactions, contribute to the extrajudicial kidnapping and removal-to-torture of four Canadian men. No single body had – or at present, has – the authority or capacity to oversee the range of inter-agency actions that led to these violations (Larsen and Deisman, 2008). When the questions surrounding these 'extraordinary renditions' eventually became too big to ignore – something that required sustained pressure campaigns by committed justice coalitions – the Canadian government did what it traditionally does when confronted with such scandals: it created large-scale, post-hoc, single-issue inquiries – one comparatively public in the form of a Royal Commission, one an 'internal investigation' – empowered to investigate and report, but not to issue binding recommendations or make findings of criminal wrongdoing.[1]

After releasing its final report, a Commission of Inquiry is effectively dissolved, and the ball is placed in the government's court as to whether and how to respond. It is in the vested interests of governments not to broadcast their own scandals or shortcomings, and this, coupled with the swift migration of the media to more current stories, tends to mean that inquiries and the events they examine quickly fade from the public eye. The tendency to treat an inquiry as the final chapter in a scandal rather than the launching point for public dialogue and meaningful reform contributes to a sort of voluntary amnesia or collective apathy, evidenced by repeated calls to "get on with things" or "look forward,

not backwards". One consequence of this is that governments face no real or sustained pressure to take seriously the recommendations of commissions of inquiry. Another consequence is that the stories of those victimized by national security scandals are often overlooked, and their voices effectively silenced, both by the aforementioned media migration and by the nature of inquiries themselves, which tend to focus on the actions or inactions of officials and systems. The often-horrific accounts of the people whose lives were interrupted and irrevocably altered by the actions of the Canadian national security state tend to get lost in a sea of sound-bites or buried in mountains of paperwork – and there they remain, unless someone takes the time and care to piece them together and present them to the public.

This is precisely what Kerry Pither has done in *Dark Days*. Written in a compelling journalistic style, her book presents the collected accounts of the victims of A-O Canada and related operations – Maher Arar, Ahmad El Maati, Abdullah Almaki and Muayyed Nureddin – who were 'rendered', imprisoned, and tortured with the knowledge and complicity of Canadian officials. Pither references the public inquiries into these events, but her focus is on the lived experiences of the men and their families. Based on five years of extensive interviews, *Dark Days* is a carefully-researched and well-documented volume that provides a human perspective on these cases, supplementing the public record with descriptions of the sights, sounds, and smells of Syrian and Egyptian prisons, and the thoughts and feelings of the men detained and tortured there. The accounts often make for uncomfortable reading, as well they should. For example:

> In the beginning, the cell had seemed like a refuge for him. Now it was another form of torture. Each day that passed felt like a year. The worst thing, he says, was not knowing what would happen next. "Were they going to kill me? Were they going to torture me?" Finally, he had what he calls a nervous crisis: "I got to a point where memories would crowd my mind, one after the other, one after the other, very quickly, and then I'd just scream. I would lose control and scream for ten seconds. My heart would start beating wildly. After that I could not breathe well and felt dizzy. This happened a few times … and no one responded", Maher says. (p. 227).

> … Haitham asked the other man to get a cable, then ordered Muayyed to crawl into the corner and bend his knees so his feet were in the air. Haitham took the cable and whipped the soles of Muayyed's feet. The pain, Muayyed says, feels like hot water is being pouring [sic] on a bad burn. "It's like fire on your skin. I

> was screaming and begging him to stop, but he just kept beating, beating, beating". (p. 341).

These narratives reveal the details of experiences that are often sanitized through the application of euphemisms like 'extraordinary rendition' and 'enhanced interrogation'. They describe sequences of events in which individuals find their assumptions about the nature of government and the sanctity of human rights violently ruptured by the intrusion of naked force. I was particularly moved by Pither's description of Almalki's account of the first physical abuse he experienced at the hands of his captors in Damascus:

> Then it came. A slap, hard, across the face.
>
> Abdullah's whole world shifted at that moment. For the first time in his adult life, he had no control. His skills, his confidence, his upbringing couldn't help him now. There was no negotiating with these people. This was a totally different world. "That slap changed everything. He took away my humanity and crushed my dignity", he says. (p. 117).

Dark Days is structured around chronologically-organized sections within larger thematic chapters, and this format allows the reader to develop an understanding of the flow of events and interconnections between the cases. The text jumps back and forth between the claustrophobic and isolated carceral spaces in which the men were detained and tortured, and the halls of power in Canada in which Canadian officials managed their involvement in the cases. This structure effectively breaks down the artificial boundaries constructed between the bureaucracy 'here' and events 'over there', tying experiences to official actions and inactions. Pither is unafraid to name names or to draw conclusions based on her analysis, though she makes a point of acknowledging the presumption of innocence in her discussion of the actions of government officials – ironically, the same presumption that was clearly denied the men whose stories she tells. Importantly, she also draws attention to the role played by journalists willing to act as stenographers to power as opposed to a responsible fourth estate in matters of national security. Pither insists on the importance of historical context, arguing that incompetence and downright maliciousness that characterized national security investigations in the post-11 September 2001 context must be understood in relation to general government pressure to be seen to 'do something' about terrorism, and, more specifically, in relation to the desire to overcompensate for the "Ressam effect" (p. 35).[2]

The text begins with an Author's Note, in which Pither suggests that the purpose of the book is to present the four stories, and in so doing ask whether and to what extent the presumption of innocence has become a casualty of the so-called 'war on terrorism' (p. xvii). This certainly seems to have happened in these cases, which are tied together by the theme of guilt by association and by fluid transitions from official suspicion to coercive force in the absence of anything resembling due process. It must be underlined that, despite their arrest, imprisonment and torture, none of the four men – all Muslims, coincidentally – were ever charged or convicted of any wrongdoing, much less involvement in terrorism. Presently, they occupy the position of perpetual lingering stigma that is associated with persons alleged – but never demonstrated – to have connections to terrorism by a government; innocent, but forever tarnished by the experience. Maher Arar remarks on this in his forward to the text, noting that "these stories are real; they happened to real people, people who have wives, children, parents, and friends. They all have been harmed in different ways, but the harm has been profound and lasting. [They] satisfied the need for a scapegoat, for some sort of proof that the "war on terror" was going well" (p. xvi). Both Arar and Pither draw attention to the lingering effects of this mistreatment and perpetual stigma, in terms of physical and psychological impacts on the men and their families, and in terms of damage to social status and employability.

It is difficult to criticize *Dark Days* based on its content, which is comprehensive and compellingly-presented, and certainly accomplishes what it sets out to do. Instead, my critique must take the form of a wish list of things that might have been addressed or included. For example, I would have appreciated the inclusion of a short chapter dedicated to situating these four cases of removal to torture within a broader socio-historical and transnational context.[3] Additional commentary on past misconduct by the Canadian national security state would also have been useful. Beyond this, I would have liked to read some additional remarks from Pither about the activities of the activist campaigns that mobilized in support of these men, particularly with regards to public relations tactics and the pursuit of accountability. Pither herself was a principal figure in the formulation of these movements and a public spokesperson. Most of all, I would have liked to see some broader engagement with the literature on prisons and torture, and particularly on victim accounts. Having stated these wishes, I note that including these elements would have required considerably more than 460 pages, and would likely have reduced the accessibility of the text. Further, it might well have detracted from the central storytelling goal of the book.

Ultimately, Pither has provided us with a rich compilation of

narratives about a period of *Dark Days* in the history of the Canadian national security state, and her text ought to serve as a launching point for analysis, contextualization and further exploration. Above all, the accounts presented here should serve as an antidote to collective amnesia. We have yet to tackle many of the broader issues raised by these cases, and have accepted platitudes and assurances in place of concrete reforms. This may be possible for those whose knowledge of Canada's involvement in extraordinary rendition is limited to official accounts and intermittent press coverage, but it is hard to imagine complacency in the face of the visceral accounts presented in *Dark Days*.

Endnotes

[1] The Royal Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, chaired by Justice Dennis O'Connor, was established on February 5, 2004. O'Connor issued a voluminous report on September 18, 2006. O'Connor exonerated Arar of any wrongdoing, and, based on conclusions drawn by Commission fact finder Professor Stephen Toope, formally acknowledged that he had been subjected to physical and psychological torture at the hands of his captors. Because the terms and conditions of the Inquiry were tied to an examination of the RCMP, O'Connor was limited in his ability to speak about the role that other Canadian agencies – much less foreign agencies – played in the mistreatment of Maher Arar. The Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin was established on December 11, 2006, and was chaired by the Honourable Frank Iacobucci. This Inquiry was considerably less public. Iacobucci released his final report in October 2008. The public versions of these reports, although limited in scope, provide invaluable insights into the events surrounding the systematic abandonment, dehumanization and torture of persons deemed suspicious by a government eager to protect cross-border trade by appeasing its Imperial neighbour by appearing to 'act tough' on terror in the post-11 September 2001 context.

[2] Ahmed Ressam, dubbed the "millennium bomber", was an Algerian refugee claimant who was stopped by a United States customs inspector trying to cross the Canada-U.S. border in 1999. He was carrying explosives and bomb components, and later confessed to planning to commit acts of terrorism at the Los Angeles International Airport. Ressam had been under investigation by CSIS for some time, but Canadian officials were unaware of the particulars of his plans. The case became a symbol to Americans of the perceived threat posed by terrorists based in Canada. Despite the absence of a 'Canadian connection' in the September 11, 2001

terrorist attacks, Canadian officials felt pressure to respond to renewed anxieties about 'infiltration from the north', resulting in both an amplified securitization of migration policy and the 'better safe than sorry' mentality that governed A-O Canada and related operations.

[3] Note that Pither does include some commentary on other Canadians subjected to official abandonment in the contemporary context, including Abousfain Abdelrazik, who was only recently repatriated from a Kafka-esque legal limbo in Sudan that resulted from the Canadian government's refusal to advocate on his behalf.

References

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About the Reviewer

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