



DIR. Amar Wala
PROD. Noah Bingham, Amar Wala
CO-PROD. Madeleine Cohen

2014 / Running Time: 84 Minutes / Canada / Not Rated



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LOGLINE

How did five men spend nearly 30 years in prison combined, without ever being charged with a crime?

SYNOPSIS

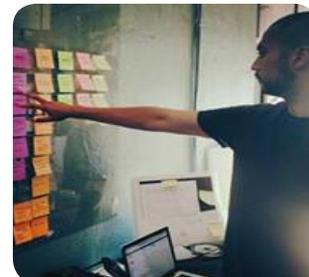
Imagine spending years in prison without being charged with a crime or knowing exactly what you're accused of. A film about the human impact of the "War on Terror," *The Secret Trial 5* is a sobering examination of the Canadian government's use of security certificates, a tool that allows for indefinite detention without charges, based on evidence not revealed to the accused or their lawyers. Over the last decade, this rare and highly controversial device has been used to detain five Muslim men for nearly 30 years combined. To date, none have been charged with a crime or seen the evidence against them. Through the experience of the detainees and their families, the film raises poignant questions about the balance between security and liberty.

ABOUT THE PRODUCTION

A true crowdfunding success story, *The Secret Trial 5* was shot over four years on funds raised primarily through public contributions. Using their [animated trailer](#), the filmmakers reached out to Canadians and raised nearly \$50,000 through two campaigns before being selected as recipients of Telefilm Canada's inaugural Micro-Budget Program. For the producers, the success of their crowdfunding campaigns was proof that at the very least, Canadians wanted to know more about this issue.

While travelling back and forth for shoots in Toronto, Montreal, and Ottawa, first time filmmakers Amar Wala and Noah Bingham stayed true to their grassroots, community-based approach to production by constantly sharing progress and staying connected with their supporters.

UPDATE: After the film's World Premiere at Hot Docs, the Supreme Court rendered a decision on security certificates, finding the process constitutional in May 2014. The end slates of the film were altered to reflect the new decision.



DIRECTOR'S NOTE

Why I made *The Secret Trial 5*.

I graduated from York University's Film program in 2009. My graduating piece was a short film called *The Good Son*, which was based on the true story of Mahmoud Jaballah and his son Ahmad. At the age of 11, Ahmad was asked to translate as CSIS (Canadian Security Intelligence Service) officers interrogated his father in their home. Using him as a proxy, the agents attempted to recruit Mr. Jaballah as a spy, and threatened him with deportation if he didn't comply. What the agents didn't know, and what they would soon find out in court, was that the young Ahmad had hidden a tape recorder under the table, documenting the whole interrogation. That tape would be instrumental in freeing Mr. Jaballah after he was arrested as a terror suspect in 1999. He was arrested once again in 2001, and spent nearly 7 years in jail without charge. You might ask: how is that even possible in Canada? I certainly did.

The instrument used to detain Mr. Jaballah is called a security certificate. It is a cold war remnant that has been transformed into a national security tool in the post 9/11 era. It allows for indefinite detention without charge, and secret evidence, meaning neither the accused nor their lawyers can see the evidence against them. I soon learned that there were other men, four others in fact, who were held under security certificates in Canada. They had spent nearly 30 years combined behind bars without charge.

I made this film because as a Canadian, I find the existence of security certificates deeply troubling. They are contrary to our values as a fair and democratic society. I cannot claim that the subjects of my film are innocent. The truth is, I simply don't know. What I do know is that after 15 years under a security certificate, Mr. Jaballah is still living under house arrest in Toronto, never having been charged with a crime. The young Ahmad is now a dad himself, and yet we still don't know exactly what his father is accused of.

This is a conversation we as Canadians need to have with ourselves. Are we willing to sacrifice the fundamental tenets of justice - the right to a fair trial, and the right to know the case against you - in the name of national security? I hope *The Secret Trial 5* can help spark that conversation.

Amar Wala



ABOUT SECURITY CERTIFICATES

Security certificates are an immigration tool that allows the Canadian government to deport non-citizens it deems a threat to national security. They have been around in some form in Canada's immigration legislation for over fifty years. In 1978 they were included in the *Immigration Act* in a form closely resembling their current one, and in 1991 when the Act was updated, further adjustments were made. Over time, and particularly after 9/11, security certificates have morphed into an anti-terrorism tool.

For reasons of national security, the allegations and evidence held against security certificate detainees are never fully revealed, and significant parts of their trials are held in secret. Although the goal of a security certificate is deportation, because many of the individuals issued with them have been found to be at serious risk of torture if returned to their countries of origin, they can be detained indefinitely in Canadian prisons.

A BRIEF TIMELINE

2000 - 2003

The Secret Trial 5 are arrested under security certificates.

APRIL 26, 2006

The Kingston Immigration Holding Centre (KIHC) - dubbed 'Guantanamo North' - opens. KIHC was designed as a long-term holding facility specifically to house security certificate detainees. Hassan Almrei, Mohamed Harkat, Mahmoud Jaballah, and Mohammed Mahjoub were all incarcerated there.

FEBRUARY 23, 2007

The Supreme Court of Canada finds security certificates to be unconstitutional. The case was brought forth by Adil Charkaoui, and was joined by Hassan Almrei and Mohamed Harkat. Despite the unanimous ruling, the Court suspended its decision for one year to give Parliament time to amend the law.

FEBRUARY 22, 2008

Special advocates are introduced to the security certificate system. These security cleared lawyers are allowed to view the secret evidence that the neither detainees or their lawyers can. However, after they view the secret evidence, they are no longer allowed to speak to the detainees about their case, essentially barring them from any meaningful contact from the people they represent.

MAY 14, 2014

The Supreme Court of Canada upholds the security certificate against Mohamed Harkat, finding the process constitutional.

THE SUBJECTS

ADIL CHARKAOUI

Moroccan-born Adil Charkaoui was arrested in 2003 under a security certificate. He spent 21 months in prison and over four years under house arrest before winning his case in 2009. Mr. Charkaoui is married with four children and is currently working on his PhD in French from the Université de Montreal. He received his Canadian citizenship in July of 2014 and is currently suing the Canadian government for over \$20 million.

HASSAN ALMREI

Mr. Almrei was born in Syria, and came to Canada in 1999 as a refugee. He was arrested shortly after 9/11 and spent seven years in jail without charge. After an additional year under house arrest, Mr. Almrei won his case in 2009. He is also suing the Canadian government. Mr. Almrei currently lives in Mississauga, Ontario.

MAHMOUD JABALLAH

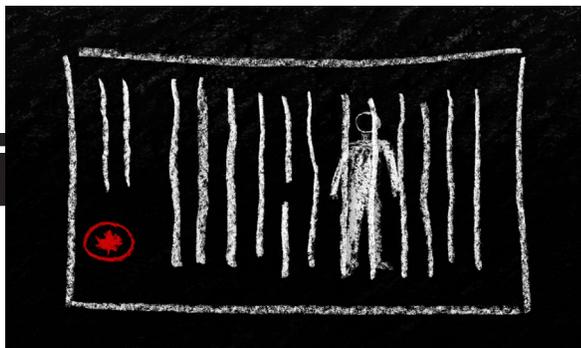
Mr. Jaballah was a school principal in Scarborough, Ontario when he was first arrested in 1999. The father of six is the only person in Canadian history to endure three security certificates. After his first certificate was dismissed in 2000, a second certificate was issued in 2001. He spent over six years in jail without charge, and is now living under house arrest in Toronto.

MOHAMED HARKAT

Mr. Harkat was arrested under a security certificate in 2002. He spent 43 months in jail before being released under strict house arrest conditions in 2006. Mr. Harkat was recently the centre of the second Supreme Court challenge against security certificates. A decision on the status of his certificate, as well as the law surrounding it, is expected in spring 2014. He lives in Ottawa with his wife Sophie Harkat.

MOHAMMAD ZEKI MAHJOUR

Mr. Mahjoub spent seven years in jail with no charges before being released under house arrest in 2007. In 2009, he made headlines by asking to be returned to prison, saying the house arrest conditions were too damaging to his family. Mr. Mahjoub declined participation in *The Secret Trial 5*. He currently lives under house arrest in Toronto.



ABOUT THE FILMMAKERS

AMAR WALA | DIRECTOR, PRODUCER

Amar is an emerging filmmaker based in Toronto, Canada. He was born in Bombay, India, and moved to Toronto with his family at the age of 11. He has a degree in Film Production from York University, and believes deeply in cinema's ability to create awareness and facilitate change. His short film, *The Good Son* (2008), had its world premiere at The 4th Annual Dubai International Film Festival, and went on to screen at festivals around the world and win several awards in Canada. *The Secret Trial 5* is Amar's first feature film.

NOAH BINGHAM | PRODUCER

Noah is an emerging filmmaker based in Toronto, Canada, with a passion for cinema that humanizes complex social issues. He was born in the United States and moved to the GTA with his family at the age of 5. He holds a degree in Film Production and International Development Studies from York University. Noah is also a Founding Board Member of *Good Evidence*, a non-profit organization that challenges harmful representations by showcasing inspiring models of community based action on social, economic and environmental issues.

Cinematographer, *Looking for Carmen* (2012). Production Manager, *The Ghosts in Our Machine* (2013). Producer and Cinematographer *The Secret Trial 5* (2014).

MADELEINE COHEN | CO-PRODUCER

Madeleine has worked on number of documentary and narrative projects as producer, researcher, and writer. She holds an Honours BA in History and Contemporary Philosophy from the University of King's College in Halifax and a MA in History from the University of Toronto. This is her first feature.

DIRECTOR

Amar Wala

PRODUCERS

Noah Bingham, Amar Wala

CO-PRODUCER

Madeleine Cohen

CINEMATOGRAPHERS

Noah Bingham, Triton Hall

EDITOR

Darby MacInnis

ANIMATION

Julian Brown

COMPOSER

Jeffrey Morrow

CREDITS

SELECTED PRESS COVERAGE

CTV Canada AM (TV) - *“Director, Amar Wala, on the film that captures the stories of Muslim men detained under the Canadian government’s security certificates.”*

<http://bit.ly/IJIG0T>

Toronto Star - *“The documentary does a powerful job in humanizing the men...”*

<http://on.thestar.com/IitCmGa>

Huffington Post - *“The film is a must-see for anyone who is interested in knowing how our government has attempted to uphold national security and what it has been willing to sacrifice both morally and financially.”*

<http://huff.to/IobM6by>

Globe and Mail- *“What they’ve been through is astonishing, especially if you believe that Canada regards civil liberties as sacred.”*

<http://bit.ly/IovIlo0>

NOW Magazine - *“If you think 9/11 had little impact on our individual rights, this pic will change your mind.”*

<http://bit.ly/I nu34im>

Global News - *“4 Canadian films worth seeing at Hot docs.”*

<http://bit.ly/IovITzP>

The Film Experience - *“The film has an irresistible emotional punch, consistently enraging its audience with a chronological, but escalating ‘you-didn’t-think-it-would-get-this-bad’ structure.”*

<http://bit.ly/I mGPRq3>

Cinemablogger - *“The Secret Trial 5 is an essential and compelling Canadian story.”*

<http://bit.ly/IjI O6I0>

The Film Corner - *“Wala’s picture is meticulously researched, surprisingly balanced (given its cinematic activism) and superbly crafted.”*

<http://bit.ly/I mHdfuD>

CONNECT WITH US

Noah Bingham, Producer

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