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U.S. appeals court reconsiders Arar suit against Bush officials

Latest chapter in bid by Canadian to hold those who sent him to Syria for torture accountable

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STAFF REPORTER

NEW YORK—Lawyers for Ottawa computer engineer Maher Arar appeared before a federal appeals court here yesterday, urging it to reinstate a lawsuit against high-ranking officials in the Bush administration responsible for sending him to Syria, where he was tortured.



HELAYNE SEIDMAN FOR THE TORONTO STAR
Maher Arar supporters demonstrate in New York's Foley Square Dec. 9, 2008.

The hearing was held before 12 judges of the United States Court of Appeals for the Second Circuit, who, in an extremely unusual move, agreed to rehear the case and reconsider an earlier decision that dismissed the claim.

"The panel has the historic opportunity to hold the United States officials accountable for their actions," said Arar, 38, in a statement issued by the New York-based Center for Constitutional Rights, a human rights legal organization that is representing him.

A federal court dismissed his lawsuit in February 2006, saying that allowing it to go ahead would harm national security. In June, an appeals court upheld the decision.

Arar, who was unable to attend the proceedings because he remains on a no-fly list, urged the judges not to "fall in the government's trap of portraying my case as simply an immigration matter."

The judges told the packed courtroom they would reserve their decision, which is expected in 2009.

Earlier in the day, many of Arar's supporters organized a rally outside the Foley Square courthouse, where they tried to raise awareness about extraordinary rendition – the outsourcing of interrogations to governments known to use torture – and the Bush administration's "war on terror."

"Maher Arar puts a human face on this disastrous policy," said Matthew Daloisio, as a crowd of about 50 people gathered, many of them waving signs and chanting "No to a torture state."

"We're hoping attention around this case will shine light on other victims of extraordinary rendition."

Yesterday's proceedings mark the latest chapter in an effort to hold accountable the officials who mistook him for an Islamic extremist and sent him to a country known to torture and interrogate prisoners.

It also keeps alive the possibility he could become the first rendition victim to force Washington to admit its role and provide compensation in a case it maintains is an immigration matter.

Arar's ordeal began when he was returning home from vacation in September 2002. He was detained at New York's John F. Kennedy International Airport while switching planes.

Based on faulty information provided by the RCMP, the Syrian-born Canadian was suspected of having links to Al Qaeda and was deported to Syria. He spent more than 10 months in a grave-like one-by-two-metre cell, and was regularly beaten, interrogated and whipped with an electrical cable.

As a signatory of the international Convention Against Torture, the U.S. has an obligation to avoid sending detainees to countries that torture prisoners.

In Canada, an inquiry under Justice Dennis O'Connor exonerated Arar, who received an apology and \$10.5 million in compensation from Ottawa.

The lawsuit, which was filed in 2004, names former attorney general John Ashcroft, former deputy attorney general Larry Thompson, FBI Director Robert Mueller, then-homeland security secretary Tom Ridge, and numerous U.S. immigration officials.