

PUBLIC

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Further Information on UA 314/02 (AMR 51/159/2002, 21 October 2002) and follow-ups (AMR 51/161/2002, 25 October 2002; AMR 51/019/2003, 10 February 2003; and AMR 51/040/2003, 14 March 2003)- Forcible return/Fear of torture/Prolonged detention without trial/Incommunicado detention

SYRIA/USA/CANADA

Maher Arar (m), Canadian/Syrian national

Amnesty International has received reports that Maher Arar, a dual Canadian/Syrian citizen, is being tortured and ill-treated in Syrian detention.

Alleged methods of torture used against him include being struck with sticks and cables across his feet and other parts of his body, having electric shocks applied to him, being painfully suspended in the 'dulab', or tyre, while being hit with sticks, and being deprived of sleep.

He has reportedly been held in solitary confinement since he was deported to Syria from the USA in October 2002. It is believed that he has been interrogated by Syrian and foreign intelligence officers, and he is said to be in a very weak condition.

BACKGROUND INFORMATION

Maher Arar was deported from the US to Jordan in October 2002. He was then handed over to Syria. Despite repeated requests, Canadian officials have not been permitted to meet him since 22 April 2003. Maher Arar was forcibly removed to a country, Syria, where torture and ill-treatment of political detainees and the use of incommunicado detention are routine. Expulsion to a country where an individual would be at risk of torture is a violation of the obligations of the US government under international law, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Concern has also been expressed at the circumstances in which the US authorities carried out the deportation. Maher Arar was reportedly expelled from the USA without being represented at any hearing prior to deportation, and was not permitted to communicate with family or friends. The US government failed to notify the Canadian authorities and has also failed to provide information on his whereabouts and of the date and circumstances of his removal from the USA.

In a letter to US Senator Patrick Leahy on 25 June 2003, responding to concern about US detention policies in relation to its "war on terror", Department of Defence General Counsel William Haynes wrote that US government policy was to "comply with all of its legal obligations in its treatment of detainees, and in particular with legal obligations prohibiting torture". He wrote that this included that the USA would not transfer anyone to a country where they may face torture. If necessary, he wrote, the USA would seek assurances from the receiving country that torture would not be used against the transferred individual. He added that the USA would "take steps to investigate credible allegations of torture and take appropriate action if there were reason to believe that those assurances were not being honoured".

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or French, or your own language:

To the Syrian authorities:

- expressing concern at the torture and ill-treatment that is reportedly being inflicted on Maher Arar;
- urging that such torture, ill-treatment and incommunicado detention be stopped;
- that he be allowed immediate and unrestricted access to his Canadian consul, lawyer and family;
- calling for his immediate release unless he is to be charged with a recognizably criminal offence.

To the US authorities:

- expressing concern about the alleged torture of Maher Arar in Syrian custody following his deportation from the USA which violated the Vienna Convention on Consular Relations;
- calling on the US Government to make every effort to ensure that Maher Arar is not subjected to torture or other ill-treatment and is granted access to legal counsel, family and Canadian consul, and promptly charged with a recognizably criminal offence or released;
- calling on the US Government to investigate the allegations of torture, in line with official policy as stated in Pentagon General Counsel William Haynes's letter to Senator Leahy on 25 June 2003;
- calling for the findings of this investigation to be made public.

To the Canadian authorities:

- urging them to investigate the allegations and to do everything in their power to ensure that Maher Arar is not subjected to torture and ill-treatment and is ensured his full rights under international law.

APPEALS TO:

Syrian authorities:

His Excellency
 President Bashar al-Assad
 Presidential Palace
 Damascus, Syrian Arab Republic
Fax: + 963 11 332 3410
Telegrams: President al-Assad, Damascus, Syria
Telexes: 419160 prespl sy
Salutation: Your Excellency

His Excellency
 Maj-Gen Ali Hammud
 Minister of the Interior
 Ministry of the Interior
 Merjeh Circle
 Damascus, Syrian Arab Republic
Fax: + 963 11 222 3428
Telegrams: Interior Minister, Damascus, Syria
Telexes: 411016 AFIRS SY
Salutation: Your Excellency

US authorities:

George W. Bush
 The President
 The White House
 1600 Pennsylvania Avenue
 Washington DC 20500, USA
Salutation: Dear President Bush
Fax: +1 202 456 2461

Donald Rumsfeld
 Secretary of Defense
 1000 Defense Pentagon
 Washington, DC 20301-1000, USA
Salutation: Dear Secretary of Defense
Fax: +1 703 607 8339

Canadian authorities:

The Honourable Bill Graham
 Minister of Foreign Affairs
 125 Sussex Drive
 Ottawa, Ontario, K1A 0G2, Canada
Fax: +1 613 307 3443
Salutation: Dear Minister

COPIES TO diplomatic representatives of Syria, Canada and the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 September.