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USA: Deporting for torture?

Amnesty International has today written to the US Attorney General urging a full investigation into the treatment of Maher Arar. The Canadian citizen was deported last year from the USA to Syria where he was allegedly tortured and held for months in cruel, inhuman and degrading conditions.

"Not only did the US government fail to seek assurances that Maher Arar would not be tortured in Syria, but, more worryingly, it appears that they may have actively engineered his transfer to Syria. In doing so, they bypassed certain legal guarantees, including his right to effective consular assistance and to representation in a fair proceeding," Amnesty International said.

The letter also refers to the persistent reports and rumours of detainees being secretly "rendered" to countries with a record of abusing suspects in order to extract information. Such countries are alleged to include Jordan, Morocco and Egypt. A senior intelligence official, was quoted in the Washington Post on 5 November as stating that there have been "a lot of rendition activities" since the attacks of 11 September 2001. Officials have been reported in earlier press articles to have openly stated that the USA may deliberately send some detainees to countries where they are abused during interrogation.

Maher Arar was detained at JFK airport, New York, on 26 September 2002 while in transit to Canada and travelling on a Canadian passport. He was held in US custody for 13 days during which time he was reportedly questioned about alleged links with al-Qa'ida. He effectively "disappeared" from US custody and it later transpired that he was deported to Syria, without being represented at any hearing and without his family, lawyer or the Canadian consulate being informed. Mr Arar was recently released after being detained in Syria for a year without charge.

Maher Arar returned to Canada last month where he has given detailed testimony to Amnesty International. Maher Arar said he was woken up by US officials in the early hours of 8 October and told that he was being deported to Syria. His protests that he would be tortured were, he said, ignored. While on the plane, he overheard members of the team accompanying him say that Syria did not want to take him directly, but that Jordan had agreed to take him.

After a brief stop-over in Jordan, where he says he was shackled and beaten, he was driven to Syria and taken to the "Far Falestin", the Palestine Branch of Syrian military intelligence, known for the routine torture of political prisoners. While there he says, he was severely beaten with electrical cable during six days of interrogation, and threatened with electric shocks and the "metal chair" - a torture device that stretches the spine. Eventually, he says, he broke down and signed a document falsely

confessing to having been in Afghanistan.

He reports he was held alone in a tiny, basement cell without light, which he called "the grave", for more than 10 months. A small grate in the ceiling opened up into a hallway above, through which cats and rats urinated into his cell. There was no furniture in the cell, only two blankets on the floor. He had no exposure to natural light at all for the first six months.

"The USA appears to have been in gross violation of its obligations under international law in deporting him to Syria, whether directly or indirectly" Amnesty International said. The organization added that he was also denied basic rights while in US custody, including being held incommunicado for the first seven days and denied prompt access to the Canadian consulate.

Background

The US government appears to have breached its own policies as well as international law in deporting Maher Arar. Article 3 of the Convention against Torture prohibits the transfer of anyone to another state where there are "substantial grounds" for believing that person would risk being tortured. In a letter to Senator Patrick Leahy last June, Pentagon General Counsel William Haynes wrote that government policy was to "comply with all of its legal obligations in its treatment of detainees" and would not transfer anyone to a country where they may face torture and, if necessary, would seek assurances from the receiving country that torture would not be used against the transferred individual. The entry on Syria in the US State Department's latest human rights report cites "credible evidence that security forces continue to use torture". Syria was cited by President Bush in a major address on the Middle East on 6 November 2003 as a country with a "legacy of torture".

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