



extraordinary rendition *the story of maher arar*

In 2002, Maher Arar, a Canadian citizen, was detained at a U.S. airport on his way home from a family trip. He was interrogated by U.S. officials about alleged links to al-Qaeda and was repeatedly denied the right to contact his family or a lawyer. He was then sent against his will to Syria, a country renowned for torture. Mr. Arar was interrogated, tortured and held in a grave-like underground cell in Syria during most of his year-long detention. No country, including the U.S., has ever charged him with any crime.



what is extraordinary rendition?

Since 9/11, the Bush administration has used extraordinary rendition to covertly transport an estimated 150 persons—and possibly many more—for detention and interrogation without judicial oversight as part of the so-called “war on terror.”

Extraordinary rendition is the forced transfer of a person from one country to another for arbitrary detention and interrogation under torture. Extraordinary rendition is illegal. The Convention Against Torture (CAT) and the International Convention on Civil and Political Rights (ICCPR), both signed and ratified by the U.S., prohibit torture and require states to prevent, investigate and punish acts of torture. CAT Article 3 explicitly prohibits the transfer of a person to a country where there are “substantial grounds” for believing the person would be in danger of torture. Additionally, the Foreign Affairs Reform and Restructuring Act of 1998 obligates the U.S. to comply with CAT Article 3 and take extra measures to prevent the involuntary return, removal or extradition of a person to a country where he or she fears torture.

who is maher arar?

Maher Arar, 38, is a wireless systems engineer. He was born in Syria and moved to Canada at 17 years old, becoming a citizen in 1991. After attending McGill University and obtaining a Master’s degree in telecommunications, he moved to Ottawa with his wife Monia and daughter Barâa. Maher and Monia had their second child, Houd, in February 2002.

On September 26, 2002, on his way home from a family trip, Mr. Arar was pulled aside while transferring planes at JFK Airport in New York and questioned by INS officials, FBI agents, and New York police. When Mr. Arar asked for a lawyer, he was repeatedly told he had no right to a lawyer, because he was not a U.S. citizen. Mr. Arar was interrogated and held in solitary confinement for 13 days, initially denied food and routinely shackled and denied sleep. During his interrogations, U.S. officials asked Mr. Arar to “voluntarily” return to Syria, a country known for torturing prisoners. Mr. Arar told them repeatedly that he wanted to go home to Canada.

On October 3, 2002 the Canadian Consulate visited Mr. Arar. She had not been contacted by U.S. officials, as required. Maher expressed his fear that he might be sent to Syria, and she assured him that he could not, since he was a Canadian citizen.

On October 5, 2002, Maher was finally allowed a short visit with a lawyer. But the day after the meeting, he was again interrogated alone despite his repeated requests for his attorney. He was then taken in shackles to a private airport in New Jersey and flown by private jet to Amman, Jordan via Rome, Italy. He was beaten in Amman and then taken to Syria, where he spent the next year in unspeakably horrific conditions.

In Syria, Maher spent more than 10 months in a grave-like underground cell, 3 feet wide and six feet long. He was beaten and interrogated, and whipped with an electrical cable. He was regularly threatened with more torture, and forced to hear others being tortured. He was forced to “confess” to having trained in Afghanistan, although he has never been there.

On October 5, 2003, Syria released Maher. The Syrian Ambassador to the U.S., Imad Moustapha, said, “We did our investigations. We traced links. We traced relations. We tried to find anything. We couldn’t.”

“My life was destroyed by what happened to me. I hope that my lawsuit will make sure that no one ever again has to go through what I went through at the hands of the United States government” *-Maher Arar*

arar v. ashcroft

The Center for Constitutional Rights (CCR), together with DLA Piper US LLP, represents Mr. Arar in a case against the U.S. officials responsible for his rendition to torture, including former Attorney General John Ashcroft, former Deputy Attorney General Larry Thompson, FBI Director Robert Mueller and U.S. immigration officials.

Mr. Arar alleges that the officials violated his Fifth Amendment right to be free from torture and arbitrary detention in Syria, his right to be free from mistreatment while detained in the U.S., and his right to access counsel and the courts.

The Defendants challenged the suit, stating that Mr. Arar, a non-U.S. citizen, was not protected by the Constitution, and recast what happened to him as an “expedited removal.” The U.S. government asked that the court dismiss the case, arguing it would expose “state secrets” and harm national security.

In 2006, a federal judge dismissed Mr. Arar’s constitutional claims, finding that “national security” and “foreign policy” considerations prevented him from holding U.S. officials liable. Mr. Arar appealed this decision to a three judge panel of the Second Circuit Court of Appeals, which affirmed the dismissal 2-1 in June 2008, agreeing with the lower court that Mr. Arar’s claims would interfere with national security. However, in an extremely rare move, the Court of Appeals decided that Mr. Arar’s appeal would be reheard by twelve judges. The rehearing occurred on December 9, 2008 in New York. You can watch the argument on C-Span here: <http://ccrjustice.org/arar-rally-and-2nd-circuit-court-appeals-arguments>

h e l p c c r s t o p e x t r a o r d i n a r y r e n d i t i o n

We need your help to hold U.S. officials accountable. Call, write and set up a meeting with your elected officials. Demand that the U.S. government:

1. Make an official, public apology to Maher Arar.
2. Appoint outside special counsel to investigate and prosecute crimes relating to Maher Arar’s rendition.
3. Disclose what it did to Maher Arar and why and release all documents.
4. Remove Maher Arar from the Watch List immediately.

how has canada reacted?

Upon Mr. Arar’s release and in response to public pressure, the Canadian government launched an extensive public Commission of Inquiry to investigate the responsibility of Canadian officials surrounding his rendition to Syria. The Commission concluded:

1. There is no evidence indicating Mr. Arar committed any offense or implicating him in terrorist activity
2. There is no evidence that Canadian officials participated in the U.S. decision to detain Mr. Arar and send him to Syria.
3. In deciding to detain Mr. Arar and send him to Syria, the U.S. very likely relied on inaccurate and unfair information provided by Canadian officials.
4. Canadian officials did not act quickly enough to get Mr. Arar out of Syria and leaked false information upon his release, tarnishing his reputation.

In January 2007, the Canadian government settled Mr. Arar’s civil case for about \$10 million. Canadian Prime Minister Harper and the Commissioner of the RCMP apologized to Mr. Arar and his family. Harper called on the U.S. to “come clean” and acknowledge “the deficiencies and inappropriate conduct that occurred.”

what has the united states done?

Not only has the U.S. fought to dismiss Mr. Arar’s lawsuit, but the Bush administration has kept Mr. Arar on a watch list and continues to deny him entry into the U.S. It has refused to cooperate with the Canadian Inquiry, and has refused to appoint outside special counsel to investigate and prosecute U.S. officials for any crimes relating to Mr. Arar’s rendition. All this despite a report by the Inspector General (IG) of the Department of Homeland Security finding that immigration officials had determined that Mr. Arar would likely be tortured if sent to Syria, but that decision was overridden by officials in D.C. The IG also concluded it was possible that Mr. Arar was sent to Syria to be interrogated under unlawful conditions.

Educate yourself and others:

Watch *Arar v. Ashcroft* argument on C-Span and find more information and media coverage at <http://ccrjustice.org/>

Sign up for CCR action alerts for information on strategic actions you can take at <http://ccrjustice.org/>

Share this information with others in your community

Write a letter to the editor of your local paper about Maher Arar and extraordinary rendition