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Arar sues U.S. government, alleging it knew he would be tortured in Syria

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NEW YORK (CP) _ A federal lawsuit filed Thursday against Attorney General John Ashcroft and other top U.S. officials alleges they knew Maher Arar would be tortured when they deported him to Syria in 2002.

The lawsuit, filed on behalf of the Canadian by the Center for Constitutional Rights, also alleges that U.S. authorities deported Arar, then under suspicion of being connected with al-Qaida, to take advantage of violent interrogation techniques banned in the United States.

"Federal officials intentionally deported Mr. Arar to Syria, precisely because that country can and does use methods to obtain information from detainees that would not be legal or morally acceptable in this country," lawyer Barbara Olshansky, deputy legal director of the New York-based group, told a news conference.

"It was an intentional decision to send him to a place that we know in this country commits torture," she said.

The State Department has for many years regarded Syria as a violator of human rights, systematically using torture.

Arar, who is not allowed to go to the United States for five years, said in a conference call that the lawsuit was "part of a goal to clear my name of any involvement in terrorism and to bring to account those responsible."

Later he told reporters in Ottawa that it was too early to say whether he'll sue the Canadian government. Arar's lawyers have already filed a multimillion-dollar lawsuits against Syria and Jordan, where he was first sent from the United States.

Canadian officials have said American authorities made a mistake in deporting Arar.

Also named in the New York lawsuit were Homeland Secretary Tom Ridge, FBI Director Robert Mueller, James Ziglar, a former commissioner of the Immigration and Naturalization Service, and 14 other officials.

A Justice Department spokesman, Charles Miller, said government lawyers would "review the suit and respond accordingly in court."

In a statement released Jan. 12, department officials said they have information indicating that Arar is a member of al-Qaida and that he remains a threat to national security.

Also in that statement officials said the U.S. was provided with reliable assurances that Arar would be treated humanely when he was deported.

U.S. documents obtained by the Globe and Mail, say the Immigration Service's regional director concluded Arar was a member of al-Qaida because he admitted to the FBI after his arrest in 2002 that he was acquainted with two men suspected of being terrorists at the time.

"I have determined that Arar is a member of the designated foreign terrorist organization known as al-Qaida," J. Scott Blackman wrote in his October 2002, decision.

The two men are Abdullah Almalki and Ahmad Abou El-Maati. Arar has said he had fleeting encounters with the men.

Almalki is in jail in Syria while El-Maati was released from a Cairo prison last week.

The National Post, meanwhile, on Friday quoted unidentified intelligence sources as saying that the U.S. offered to return Arar to Canada but instead sent him to Syria when the RCMP said they did not have enough evidence to detain or charge him here.

Arar, 33, a Syrian-born Canadian, was detained Sept. 26, 2002 as he passed through New York's JFK International Airport on his way home from a vacation in Tunisia.

Arar, who has dual citizenship, was deported Oct. 8, flown to Jordan and driven in a car from there to Syria, where he spent a year of solitary confinement in a tiny gravelike cell.

Arar says he endured the confinement and torture until last October, when he was released without explanation.

Since then the highest-ranking Syrian official in the United States has declared him innocent, Olshansky said. Arar has maintained his innocence, though he did acknowledge that he confessed under torture.

Arar's civil lawsuit was filed in the U.S. District Court for the Eastern District under the Torture Victims Protection Act, a federal law that was adopted by the first president Bush. This is the first case in which U.S. officials are being accused under the statute, lawyers said.

While the lawsuit seeks monetary damages, there is no specific figure. Arar also asks for a declaration from Canada and the United States that he is innocent, as well as a declaration that his human rights were violated.

"I need to clear my name and I want to make sure this does not happen to any other person. This does not mean that I am not asking for compensation. It's part of the whole justice issue," Arar said.

"I need an apology. I need the United States government to say clearly that I am not a terrorist."

Fallout from his deportation strained relations between Ottawa and Washington last fall. Since then, American officials have said they will notify Canada of deportations to a third country in the future, but have not promised to eradicate them altogether.

Canada's ambassador to the United States said in Washington on Thursday that in future, State Department officials will contact the Foreign Affairs Department if the person isn't facing any charges in the United States.

"Canada will have the option to say: 'We will receive this person back,' " said Ambassador Michael Kergin.

Prime Minister Paul Martin has promised that he will get to the bottom of the case, saying he wants to know if Canadian authorities fed information on Arar to their American counterparts.

Both Arar and his lawyers said they have been disappointed at the lack of response from Martin.

"I was disappointed. He was very outspoken before he became (prime) minister. I don't know the exact reasons why he took this decision. I am hoping he will reconsider his decision," Arar said Thursday.

Speaking in Edmonton on Thursday, Deputy Prime Minister Anne McLellan said Arar's deportation actually was an act within the sovereign right of the United States.

"What we need to do is find out if in fact there was any involvement of Canadian agencies and whether that involvement in any way was inappropriate . . ."

Police investigating the source of leak in the Arar case raided the home of an Ottawa journalist Wednesday, sparking outrage.

Martin, who is in Switzerland to attend the World Economic Forum, said in his first response to the raid that the information leaked on Arar included personal and national security details that should not have been made public.

The New York group that filed the lawsuit Thursday is a non-profit legal and educational organization dedicated to protecting and advancing rights guaranteed by the U.S. constitution and the United Nations Universal Declaration of Human Rights.