



# Extraordinary Rendition

## *The Story of Maher Arar*

In 2002, Canadian citizen Maher Arar was detained at JFK airport on his way home from visiting family. He was repeatedly denied the right to contact his family or a lawyer, interrogated by U.S. officials about alleged links to al-Qaeda, and sent against his will to Syria, a country renowned for torture. There Mr. Arar was interrogated, tortured and held in a grave-like underground cell for most of his year-long detention. He was released in October, 2003. Neither the U.S., nor any other country, has ever charged him with a crime.



### Who is Maher Arar?

Maher Arar moved to Canada at the age of 17 from Syria, where he was born. In 1991, he became a Canadian citizen. Mr. Arar attended McGill University, and after obtaining a Master's degree in telecommunications, he moved to Ottawa with his wife Monia and daughter Baraa to work as a wireless systems engineer. Maher and Monia had their second child, Houd, in February 2002.

During a transfer at John F. Kennedy Airport in New York City on his way home from a family vacation in September 2002, Mr. Arar was pulled aside and questioned by agents of the Immigration and Naturalization Service, the Federal Bureau of Investigation (FBI) and the New York Police Department (NYPD). When Mr. Arar requested a lawyer, he was repeatedly told that he had no right to one because he was not a U.S. citizen, and instead was interrogated, initially denied food, shackled, denied sleep and detained in solitary confinement for 13 days. During his interrogations, U.S. officials asked Mr. Arar to voluntarily go to Syria, a country known for torturing prisoners. Mr. Arar repeatedly said that he wanted to go home to Canada, and that he would be tortured in Syria.

Several days later, Mr. Arar was permitted a short visit with a lawyer, but the next night he was questioned alone for six hours about his fear of torture in Syria, despite numerous requests to have his attorney present. Within 24 hours he was taken in shackles to a private airport in New Jersey and flown by private jet to Amman, Jordan via Rome, Italy. Mr. Arar was beaten in Amman and then taken to Syria, where he spent more than 10 months in a grave-like underground cell, three feet wide and six feet long. He was beaten, whipped with an electrical cable, interrogated, and forced to hear others being tortured. Mr. Arar was also forced to falsely confess to having trained in Afghanistan, although he has never been there.

On October 5, 2003, Syria finally released Mr. Arar. The Syrian Ambassador to the U.S. said: "We did our investigations. We traced links. We traced relations. We tried to find anything. We couldn't." Despite never having been charged with anything, Mr. Arar remains on a U.S. watch list.

### What is Extraordinary Rendition?

Extraordinary rendition is an illegal practice in which a person is forcibly transferred from one country to another for detention and interrogation under torture. Though illegal, the Bush administration used extraordinary rendition to covertly transport an estimated 150 people without judicial oversight. 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 transfer of a person to a country where he or she fears torture.

### Rendition Under the Obama Administration

In 2009, the Obama Administration set up a Task Force to evaluate the practice of rendition so that it would comply with domestic and international law. Meanwhile, it has stated it will continue to render people to third countries for detention and interrogation. Maher Arar's case, however, has shown that neither assurances from a foreign nation nor attempts to monitor a detainee's treatment abroad can prevent torture. The

**In response to the assault on civil liberties since 9/11, Maher Arar has launched PRISM, an online magazine focusing on human rights and national security issues:  
[www.prism-magazine.com](http://www.prism-magazine.com)**

U.S. sent Mr. Arar to Syria, purportedly with some sort of assurances, yet Mr. Arar was beaten and whipped with electrical cables the first 2 weeks, when his whereabouts were unknown. And when he was visited by a Canadian consular official, he was threatened with even greater torture if he disclosed how he was being treated.

## Arar v. Ashcroft

CCR represents Mr. Arar in his 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.

*Arar v. Ashcroft* alleges U.S. officials violated his Fifth Amendment rights by conspiring to subject him to arbitrary detention and torture in Syria and blocking his access to the courts. The officials challenged the suit, claiming that even if all of Arar's allegations were true, Mr. Arar had no path to bring his claims before the court. The U.S. government asked the court to dismiss the case because 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 in 2008. In an extremely rare move, the Court of Appeals then decided that Mr. Arar's appeal would be reheard *en banc*, or by the full active court, which in turn affirmed the dismissal 7-4, concluding that in cases of extraordinary rendition, it is not the court's role to decide whether U.S. officials can be held accountable, due to foreign policy, national security, and secrecy concerns. In a strongly worded dissent, Judge Guido Calabresi wrote, "I believe that when the history of this distinguished court is written, today's majority decision will be viewed with dismay."

In 2010, CCR petitioned the US Supreme Court to hear the case, which they rejected, thereby ending the legal case. CCR continues to explore avenues for redress in Congress and the Executive.

## Accountability in Canada Compared to Impunity in the United States

Upon Mr. Arar's release and in response to public pressure, the Canadian government launched an extensive public Commission of Inquiry to investigate the role of Canadian officials in his rendition to Syria. The Commission concluded that there was no evidence indicating Mr. Arar committed any offense or implicating him in any terrorist activity. And in January 2007, the Canadian government settled Mr. Arar's civil case in Canada for \$10 million. Canadian Prime Minister Harper apologized to Mr. Arar and his family and called on the U.S. to "come clean."

No one in the United States has been held accountable for Mr. Arar's extraordinary rendition and torture. Not only has the U.S. fought to dismiss the lawsuit, but Mr. Arar remains on a watch list and cannot enter the U.S. The U.S. refused to cooperate with the Canadian Inquiry and rebuffed the requests of U.S. Congress members to appoint outside special counsel to investigate and prosecute U.S. officials for any crimes relating to Mr. Arar's rendition.

## Help CCR Obtain Justice for Maher Arar and Stop Rendition

### **Tell Attorney General Eric Holder: Stop Defending the Bush Administration's Wrongs.**

Write to Attorney General Holder today and demand that the Justice Department:

1. Acknowledge the wrong done to Maher Arar in a public apology.
2. Remove Maher Arar from the Watch List.
3. Appoint outside special counsel to investigate and prosecute crimes relating to Maher Arar's rendition.
4. Remedy the harm done to Maher Arar.
5. Ensure that the U.S. never again sends anyone to torture or arbitrary detention.

### **Educate yourself and others:**

- See CCR's website <http://www.ccrjustice.org/ourcases/current-cases/arar-v-ashcroft> for more information and resources, including a video of Mr. Arar talking about his experience of rendition and torture and our argument in front of the full Second Circuit.
- Share this information with others in your community.
- Write a letter to the editor of your local paper about Maher Arar and rendition.

**Sign up to receive CCR emails at [www.CCRjustice.org](http://www.CCRjustice.org)**