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Imperialists Wield Deadly Force in Haiti; International Opposition Grows

By Roger Annis

Roger Annis, co-editor of Socialist Voice*, is a Haiti solidarity activist in Vancouver, B.C. and a member of the International Association of Machinists. This article was written for the U.S. monthly newspaper Socialist Action. This version has been slightly expanded with more recent news. For regular news on Haiti, go to Haiti Action Committee.*

Eighteen months after an imperialist invasion that overthrew the elected government of Haiti, a ferocious repression continues to rain down on the people of that country. The three invading countries—the United States, France, and Canada—appointed an illegal coup regime and have armed and trained rightist gangs and police agencies to enforce its rule.

The coup regime and its armed gangs now rule the streets and countryside of Haiti, together with a United Nations-sponsored occupation force. They are carrying out a bloody campaign to cripple the vast movement of Haitian people opposed to the coup.

The repression is targeting, above all, the Lavalas movement of the overthrown president, Jean-Bertrand Aristide. Aristide was elected president in 2000 by a vote of 92 percent. Two of the latest killing sprees took place in the capital city, Port au Prince, on Aug. 10 and August 21.

On August 10, the Haitian National Police entered the Bel Air district accompanied by plain-clothed thugs armed with machetes. As many as 10 people died from police bullets and machetes.

On August 21, police entered a soccer stadium filled with 5,000 people and halted a match in progress sponsored by the U.S. government aid agency U.S. Aid. The crowd was ordered to lay on the ground, and then police and plain-clothed thugs went through the crowd shooting or hacking with machetes those deemed to be supporters of Lavalas. People who tried to run from the stadium were shot or hacked to death.

The death count of this attack is as high as 50 people.

An international outcry followed an operation by United Nations troops in the Cite Soleil district of Port au Prince on July 6. At 3 a.m. on that morning, UN troops sealed off two neighborhoods with tanks and troops. Two helicopters flew overhead. At 4:30 a.m., troops went on the offensive, shooting into houses, shacks, a church, and a school with machine guns, tank fire, and tear gas. Leadership of the UN military forces in Haiti is assigned to Brazil.

Eyewitnesses reported that when people fled to escape the tear gas, UN troops gunned them down from the back. Journalists and human rights workers who entered Cite Soleil in the hours and days after the attacks also reported bullet holes in the roofs of buildings, confirming eyewitness accounts that the helicopters had fired.

At least 25 people were counted dead in the hours and days after the attack. Witnesses also saw UN forces carting away bodies that could not be found and counted.

Film footage and eyewitness accounts of the assault were shared with a labor and human rights delegation from the United States that entered Cite Soleil the following day. The delegation was sponsored by the San Francisco Labor Council and had been in Haiti to attend the Congress of the Confederation of Haitian Workers (CTH) and to interview Haitian workers, farmers, and professionals about the current labor and human rights situation in Haiti.

Seth Donnelly, a member of the delegation, spoke to "Democracy Now" radio network on July 11: "We went to the local hospital that serves people from Cite Soleil. It's run by Doctors Without Borders. It doesn't charge a fee, so very poor people can go to that hospital. … Their records show an influx of civilian casualties. Starting at 11 a.m. on July 6, there were 26 people alone from Cite Soleil that came in, suffering mostly from gunshot wounds. Out of that 26, 20 were women and children."

The target of the July 6 UN operation was Lavalas supporter Dread Wilme. He was assassinated by UN troops during the operation.

Thousands of political prisoners languish in Haiti's jails or are in internal exile. Among those in prison since last year are the prime minister under Aristide and longtime politician, Yvon Neptune; former interior minister Jocelerme Privert; and well-known singer/songwriter Annette Auguste.

Catholic priest Gerard Jean-Juste was apprehended and imprisoned last month, on July 21. He is one of the most well-known figures to oppose the post-coup regime and has traveled and spoken frequently in the United States on the human rights violations in Haiti.

Sham Election: Next Stage of Occupation

The foreign occupation forces in Haiti are preparing to stage three rounds of elections this autumn—municipal, national legislature, and presidential. They hope this will give legitimacy to their neocolonial rule. They are working intensely, and spending millions of dollars, to create a rightist political party with credibility, if not in Haiti, then at least abroad.

But so far, these elections fall short of the appearance of legitimacy. Thousands and tens of thousands of Haitians have demonstrated for the return of their constitution and their elected

government. They have shown they will not accept a sham election. Only twenty percent of the population, 840,000 out of four million people of voting age, has submitted to the occupiers' voter registration. Municipal elections that were planned for Oct. 9 have been postponed to a later, unspecified, date.

Most importantly, the Lavalas movement has said it will boycott the elections unless a series of minimal conditions are met. These would include the release of political prisoners, an end to the repression, disarming of rightist gangs, and a commitment for the withdrawal of foreign troops and police. One thousand people demonstrated for these demands on August 21 in Cap Haitien, Haiti's second largest city. Their demands also included the resignation of the coup regime and the right of return of all exiles, including Aristide.

Failure of the Occupation

As in Iraq, the occupation authorities have failed to bring improvement to the lives of ordinary Haitians. In fact, life has become much harder. Poverty and unemployment in nearly universal. Violence is endemic, coming directly from the actions of police, rightist thugs, and UN forces, or indirectly from desperate social conditions and the breakdown of the judicial system. Many social services have been dismantled.

The imperialist powers invaded Haiti in order to crush the popular movement that backed Aristide and brought him to power. The Haitian people used Aristide's election in 1990 and again in 2000 to try and improve their lot. That spirit animates the continued protests against the coup regime and the demands for the return of the ousted government and constitution.

Aristide's first government bent to the pressures and threats by imperialism. It accepted important concessions in economic and social policy as a condition of his restoration to power in 1994, following the first coup against him in 1991. But these concessions were not good enough for Haiti's neocolonial lords in Washington, Paris, and Ottawa. They refused to accept the results of the election in 2000 and embarked on a course to undo the results and overthrow his government. Aid money was sharply cut or eliminated.

Solidarity With Haiti Is Growing

There is a growing movement of awareness and solidarity with Haiti. On July 21, protests against the July 6 massacre were mounted in 13 U.S. cities, five Canadian cities, in Paris, and in Brazil. Many of the protests targeted embassies or consulates of Brazil because of that country's role as leader of the military component of the UN occupation force. Solidarity committees across the United States and Canada are gaining support and awareness as they campaign in support of the basic demands of the Haitian people.

A focus of this work is demanding the release of political prisoners. Twenty-nine members of the U.S. Congress have signed an appeal to the U.S. government calling for Father Gerard Jean-Juste's release. The appeal states, in part, "We write to express our profound concerns about the unjust imprisonment of Father Gerard Jean-Juste in Haiti. We urge you to take action at once to seek his immediate and unconditional release from prison."

In an August 31 statement from exile in South Africa, President Aristide called the release of Jean-Juste and all other political prisoners a pre-condition to the holding of any elections in Haiti.

Socialist Voice #64, September 8, 2005

A Long March Towards Justice: The Cuban Five in Atlanta

By Ricardo Alarcón de Quesada

(Ricardo Alarcón is Cuba's Vice President and President of its National Assembly. This article was published in Counterpunch, August 27-28, 2005)

> "The sun of justice shall rise,
> bearing salvation on its wings"
> (Malaquías, 4, 2)

On 9th August last, 28 months after the defendants had filed their arguments, the 11th Circuit Court of Appeals in Atlanta finally handed down its verdict reversing the unjust convictions imposed over four years ago by a Miami Court on five young Cuban anti-terrorism fighters. The decision of the Atlanta Court was in no way a precipitated one. The process enabling the defendants to exercise their right of appeal was long, complex and hazardous. They had to face a whole series of obstacles that breached principles and rules of both American and international law, which forced them to a defense in conditions that defy imagination. It seemed their case would never actually reach the superior court for its necessary review. Then, the judges in Atlanta in order to do justice dedicated to the case four times the period used by the shameful farce in Miami. [1]

The Atlanta decision has a truly historical significance.

To understand it, it is necessary to put it in context and to go over — albeit briefly — the events leading up to it.

On September 12th, 1998, the FBI arrested Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González and René González. They were accused of being unregistered agents of the Cuban government, whose mission was to infiltrate — with the aim of revealing their criminal plans — the terrorist groups that operate with impunity out of Miami. None of the men had criminal records; none had ever been accused of breaking any law or infringing any rule or regulation. They were unarmed and had never been involved in acts of violence or disturbances of any kind. They were nonetheless denied the possibility of applying for a release on bail.

On the contrary, from the very day of their arrest, they were put in solitary confinement — locked up in the infamous "hole", where they remained for a continuous period of 17 months. They were subjected to an entirely illegal punishment regime, restricted by US law to dangerous criminals who commit acts of violence inside the prison, and to a maximum of 60 days. They were prevented from mounting their defence while a massive, ruthless press campaign was unleashed in Miami with the participation of the prosecution, the FBI officials and the local authorities, portraying them as dangerous enemies guilty of the worst crimes, including the attempt "to destroy the United States". [2] Condemned in advance without trial or possibility of defence, they were subjected to a barrage of slander and threats.

But that was not enough for their accusers. To make quite sure that justice could not prevail, the government (with the agreement of the Miami Court) classified as secret the alleged “evidence”, much of which belonged to the defendants themselves and included family photographs, personal correspondence and recipes. The defendants and their attorneys were thus denied access to the material, while the government was able to arbitrarily use and manipulate it. The defence is still now awaiting permission to view this “evidence”. It has vainly claimed it time and again before the Miami Court and appealed in this connection to the Atlanta Court; it has still received no reply.

These were the circumstances in which the “trial” opened, on November 27th , 2000. 26 months had gone by since the day of the five men’s arrest. And let us not forget that they spent 17 of those 26 months buried in the “hole”.

The Miami judicial farce ended in June 2001 when a submissive, frightened jury, which had announced in advance the date and precise hour at which it would deliver its verdicts, found them guilty on all 26 counts, after deliberations lasting just a few hours and without asking a single question or expressing the slightest doubt. To cap it all, it found Gerardo Hernández guilty of something — the infamous Charge 3, first-degree murder — that the prosecution itself, in the knowledge that it could not be proved, had applied to withdraw it. [3]

Surprisingly, having arrived so quickly and easily at the desired verdict, the judge took six months to pronounce the sentences. She took as long as the “trial” itself. Why? Was she about to change or amend in some way the conduct of the jury? Was she trying to distance herself at least to some extent from the prosecution’s request?

Nothing of the sort. The disproportionate sentences were exactly those the government had proposed. Was it necessary to delay half a year to respond? Why the long wait?

At the end of the trial, the judge announced that she would proceed to sentence in September. While she took vacation, the five were returned to solitary confinement. This time, they remained in the “hole” for 48 days, and got out only after several efforts by their attorneys. This further arbitrary treatment had a clear purpose: to make preparation of their statements — their only opportunity to address the court — as difficult as possible. When the time came, instead of apologizing or seeking clemency, as convicted prisoners generally do, the five vigorously condemned the farcical proceedings and exposed the terrorists and the Government that supports and protects them.

But something else happened in September 2001. The odious crime committed on the 11th had shaken American society and the whole world; the judge decided to postpone the sentencing sessions. It was an unusual deferral: three months. It was not mourning of or homage to the victims of that atrocity which caused the delay. Rather, it was quite the opposite.

Her reasons were utterly different. What she and the government were proposing to do was, among other things, a gross affront to the victims of that fateful day. They needed to separate the two events by as large an interval as possible, and gain enough time to ensure maximum impunity, relying on the customary cooperation of the information-suppressing mass media.

The government was going to bring to a climax a manoeuvre designed to support and protect the terrorists with whom the Bush family has close and longstanding links, and to whom the current tenant of the White House had promised reward in kind for the scandalous fraud by which he obtained the presidency in 2000.

That was why, after seeking maximum sentences, the prosecution shamelessly introduced in court proceedings its immoral and illegal theory of "incapacitation": in addition to the exorbitant sentences imposed on the accused, they were to be subjected to very specific restrictions after their release, such that they could never again attempt any action against these murderers who are close friends of the Bush family and behave as if they owned Miami, from where they organize and openly vaunt their misdeeds against the Cuban people.

They could never again be free men. Beyond the years in prison, which included four life sentences, they were to suffer a special regime, a sort of unusual apartheid designed to protect the terrorists. Places were defined which they could not go near, locations they could not visit, streets they would be forbidden to walk in.

The agency tasked with enforcing these spurious, unconstitutional prohibitions would be the FBI. The same FBI that pursued them, mistreated them and fabricated the infamous accusation against them. The same FBI, incidentally, under whose nose most of the terrorists who attacked the American people on September 11th lived, freely moved about and were trained in the use of aircrafts as monstrous weapons.

The judge naturally welcomed the government's request and in the sentences pronounced on René González (15 years imprisonment) and Antonio Guerrero (life, plus ten years), both US citizens by birth, expressed the restrictions in the following terms: "As a further special condition of supervised release the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence, and organized crime figures are known to be or frequent". [4]

The defence attorneys immediately notified their intention to appeal to the relevant superior court. But, again, the long wait.

All 2002 went by before the Miami Court sent the case file to Atlanta, a prerequisite for the opening of the appeal process by the 11th Circuit Court of Appeals. In that year something happened that can only take place in Miami. In June, the US government appeared as defendant, before that same federal court, in a suit for an alleged employment discrimination which was indirectly related to Cuba (Ramírez vs. Ashcroft). Precisely a year before, this Court had condemned the five men after having tried them there, on the insistence of the prosecution who had claimed that Miami was a cosmopolitan centre where a fair and impartial trial for our heroic compatriots was possible.

Twelve months later, the same prosecutors unblushingly claimed the exact opposite: it was impossible to hold a proper trial of any case related to Cuba in Miami. They successfully requested that the proceedings be moved to another city. The same concession denied to the five men, who had applied for a change of venue time and again and invariably received the same cynical denial from those who, a little later and when it suited them, handed down a quick and

easy decision that admitted the truth. It is hard to find more conclusive proof of the fraudulent, gangster-like attitude of Miami's judges and prosecutors.

In response to this clear example of misconduct, the five men again applied for annulment of the trial against them and moving the case away from a venue now recognized — by judges and prosecutors — as entirely unsuitable. Incredibly, this defence motion based on the same logic and arguments as those advanced by the government was opposed by the prosecution and denied by the judge. All of them, remember, were Miami-based. For that reason, the Court of Appeals finding of August 9th, 2005 is largely based on this defence motion and censures the manifest injustice implied by its denial.

It was not until January 2003 that the case file arrived at the end of its long and eventful journey to Atlanta. The 11th Circuit Court of Appeals set April 7th as the date on which the five men were to file their appeals.

While the papers gathered dust in Miami, the defendants were transferred from there to the maximum security prisons where they have been held since the beginning of 2002 and where they remain to this day. The authorities that were so tardy when it came to sending the documents to the principal city of a neighbouring state, which is also one of the US's main centres of communication, lost no time in dispersing the five men to the remotest corners of American territory. Each in a different prison, in five different states, as far separated as possible from one another, from their attorneys and from their relatives.

Their families reside in Cuba and require American visas to visit them, visas that only have been granted after annoying and slow procedures. Unlike any other inmate, that elemental right has been denied to the Five: for three of them the visits have not been weekly, but one in a year, and the visas of Adriana Pérez, Gerardo's wife and Olga Salanueva, René's wife, have been systematically denied. Consequently, Ivette, Olga and René's daughter, could not visit her father either.

These were the conditions under which they were to prepare their appeals. All, naturally, in a foreign language. Without access to the "evidence", without the possibility of consulting each other, while communication with their attorneys was extremely limited. And subject to the severest prison regime under which, among other things, they were required to work to pay with their wages for the rigged trial they had undergone.

But, as the Bible says, "Our eyes can never see enough to be satisfied; our ears can never hear enough".

While the five defendants were immersed in this difficult, complex task, under the most hostile conditions vindictively imposed by the federal authorities, the latter's thirst for revenge and desire to obstruct justice were still not satisfied.

For such purposes, there was the "hole", and within that, the "box". And that is where they were confined from February 28th until March 31st , 2003. Each of them, in their five prisons, in the decisive month for their appeals, again in solitary confinement without any contact with the outside world. Moreover, they were now denied any communication with their attorneys, even

by telephone or letter, while all writing materials were confiscated — not a sheet of paper or a stub of pencil. One was left without clothes, in the middle of winter, and subjected to physical torture (noises, lights and shouting flooding the "box" twenty-four hours a day).

This time there was not even an attempt to disguise the government's purpose. The men were denied access to their legal documents and their attorneys were not allowed to communicate with their clients. These measures were controlled directly by the South Florida District Attorney's office. It was only international denounce and the tireless efforts of the defence attorneys that forced the authorities to "ease" these measures: Leonard Weinglass, Antonio Guerrero's attorney, was able to visit his client, but under such appalling conditions that he was barely able to verify the gross violations of the right to a defence. Weinglass denounced the situation before the Court of Appeals and requested more time for submitting Antonio's arguments which, because of the situation described, he had been unable to complete. In granting this request, Atlanta acknowledged that these measures had seriously infringed the rights of the accused and their defence attorneys. [5]

In outline, that was the long path travelled by the five men, to reach Atlanta. Getting there was a truly heroic deed.

What came afterwards were another two years of waiting. The three judges took that time to assess the appeal arguments of both sides, study the trial records and all the other material relating to the Miami farce, review the relevant legislation, hold a hearing (on March 10th, 2004) which exposed the shaky foundations of the government's arguments, seek additional information from prosecuting and defence lawyers, working towards their final conclusion revoking convictions and annulling the Miami "trial".

Their decision was announced on August 9th, 2005, but the five men are still being held in the same maximum-security prisons. They are locked up with people presumably convicted of various crimes, while they themselves are different from the rest of the inmates, being the only ones now without any conviction.

It is of no consequence to the US government that the Atlanta Court of Appeals has pronounced them free men against whom no legal sanction now remains. It was unmoved also in May of this year when a working group on arbitrary detention set up by the UN Human Rights Commission declared the incarceration of the five men since September 1998 arbitrary and illegal.

Two weeks have passed, out of the three the law allows the government, to request the Atlanta Court to revoke its finding. So far, Washington has not said whether it intends to do so. Indeed, it has just asked the Court for another month to decide whether to make the request.

Meanwhile, the five men remain isolated in five prisons for convicted criminals. They are suffering all the rigours of that situation, despite their false culpability had already been annulled by three honorable judges.

Now they are five kidnap victims of an administration that rides roughshod over the law everywhere. Not just in Abu Grahib and Guantánamo. Within US territory as well.

What is to be done? The time has come to shout it from the rooftops. To go on demanding their immediate release until it happens, unconditionally. Freedom now for the Cuban Five. Nothing more. Nothing less.

FOOTNOTES

[1] District Court No. 98-00721-CR-JAL. The document issued by the Atlanta Court is 93 pages long. The court's decision to reverse the convictions of the Miami Court and annul the previous "trial" was based on Miami's denial of the various requests to have the trial moved to another venue. In arriving at its decision, Atlanta found it necessary to "review the totality of the circumstances surrounding the trial", including the "evidence" submitted and other aspects of the earlier proceedings. The length of the document and the exhaustiveness of its coverage are unusual, as were the time taken to produce it and the complete unanimity of the three judges concerned. While what took place in Miami was a charade that shames the American legal system, Atlanta produced an example of professional ethics and rigour that goes beyond the bounds of the normal appeals process, to demonstrate the innocence of the five accused and expose the colossal injustice to which they fell victim.

[2] The employment of this argument, obviously false and aimed at pressuring the jury and encouraging and exploiting the hostility and prejudices of the Miami community against the accused, was one of the examples cited by the Atlanta judges to demonstrate the fraudulent conduct of the South Florida District Attorney's office. The then DA, Guy Lewis (now retired) published an article in the Miami Herald on August 18th repeating the same foolish slander: he still insists that the five men "had vowed to destroy the United States".

[3] In its "emergency petition for writ of prohibition" to the Court of Appeals on May 25, 2001, the U.S. Attorney's Office recognized that "in light of the evidence presented in this trial, this presents an insurmountable hurdle for the United States in this case, and will likely result in the failure of the prosecution on this count" (page 21) since it "imposes an insurmountable barrier to this prosecution" (page 27). The government was afraid of the fact that "it is highly probable that the jury will request further elaboration on this issue" (pages 20 21). (Emergency Petition for Writ of Prohibition). Nevertheless, although the court rejected the Government's petition, nothing alike happen. Without any question, without hesitation, all the jurors declared Gerardo guilty in the first degree of the alleged crime.

[4] Transcript of Sentencing Hearing before the Honorable Joan A. Lenard on 14th December 2001 (pp. 45-46). In the same session, the judge herself had recognized that "the terrorist acts committed by others could not excuse the wrongful and illegal conduct of the defendant and the other accused" (p. 43). In other words, the Miami-based anti-Cuba terrorists are protected by the federal government and the judges who punish — with four life sentences over 75 years' imprisonment and the unusual prohibition mentioned above — those who fight terrorism. So that they should never again fall into such "wrongful and illegal" conduct, Miami invented "incapacitation", which it unveiled three months after the atrocity of 11th September 2001, when

Bush was already attacking Afghanistan, was preparing to attack Iraq and was declaring an alleged war on terrorism to be waged everywhere — except Miami, of course.

[5] Weinglass was able to gain permission to visit Gerardo Hernández on March 16th, and he described his visit in this way:

> "Gerardo is being most severely punished in his prison, confined in what is known as "the Box"-a hole within the "Hole".
>
> "He is confined in a very small cell barely three paces wide, with no windows and only a slot in the metal door through which food is passed. His clothes were taken from him and he is allowed to wear only underpants and a T-shirt, but no shoes.
>
> "He cannot tell if it is day or night. His is the only cell where the lights are on 24 hours a day and the incessant cries of other prisoners, many of whom suffer from mental health problems, prevent him from sleeping.
>
> "He is allowed no printed material, nothing to read. Signs saying that no one is to have contact with him are posted outside his cell. He is the only prisoner kept in this kind of solitary confinement who is not allowed to use the telephone to date he has received nothing — not even correspondence from his attorneys"

Two days later he outlined in this way his meeting with Antonio:

> "He showed up at the visit in leg irons and handcuffed. They were removed during the visit. The corridors were cleared when moving him. The visiting facility was abysmal. It was a very small cubby with a thick glass between us and a telephone which we had to use to communicate. The space was so small that my associate counsel and I could not fit in it together. He had to stand behind me and share the one phone on our end. Antonio was locked in on his side and we, the attorneys, were also locked in on our side! There was no slot for passing documents and we were invited to give them to the guards who would bring them around the back to Antonio. I did this with one document and then decided to abandon this and hold the papers up to the glass. It was very awkward. The visiting conditions were much worse than those I experienced with Mumia Abu Jamal on death row. We protested these conditions but they refused to bring the warden down for a meeting or any other ranking official"

"Only in Miami", *Editora Política*, La Habana 2004, Pages 109-110 and 111 112)

Socialist Voice #65, September 17, 2005

Canadian Government Condemned for Rights Violations, Torture Policy

By Roger Annis

VANCOUVER, CANADA—The concentration camp operated by the United States government on illegally-occupied territory at Guantanamo Bay, Cuba has earned infamy around the world. Hundreds of prisoners are detained there in violation of humane legal standards, and they are subject to conditions that amount to physical and psychological torture.

Less well known across Canada and Quebec are the mini-concentration camps inside Canadian prisons that mirror the aims of Guantanamo Bay, including the practice of "torture by proxy" by the Canadian government. Thanks to the courageous fights of the victims of these policies and practices, this government is coming under increasing scrutiny and fire for these rights violations.

Security Certificate Five

Five men of Middle Eastern descent have served years in jail in Canada with no charges preferred against them. They are being held under the "security certificate" provisions of the Immigration and Refugee Protection Act. Three are being held in Toronto. They are:

- **Mohammed Mahjoub**, a refugee from Egypt, in prison since June 2000.
- **Mahmoud Jaballah**, a refugee from Egypt, in prison since August 2001.
- **Hassan Almrei**, a refugee from Syria, held since October 2001.

One is detained in Ottawa. He is:

- **Mohamed Harkat**, a refugee from Algeria, jailed since December 2002.

A fifth is:

- **Adil Charkaoui**, a permanent resident of Canada from Morocco, jailed in May 2003.

Charkaoui won a lengthy and precedent-setting battle for a bail release in February 2005. But the threat of deportation, with all its consequences for his personal security and his political rights, still hangs over him.

Security certificates are a product of the sharp attacks on democratic rights in Canada since the first war in Iraq, in 1991. They were introduced in legislation in 1978 came into use beginning in 1991. They are touted as a necessary weapon for "protecting national security" and "fighting the war on terrorism."

Under the security certificate procedure, permanent residents or refugees may be jailed indefinitely without charge, and both the detainees and their lawyers can be deprived of "information" or allegations presented to a judge by government agents in a secret hearing from which both detainees and their lawyers are excluded. While in detention, they are entitled to a

"hearing" every six months. But since they are not specifically charged with any offence, and have no access to allegations made in secret to the judge, they are effectively deprived of the right of defence, including the right to confront and cross-examine their accusers.

The detainee can be deported, even if this places their lives in danger or if they will be subjected to torture.

Since 1991, 27 people have been detained under the terms of security certificates. Hundreds of other potential targets of this draconian and anti-democratic measure have been visited and threatened by police agencies. As a brochure of No One is Illegal, one of the cross-Canada groups leading the fight against security certificates, states, "Welcome to Canada's own Guantanamo Bay".

Protests

The victims of these attacks on basic rights are fighting back., together with growing numbers of supporters. During the week of August 29, rallies were held in Montreal, Ottawa, Toronto, London, Winnipeg, Edmonton and Vancouver to condemn the use of security certificates and, more specifically, to support the fight of two of the five detained for improved prison conditions. The rallies were organized by No One is Illegal, with support from many other groups and individuals.

The rallies focused on support to Hassan Almrei. He recently ended a 73-day hunger strike in support of his demand for one hour of exercise per day. He has been in solitary confinement for the past four years. In Toronto, hundreds of people rallied outside of the jail where he is being held on September 3.

The ending of Almrei's hunger strike was announced to the rally, amid cheers of support to his cause and his bravery. He issued a statement later that said, in part, "The hunger strike is my only voice in here. It is the only way I have to wake people up to what is going on in here. You, the Canadian people, have helped me make my voice very loud and clear. I want to thank you a million times for this."

Mohammed Mahjoub is currently on hunger strike, into Day 65 as of September 9. He is demanding contact visits with his wife and children. He has seen them only twice in the past five years. He, too, is held in solitary confinement.

Meanwhile, Adil Charkaoui, has a taken a challenge to the Supreme Court of Canada on behalf of the five. On August 25, the court announced that it will consider the constitutionality of the security certificate process. The challenge has the support of the Canadian Arab Federation, Canadian Council for Refugees, the National Anti-Racism Council of Canada, and many others.

Government torture policy under fire

A public inquiry into the fate of Canadian citizen Maher Arar is lifting the veil of secrecy surrounding another front of the war on human rights in Canada. Arar, a Canadian citizen, was kidnapped in New York City in 2002 by U.S. officials and then flown to Syria, his country of birth, where he was detained and tortured for nearly a year.

As the inquiry has revealed, his name was given to U.S. authorities by Canada's national police, the RCMP, as a possible "terrorism" suspect. The Canadian government and its embassy officials in Syria did nothing to protest Arar's kidnapping, and only moved to request his return to Canada after a growing public campaign led by his wife shamed them into action.

At the inquiry, embassy and police officials played dumb about the Syrian government's well-known track record as one that practices torture. The only Canadian embassy official to have visited Arar while in jail in Syria told the commission on August 30 that Arar is lying about his treatment in Syria. Canada's ambassador to Syria during Arar's detention told the inquiry in July that he was unaware of the widely reported use of torture by the Syrian regime.

Two other victims of Canada's torture-by-proxy policy have been inspired by Arar's stand to go public with evidence that they, too, were tortured in Syria after information was relayed to the Syrian regime by Canadian police. This has prompted calls by human rights organizations for a broader inquiry.

"Reading these stories together, we run headlong into the almost inescapable conclusion that there is a Canadian-style rendition policy," said Riad Saloojee of the Canadian Council on American Islamic Relations to a September 1 press conference in Ottawa. Also in attendance were Alex Neve, the secretary-general of Amnesty International, and former solicitor general of Canada Warren Allmand, representing the International Civil Liberties Monitoring Group.

Seven days after the press conference, Prime Minister Paul Martin rejected the call for another public inquiry. He said that he sympathized with Arar's plight and the inquiry into his case would prevent future abuses.

But the government's true hand was revealed on the last day of the Arar inquiry's public hearings on September 13. There, the government's chief lawyer to the inquiry, Barbara McIssac, stated in her summation, "CSIS (Canada's spy agency) will take intelligence from all sources. If information it suspects had been obtained by torture can be independently corroborated and is important to an investigation of a threat to Canada, the information would be used."

She said that a choice to use information acquired under torture was "horribly difficult" for government agencies.

McIssac's summation also stated the government's views that it and its agencies acted "in good faith" throughout Arar's ordeal.

A Canadian capitalist tradition

Arbitrary detention and deprival of legal rights did not begin on September 11, 2001, nor in 1991. It is a tradition as Canadian as the Mounties and the monarchy. Since the founding of the country, Canada's rulers herded Native peoples into reservations and stole away their children to concentration-camp schools. During the post-World War One working class upsurge, hundreds of socialists and labour activists were deported, including many who were citizens. During World War Two, the entire West Coast population of Japanese ancestry was dispossessed and placed in concentration camps. In 1971, union and political activists were jailed during a labour

and nationalist upsurge in Quebec. Many were jailed for months with no charges and no right to a court hearing.

Jailing of union members or supporters is often standard procedure during strikes or other militant labour struggles. The present wave of arbitrary arrests and detentions is a threat to the rights of all working people, including the trade unions, and it cries out for vigorous, united opposition.

The New Democratic Party, Canada's union-based social democratic party, has added its name to the call for a broader inquiry into the use of torture. It and the Canadian Labour Congress have issued statement calling for an end to the use of security certificates.

Speaking at a rally here on September 1, Harsha Walia of No One is Illegal explained, "We are demanding that the five men be released. They must not be deported, and the security certificate process must be abolished. If they are to be charged, they must be allowed to defend themselves in open, fair, and independent trials."

Readers can join the campaigns to defend the security certificate five and other victims of rights violations by going to the websites of No One Is Illegal in various cities across Canada. You are also encouraged to write letters of support for the five and send them to the responsible government ministers.