

PUBLIC

AI Index: MDE 24/030/2003

18 August 2003

Further Information on UA 314/02 (MDE 24/029/2003, 8 August 2003) and follow-ups (AMR 51/161/2002, 25 October 2002; AMR 51/019/2003, 10 February 2003; AMR 51/040/2003, 14 March 2003 and MDE 24/029/2003, 8 August 2003) - Forcible return/ fear of torture/ prolonged detention without trial/ incommunicado detention

SYRIA/USA/CANADA

Maher Arar (m), Canadian/Syrian national

Amnesty International has learnt that representatives of the Canadian consulate in Damascus visited Maher Arar in detention at an unknown location on 14 August and reported that he was "in good condition", despite reports that he had been tortured and ill-treated. However, Maher Arar was seen in the presence of Syrian officials and was not allowed to talk privately to the representatives.

The prison authorities told the Canadian representatives that Maher Arar will be brought before a court soon, perhaps within one week, and that the trial might be before a "civil" court. There are no details of the charges brought against him.

Maher Arar, who holds dual Syrian and Canadian nationality, was deported from the US to Jordan in October 2002 and then handed over to Syria. Despite repeated requests, Canadian officials were not permitted to meet him from 22 April until this visit on 14 August.

BACKGROUND INFORMATION

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.

Maher Arar was forcibly removed to Syria, where torture and ill-treatment of political detainees and 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 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In a letter to US Senator Patrick Leahy on 25 June, 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:

- welcoming the recent visit of the representatives from the Canadian consulate carried out in the presence of Syrian officials and urging that Maher Arar be granted an immediate private meeting with the representatives;

- acknowledging reports that he will be brought before a court in the very near future;
- expressing concern at reports that Maher Arar is being tortured or ill-treated in detention, and calling for assurances that he will be humanely treated;
- requesting that his place of detention be revealed publicly;
- urging that he be allowed immediate and unrestricted access to his lawyer, family and to any medical assistance he may require;
- calling for his immediate release unless he is to be charged with a recognizably criminal offence.

To the US authorities:

- noting the recent meeting with the representatives from the Canadian consulate which was carried out in the presence of Syrian officials and urging them to call on the Syrian authorities to allow an immediate private meeting with representatives of the Canadian consulate;
- 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 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:

- welcoming the recent visit from representatives of the Canadian consulate, carried out in the presence of Syrian officials, and urging them to request an immediate private meeting with Maher Arar;
- urging them to investigate the allegations of torture 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

President George W. Bush
 The White House
 1600 Pennsylvania Avenue
 Washington DC 20500, USA

Telegram: President Bush, Washington DC, USA

Fax: +1 202 456 2461

Salutation: Dear President Bush

Donald Rumsfeld
 Secretary of Defense

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

Canadian authorities
The Honourable Bill Graham
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario, K1A 0G2, Canada
Telegram: Foreign Affairs Minister, Ottawa, Canada
Fax: +1 613 996 9607
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 29 September 2003.