

## Long-awaited apology from PM 'most important' part of settlement, computer software engineer insists

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Maheer Arar has a long-awaited formal apology finally in hand, \$10.5 million and official recognition at last of his innocence.

But there is one thing he lacks. "I wish, if there is a way, if I could buy my life back. That's my biggest wish," said the 36-year-old computer software engineer and father of two.

A deal to settle Arar's lawsuit was reached Jan. 19 between lawyers for Arar and the Conservative government, approved mid-week by the federal cabinet, and announced yesterday at a news conference by Prime Minister Stephen Harper. The payment, believed the highest in a human rights lawsuit, is formal redress for Canada's role — the sloppy policing, bureaucratic foot-dragging, and malicious media leaks — in Arar's nightmare deportation by the United States in 2002 to a year of torture and imprisonment in Syria.

"On behalf of the government of Canada, I wish to apologize to you, Monia Mazigh, and your family for any role Canadian officials may have played in the terrible ordeal that all of you experienced in 2002 and 2003," Harper said, reading from the text of a written apology that Arar's wife had insisted upon.

"I sincerely hope that these words and actions will assist you and your family in your efforts to begin a new and hopeful chapter in your lives."

Arar's deportation called a halt to a promising career. Since his nightmare began, he hasn't been able to get a job in his field.

And he still remains under an American cloud, with the refusal of the U.S. government to remove his name from its no-fly list. But for Arar, the apology

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# Fresh start

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and compensation mean a fresh start, official confirmation at last of his innocence.

Visibly relieved, Arar spoke of lost time with his wife and children, a lost career, and his lost peace of mind.

"Is there really a price on this? I don't think so. But in a way for me, really the compensation is a way of acknowledging my innocence and a message the government is sending me: Here's a way to help rebuild your life."

But he added, "there's no amount of money that would compensate me for what myself and my family have gone through. . . . The most important thing for me is the apology."

"It's an historic settlement for an exceptional case," said Arar's lawyer Julian Falconer.

Paul Cavalluzzo, commission counsel to Justice Dennis O'Connor's two-year inquiry, agreed, saying there is no other comparable case in Canada. He noted an Oregon lawyer, also a Muslim, who was wrongly jailed on suspicions of terrorist links for just two weeks in an American prison was recently awarded \$2 million (U.S.) in compensation, and he had not been deported to torture.

"Mr. Arar suffered a great deal more than this gentleman," said Cavalluzzo. "He suffered psychological injury. He suffers from post-traumatic stress. He cannot get a job. And it goes on. If you take all of those circumstances into account, I think the government came to a very fair resolution."

Harper said some Canadians might view the payment as high. "That figure is within this government's realistic assessment of what Mr. Arar would have won in a lawsuit. And that is the basis on which we concluded this settlement," he told reporters.

The Conservative government, which again yesterday made a point of noting the events "occurred under the last government," will also cover Arar's legal fees in the lawsuit launched in March 2004. The deal allows for \$1 million in legal costs, said Falconer.

Initially, Arar claimed \$400 million in damages. That amount was later amended to \$87 million after O'Connor reported he found no evidence Canadian officials deliberately participated in or willingly allowed Arar's deportation, but had wrongly tagged Arar as a terror suspect and "very likely" led the U.S. to deport him.

Falconer would not break down the \$10.5 million in damages for physical suffering and lost reputation, citing confidentiality. But he said it was more than justified, pointing to the physical and psychological torture Arar endured in Syria.

Falconer, an experienced civil litigator, became choked up, and Arar also appeared moved, when Falconer told of how Arar's wife insisted on an apology in writing from the Prime Minister from the beginning, "so that when her children are old enough they have written proof from the Prime Minister of Maheer's innocence."

"No one should have to prove their good name to their children. That is simply abominable. The Prime Minister and his government deserve credit for helping to restore these people's lives," Falconer said.

But the Arar family's troubles have not ended. The U.S. government insists Arar will stay on its border watch list and be refused entry to that country, despite the findings of the O'Connor inquiry, which cleared Arar last fall of any suggested links to terrorism.

Yesterday, a U.S. State Department official told Canadian Press Arar's personal associations and travel history are enough to keep him on a U.S. watch list, even if they may not warrant Arar's presence on a Canadian security roster.

But Harper said bluntly yesterday the U.S. is wrong.

"We believe the evidence is clear that Mr. Arar has been treated unjustly. He should not be on a watch list. I personally believe that if there was evidence suggesting that any of these suspicions against Mr. Arar were justified that case would have been made a long time before today. In our judgment, it has not been made."

Harper said his government will continue to press the U.S. to reverse its decision, and took a swipe at U.S. Ambassador David Wilkins who earlier this week called Public Safety Minister Stockwell Day "presumptuous" in his expectations.

"Canada fully understands, appreciates and shares the United States' concerns about security," said Harper. "However, this government — the government of Canada — has every right to go to bat for one of its citizens when the government believes a Canadian is being unfairly treated by another country."

Wilkins said while the U.S. appreciated Harper's "clear" expression of his government's view, it will not change its decision on Arar.

"We are standing by that decision," said the statement.

Syria's ambassador to Canada, Jamil Sakr, refused to comment.

Whether the Arar compensation package sets a precedent for how three other Muslim Canadians (whose cases were similar to Arar's) will be treated is not clear. Those cases are set for a year-long review by former Supreme Court Justice Frank Iacobucci.

Lawyer Barbara Jackman, who represents two of the three, says the unprecedented settlement is good news for Arar, but it is too early to say how it affects her clients, Ahmad El Maati and Muayyed Nureddin.

The settlement of Arar's lawsuit is unlikely to affect a similar lawsuit he is attempting to pursue against the U.S. government, said his American lawyer Maria LaHood.

LaHood said by telephone from New York she hoped the Canadian settlement will put more pressure on the U.S. executive "to do the right thing here."

The Conservatives' political opponents, the Liberal and New Democratic parties, applauded the apology and compensation deal. But both vowed to continue to press the Harper government to implement all the recommendations of the O'Connor inquiry.

In fact, the government claims to have responded to all 23 recommendations of the first report, but has not yet responded to the call for a new oversight body for the RCMP. The other recommendations included ones for better control over information shared with foreign governments.