

# 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 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?

Extraordinary rendition is the forced transfer of a person from one country to another for arbitrary detention and interrogation under torture. Since 9/11, the Bush administration has used extraordinary rendition to covertly transport an estimated 150 persons—and possibly more—for detention and interrogation without judicial oversight as part of the so-called “war on terror.”

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, 37, 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, although 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, 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. Mr. Arar also brings a claim under the Torture Victim Protection Act (TVPA), which makes individuals who subject someone to torture under "color of law" of a foreign country liable for damages.

The Defendants challenged the suit, claiming generally that Mr. Arar, a non-U.S. citizen, was not protected by the Constitution, and recast what happened to him as simply 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 in New York dismissed Mr. Arar's constitutional claims, finding that "national security" and "foreign policy" considerations prevented him from holding U.S. officials liable. The court found that U.S. officials could only be liable under the TVPA if they were acting at Syria's behest. Mr. Arar appealed this decision to the Second Circuit Court of Appeals. Oral arguments were heard on November 9, 2007.

## *help ccr stop extraordinary rendition*

We need your help to hold the Bush administration accountable for what it did to Maher Arar & to stop extraordinary rendition. Call, write and demand a meeting with your elected officials. Demand that they:

1. Make an official, public apology to Maher Arar.
2. Launch an independent commission to investigate Maher Arar's rendition.
3. Demand the Administration disclose what it did to Mr. Arar and why and release all documents.
4. Demand the Administration remove Mr. 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 for the "terrible ordeal" they suffered. 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 have Mr. Arar's lawsuit dismissed, but it is still actively working to tarnish his reputation and prevent any resolution. The U.S. refused to cooperate with or provide any information to the Canadian Inquiry, which determined that Mr. Arar was innocent. Subsequently, the Canadian government was shown all of the U.S.'s information pertaining to Mr. Arar and concluded it did not justify the U.S.'s continued actions against him. The Bush administration, however, continues to insist that Mr. Arar belongs on a "watch-list," and to deny him entry into the U.S.

**educate yourself and others:** share this information with others in your community. Get more information at <http://www.ccrjustice.org/>.

### **demonstrate your dissent:**

1. Write a letter to the editor of your local paper about Maher Arar and extraordinary rendition.
2. Join CCR's action list online to get more updates on strategic actions you can take to fight for Maher and victims of extraordinary rendition.