

UA 314/02 Possible "disappearance"/forcible return

21 October 2002

USA Maher Arar (m), Canadian national

Amnesty International is concerned by the possible "disappearance" of Canadian citizen Maher Arar. Although recent reports state that he was deported to Syria, neither the Canadian authorities nor his family have been able to confirm his whereabouts. There are grave fears for his safety.

Maher Arar had been in US custody until early October, when he was reportedly removed from the USA after being accused of having links to the alleged terrorist group, *al-Qaeda*. If he has been expelled to Syria, his alleged connection with *al-Qaeda* would put him at risk of human rights abuses.

Maher Arar, a telecommunications engineer from Ottawa, was detained by US Immigration and Naturalization Service (INS) officials at New York's Kennedy airport on 26 September while in transit to Montreal from Tunisia. He was reportedly questioned at the airport for about nine hours without a lawyer and was accused of having links to *al-Qaeda*, a charge his family denies. He was then taken to New York's Metropolitan Detention Center (MDC), where a lawyer visited him on 5 October. When the lawyer tried to contact Maher Arar again, she was told he was no longer at MDC. His family have not heard from him since.

Canadian consular officials allegedly visited Maher Arar in MDC on 3 October after his family advised them of his detention in the USA. However, he went missing from the system on or around 8 October. Canadian officials made repeated enquiries regarding the whereabouts of Maher Arar. On 17 October, Canadian Foreign Affairs Minister Bill Graham reported that US officials told him Maher Arar had been deported to Syria. However, the Syrian authorities have allegedly denied that he is in Syria. When Amnesty International contacted the US authorities on 18 October, they refused to confirm whether or not he had been deported to Syria, stating only that he was no longer in the USA. His family still has no information on his whereabouts.

Although Maher Arar apparently has both Canadian and Syrian citizenship, he left Syria as a teenager 15 years ago and was travelling on a Canadian passport. He was said to be afraid of being sent back to Syria, as he feared being imprisoned for not doing his military service. The Canadian government has reportedly registered a formal protest to the USA for not treating Maher Arar in accordance with his rights as a Canadian passport holder.

Amnesty International is concerned that Maher Arar was reportedly expelled from the USA without being represented at any hearing prior to deportation; and that the US government failed to provide information on his present whereabouts and of the date and circumstances of his removal from the USA. The USA also violated the Vienna Convention on Consular Relations by failing to inform the Canadian authorities of its intention to deport Maher Arar, thereby depriving him of the assistance of his consulate.

Deportation to Syria would place Maher Arar at risk of human rights abuses, where torture and ill-treatment of political detainees and incommunicado

detention is routine. Expulsion in such circumstances, without a fair hearing, would violate the US Government's obligations under international law, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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

- expressing concern for the safety of Maher Arar, who was detained in the USA while in transit to Canada, and whose whereabouts are unknown;
- urging the US authorities to provide immediate information on the whereabouts of Maher Arar, to confirm whether he was deported from the USA and, if so, the country to which he was deported and the date and circumstances under which the deportation took place;
- expressing concern that deportation to Syria would place Maher Arar at risk of human rights violations including torture and ill-treatment and incommunicado detention;
- stressing that the forcible return of any person to a country where they are at risk of torture or ill-treatment is a violation of the USA's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- urging the authorities to ensure that Maher Arar's rights are fully respected, including the right to humane treatment, the right of anyone to be informed of the reasons for the detention and to be able to challenge the lawfulness of a detention, to the presumption of innocence, the prompt access to and assistance of a lawyer, and to be able to communicate with, and receive visits from family and friends.

APPEALS TO:

The Honorable John Ashcroft,
Attorney General, Department of Justice,
950 Pennsylvania Avenue, N.W. Room 440
Washington DC, 20530-001, USA
Telegram: Attorney General, Washington DC, USA
Fax: + 1 202 307 6777
Salutation: Dear Attorney General

INS Commissioner James Ziglar
425 I Street NW
Washington DC 20536, USA
Fax: + 1 202 307 9911
Salutation: Dear Commissioner Ziglar

COPIES TO:

The Honorable Colin Powell, Office of the Secretary of State
2201 C Street, N.W. Washington DC 20520, USA
Telegram: Secretary of State, Washington DC, USA
Fax: + 202 647 2283
Salutation: Dear Secretary of State

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 December 2002.