

**INTERNAL INQUIRY INTO THE ACTIONS OF  
CANADIAN OFFICIALS IN RELATION TO ABDULLAH ALMALKI,  
AHMAD ABOU-ELMAATI AND MUAYYED NUREDDIN**

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**MOTION RECORD**

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**AMNESTY INTERNATIONAL  
CANADIAN SECTION (ENGLISH BRANCH)**

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**MOTION IN SUPPORT OF PARTICIPATION**

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TAKE NOTICE THAT:

**AMNESTY INTERNATIONAL  
CANADIAN SECTION (ENGLISH BRANCH)**

(Applicant)

HEREBY APPLIES FOR PARTICIPATION at the Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin ("Iacobucci Inquiry"), as follows:

1. **Participation** The Applicant applies for participation as an intervener to:
  - (a) make opening written and/or oral submissions;
  - (b) make other occasional written and/or oral submissions;
  - (c) observe portions of the Inquiry which are open to it; and
  - (d) make closing written and/or oral submissions.

The Applicant would participate in a manner intended to assist the Inquiry to fulfill its Terms of Reference.

2. **Funding** The Applicant does not seek funding for its participation.

## **INTRODUCTION**

3. The Applicant claims a genuine concern in the subject matter of the Inquiry and a particular perspective or expertise that may assist the Commissioner, in accordance with Rule 7 of the Inquiry's Rules of Procedure. The Applicant has long been involved in the cases of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin, raising their cases repeatedly with the Canadian government and in the course of its involvement in the Arar Inquiry. Moreover, the Applicant has had extensive involvement in the inquiry into the case of Maher Arar. The Applicant has also developed particular expertise on the subject matter of this Inquiry based on its long standing work in the area of human rights and security.

## **APPLICANT'S INTEREST IN THIS INQUIRY**

4. The Applicant has raised the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin with the Canadian government and publicly, beginning in 2003, and has remained actively involved in their cases since that time.

5. In letters to the government and wider public appeals, the Applicant has repeatedly raised concerns of the possible involvement, whether direct or indirect, of Canadian government and agency officials in the detention and mistreatment of the three men in Syria and Egypt. The Applicant issued numerous public statements, letters and actions on behalf of the men beginning in 2003. The Applicant also called on the government to launch an investigation into their cases and the potential systemic failures of the government to protect its citizens from torture and mistreatment abroad.

Neve Affidavit, paras. 24-30.

6. Throughout the Arar Inquiry, the Applicant highlighted testimony which revealed possible Canadian involvement, whether direct or indirect, in the detention and alleged torture of the three men in Syria and Egypt. The Applicant specifically called on Justice O'Connor to highlight concerns he might have had about the broader pattern reflected in the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin.

Neve Affidavit, paras. 31-32.

7. The Applicant has continued to raise the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin since the completion of the Arar Inquiry as well.

Neve Affidavit, para. 24.

8. The questions of this Inquiry go to the heart of fundamental precepts such as the rule of law and respect for basic human rights. The Applicant has repeatedly

stressed in its work that the actions taken by governments to prevent and respond to terrorism must confirm with fundamental human rights protections. The Applicant's interest in this Inquiry is rooted in its concern that undermining human rights inevitably leads to injustice and insecurity.

9. The Applicant has reported and advocated frequently with respect to the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin, and has a long history of documenting serious human rights violations associated with governments' national security laws, policies and practices. The Applicant has actively reported and campaigned about a range of other domestic national security concerns, including immigration security certificates, laws allowing deportations of individuals at risk of torture, provisions in Canada's *Anti-Terrorism Act*, and concerns about the possible use of Canadian airspace and airstrips by planes that may have been used in acts of extraordinary rendition. The Applicant has also made submissions before the Arar Inquiry on the very issues touching these three cases.
10. As a result of its longstanding and ongoing work on the issue of human rights and security, the Applicant has developed a unique expertise on how international human rights standards impact on security-related matters. Moreover, through its work on the Arar Inquiry, the Applicant has also developed particular expertise on the issues of consular access, information sharing, the Canadian government's response to security-related issues and its human rights responsibilities both domestically and abroad.
11. The Applicant's extensive involvement and knowledge of the circumstances of the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin will be of benefit to the Commissioner. The Applicant brings to the Inquiry a perspective that is grounded in an international human rights framework and is well informed by comprehensive research and reporting on the issue of "human rights and security" worldwide.

## NATURE OF PARTICIPATION

### *Opening Statement*

12. The Applicant requests an opportunity to make written and oral opening submissions.

### *Leave to Observe Proceedings*

13. The Applicant does not seek a right to present evidence, examine or cross-examine any witnesses. The Applicant does seek the right to observe any proceedings open to it and to make further submissions on occasion.

*Leave to Apply to Make Submissions on Procedure and Methods*

14. The Applicant seeks permission to make oral and written submissions on procedure and methods to be adopted by the Inquiry, at the procedures hearing on 17 April 2007.

*Leave to Make Final Submissions*

15. The Applicant seeks permission to make oral and written submissions at the close of the Inquiry.

*Leave to Make Oral Submissions at Participation Hearing*

16. The Applicant seeks permission to make oral submissions in support of this application at a participation hearing on 21 March 2007, or at the discretion of the Commissioner at any other date.

**CONCLUSION**

17. The Applicant can be contacted through Alex Neve, directly by email at [aneve@amnesty.ca](mailto:aneve@amnesty.ca), or through Mr. Neve's Executive Assistant, Bonnie Harnden, at 613 744 7667, ext 263.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Ottawa, 14 March 2007

  
\_\_\_\_\_  
Alex Neve  
Secretary-General

Amnesty International Canada  
(English-speaking branch)  
[aneve@amnesty.ca](mailto:aneve@amnesty.ca)  
Telephone: 613 744 7667, ext. 234  
Fax: 613 746 2411  
312 Laurier Avenue East  
Ottawa, ON K1N 1H9

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**AFFIDAVIT OF ALEX NEVE  
(in support of Amnesty International's application for participation)**

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I, Alex Neve, of the City of Ottawa, in the Province of Ontario, **make oath and state as follows:**

1. I am the Secretary General of Amnesty International ("AI") Canadian Section (English Branch) and as such have knowledge of the matters hereinafter deposed to.
2. I was hired as Secretary General of AI's Canadian Section in January, 2000. Prior to assuming this position I had been an active member of AI for 15 years, during which time I was employed by AI's Canadian Section and by AI's International Secretariat in London, England for three years. In addition to my experience with AI, I hold a Master of Laws degree in International Human Rights Law, with distinction, from the University of Essex in the United Kingdom.

**Amnesty International's expertise on international human rights issues**

3. AI is a worldwide voluntary movement founded in 1961 that works to prevent some of the gravest violations to people's fundamental human rights. AI's vision is of a world in which every person enjoys all of the human rights enshrined in the

Universal Declaration of Human Rights and other international human rights standards.

4. In pursuit of this vision, AI undertakes research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.
5. AI is impartial and independent of any government, political persuasion or religious creed. AI is financed by subscriptions and donations from its worldwide membership, and receives no government funding.
6. AI has formal relations with the United Nations Economic and Social Council (ECOSOC), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Council of Europe, the Organization of American States, the Organization of African Unity, and the Inter-Parliamentary Union. In 1977, AI was awarded the Nobel Peace Prize for our work in promoting international human rights.
7. There are currently close to 2 million members of AI in over 162 countries. There are more than 7,500 AI groups, including local groups, youth or student groups and professional groups, in more than 90 countries and territories throughout the world. In 55 countries and territories the work of these groups is coordinated by national sections like AI Canada. The organizational structure of AI's Canadian Section (English branch) includes a board of 12 directors elected across the country, specific country and issue coordinators in each region and province, and a membership of approximately 60,000.

**Amnesty International's work on security and human rights**

8. Throughout more than 45 years of research and documentation AI's reports have shown that governments around the world have consistently used "security" as an

excuse for violating the full range of universally protected human rights. In the name of "security", governments have conducted mass arrests of ethnic or religious minorities, tortured political opponents, and launched military action that has resulted in huge numbers of civilian deaths.

9. Long before events following September 11, 2001 brought the issue of human rights violations committed in the name of security to the forefront of global debate, AI has highlighted this concern in countries on every continent. In every instance, no matter the context, AI has repeatedly underscored the central role that human rights must play in all laws, policies and practices governments adopt to counter terrorism and enhance security. We have highlighted that the debate about human rights *versus* security is a false debate.
10. Since September 11, 2001, AI Canada has played a prominent role in promoting a human rights framework for the Canadian government's response to security-related issues. AI representatives have done so in media interviews, meetings with government officials, appearances before parliamentary committee hearings, and in public presentations.
11. AI Canada has published a number of briefs on the subject of security and human rights. These include:
  - *Protecting Human Rights and Providing Security: Amnesty International's Comments with Respect to Bill C-36*, November 6, 2001;
  - *Real Security: A Human Rights Agenda for Canada*, May 2002;
  - *At Home and Abroad: A Human Rights Agenda for Canada*, October 2003;
  - *Securing a Commitment to Human Rights in Canada's Security Laws and Practices: Opening Submissions of Amnesty International Canada to the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar* (hereinafter "the Arar Inquiry"), June 14, 2004;
  - *Security through Human Rights: Amnesty International Canada's Submission to the Special Senate Committee on the Anti-Terrorism Act and House of Commons Sub-Committee on Public Safety and National Security as part of the Review of Canada's Anti-Terrorism Act*, May 16, 2005;
  - *A Human Rights Approach to National Security Confidentiality* (Submission to the Arar Inquiry), May 28, 2004;



- *Redoubling the Fight Against Torture: Amnesty International Canada's Brief to the UN Committee against Torture with respect to the Committee Consideration of the Fourth Periodic Report from Canada*, October 8, 2004;
- *Above all Else: A Human Rights Agenda for Canada*, December 2004;
- *Protection Gap: Strengthening Canada's Compliance with its International Human Rights Obligations* (Amnesty International Canada's Submission to the United Nations Human Rights Committee on the occasion of the consideration of the Fifth Periodic Report of Canada), 2005; and
- *It is Time to Comply: Canada's Record of Unimplemented UN Human Rights Recommendations*, December 19, 2005.

### **Amnesty International's work on torture**

12. Of particular concern to AI in the context of the current global and national debate about security and human rights has been the issue of torture. The prohibition against torture is an absolute human right. It is one of the universally applicable principles recognized in the UDHR, the cornerstone of the international human rights system. Since 1948, the prohibition against torture, has been reaffirmed and elaborated in legally binding treaties such as the *International Covenant on Civil and Political Rights* ("ICCPR"), adopted by the United Nations General Assembly in 1966, and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* ("CAT"), adopted by the United Nations General Assembly in 1984. It has been recognized and specified in numerous other international and regional treaties and non-treaty standards, adopted by the UN and by regional intergovernmental bodies.
  
13. Canada's compliance with its international obligations to prevent torture is a matter of ongoing interest for AI. AI has submitted numerous briefs to UN international treaty bodies with respect to Canada's compliance with its human rights obligations. These include briefs to the United Nations Committee against Torture, with respect to that Committee's periodic review of Canada's compliance with the CAT in 2000 and 2004; and a brief to the UN Human Rights Committee on Canada's compliance with the ICCPR in 2005, a portion of which outlined concerns regarding article 7 of the Covenant, the absolute ban on torture.

### **Amnesty International as proposed intervener**

14. AI has a well-established track record of intervening in judicial proceedings in Canada dealing with issues related to national security and international human rights. AI has been granted leave to intervene in several Supreme Court of Canada appeals. These have included: *Suresh v. Minister of Citizenship and Immigration*, [2002] 1 S.C.R. 3, where AI presented submissions to the Court regarding the nature and scope of the international prohibitions against torture; *United States of America v. Burns and Rafay*, [2001] 1 S.C.R. 283, where AI provided information to the Court on the significant international movement towards abolition of capital punishment; and *Charkaoui v. Canada (Citizenship and Immigration)*, 2007 SCC 9, where AI made submissions to the Court on the failings of the immigration security certificate process, as well as the issue of prolonged detention. Amnesty International was also granted intervener status at the Ontario Court of Appeal in *Bouzari v. Islamic Republic of Iran* (Court file C38295, June 30, 2004), a case involving the right of a torture victim to sue for compensation from the offending government.
  
15. Amnesty International was also granted intervener status at the Commission of Inquiry into the Actions of Canadian Officials in relation to Maher Arar, where we made submissions on several issues related to this Inquiry. Our submissions touched on issues of government responsibility and accountability for the torture and mistreatment of its citizens abroad, information sharing practices, as well as the need to have effective mechanisms in place to protect citizens from torture and mistreatment abroad. AI also stressed Canada's responsibility to protect its citizens from potential torture and mistreatment, as well as the need to ensure that any national security investigations, as well as the practice of Canadian government and agency officials comply with the government's international human rights obligations.

### **Amnesty International's genuine concern in this Inquiry**

16. AI has a genuine concern in the subject matter of this Inquiry. The interaction between the right to security and other human rights, such as the prohibition against torture, has been a centre-piece of AI's work in recent years, and a central aspect of our work for more than 45 years.
17. AI has demonstrated its interest in the subject matter of this Inquiry through its longstanding work to ensure that human rights are not violated in the name of security, and its representations on the subject of security and human rights to the Canadian government, international human rights bodies, and through the media, to the Canadian public.
18. Most relevant, however, is the fact that AI has spoken out frequently and forcefully regarding the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin, beginning soon after their release from imprisonment and return to Canada. AI initially pressed for individual investigations or inquiries for each of them and then when all three cases had come to light, pressed for one comprehensive review or inquiry into the circumstances of their detention, torture and mistreatment in Syria and Egypt.
19. Public actions on Mr. Almalki's case were issued while he was still in prison in Syria, in 2003 and 2004 (Exhibit "A"). AI raised all three cases and the need for an investigation into their detention and torture in Syria and Egypt, as well as potential involvement of Canadian officials in numerous public statements, presentations and reports released in 2005 and 2006 (Exhibit "B"). AI members across Canada actively worked towards that goal, circulating petitions, writing letters, and speaking about the cases in their communities. More recently, at a press conference on 12 October 2006, AI again pressed for an investigation into the detention and mistreatment of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin in Syria and Egypt, as well as the possible involvement of Canadian officials. A media report of this conference is attached as Exhibit "C".

20. AI has also repeatedly raised the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin in correspondence with the Canadian government between 2003 and 2006. We repeatedly called for an investigation of allegations that actions of Canadian officials may have directly or indirectly led to the violations of their human rights in detention in Syria and Egypt. Moreover, AI raised concerns that the three cases combined with Mr. Arar's deportation and torture in Syria all pointed to possible involvement on the part of Canadian law enforcement or security agencies. As an example, a copy of AI's open letter to the Prime Minister on 7 June 2005 raising this potential pattern is attached as Exhibit "D".
21. In an earlier letter to the Prime Minister on 4 November 2003, AI raised the case of Mr. Almalki who was still detained in Syria, urging the government to intervene on Mr. Almalki's behalf to protect him from further torture and mistreatment. Mr. Almalki described the extent of his experience of torture while in Syrian detention to Mr. Arar, whom he met in the final two weeks of Mr. Arar's detention in Syria. A copy of this letter is attached as Exhibit "E". AI continued to express its concern and called on the government to launch an investigation into Mr. Almalki's case throughout 2004 and 2005.
22. Beginning in February 2004, AI repeatedly wrote to the Canadian government raising the potential involvement of Canadian government and agency officials in the detention of Mr. Nureddin in Syria, and calling on the government to broaden the scope of the Arar Inquiry to cover Mr. Nureddin's case. A copy of this correspondence is attached as Exhibit "F".
23. Beginning in November 2003, AI wrote to the Canadian government to raise concern of reports that Mr. Abou-Elmaati was being held in an Egyptian prison for close to two years, and allegations that he had been tortured in Syria before being transferred to Egypt. A copy of this letter is attached as Exhibit "G". AI has raised Mr. Abou-Elmaati's case many times since then as well.

24. AI has also raised the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin before Parliamentary Committees. On 16 May 2005, AI appeared before the Senate Special Committee on the Anti-Terrorism Act and highlighted these three cases alongside Maher Arar, and the concerns that they were reflective of a pattern that showed disregard for Canada's international human rights obligations. AI also raised the cases on 21 September 2005 in an appearance before the House of Commons Subcommittee on Public Safety and National Security of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, as well as on 9 November 2006 in an appearance before the Standing Committee on Citizenship and Immigration.
25. AI raised these cases as well at the UN, including the UN Committee Against Torture and the Human Rights Committee. A copy of AI's briefs to the Committee Against Torture and the Human Rights Committee are attached as Exhibit "H". AI welcomed the Human Rights Committee's recommendation to Canada in April 2006 that an inquiry of the sort now being carried out by this Inquiry be convened. A copy of the Human Rights Committee's recommendation is attached as Exhibit "I". AI frequently called on Canada to comply with the Human Rights Committee's recommendation.
26. AI was also heavily involved in the case of Maher Arar, pressing for an investigation into the circumstances of his deportation and detention in Syria, as well as actively participating in the subsequent Inquiry. AI made several submissions to the Arar Inquiry on Canada's responsibility to protect its citizens from potential torture and mistreatment abroad, as well as the need to ensure that any national security investigation comply with the government's international human rights obligations. A copy of AI's opening and final submissions to the Inquiry is attached as Exhibit "J".

### **Amnesty International's particular perspective and expertise**

27. The questions of this Inquiry go to the heart of fundamental precepts such as the rule of law and respect for basic human rights. The three individuals who are the subjects of this Inquiry were never charged with any crime, let alone an offence related to planning, supporting or carrying out terrorist act. Their situations have arisen in a post-September 11 climate in which accusations of terrorism, often vague and unsubstantiated, lurk in the shadows of criminal justice and immigration systems around the world.
28. AI has unequivocally condemned acts of terrorism round the world. We have also stressed that the actions taken by governments to prevent and respond to terrorism must conform with fundamental human rights protections. But those essential principles have been challenged, directly and indirectly, by governments around the world who justify their actions by pointing to the new global imperative to fight "terrorism" and enhance security.
29. AI's interest in this Inquiry is rooted in the following concern: when universal human rights are undermined, no matter the excuse, injustice and insecurity are the inevitable results.
30. AI is interested in providing constructive submissions with respect to international human rights standards in the course of this inquiry for three important reasons. First, attention to that human rights framework is essential to ensuring appropriate justice and accountability for Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin.
31. Second, a human rights analysis will shed light on the potential systemic failings of the government to protect Canadian citizens who have been detained and reportedly tortured abroad in circumstances which suggest some level of knowledge or indirect involvement by Canadian law enforcement or security agencies.

32. Third, measuring what happened in these cases against Canada's international human rights obligations may point to further reforms needed to Canadian laws, institutions or practices, to prevent future violations of fundamental human rights of Canadian citizens.
33. AI believes that our involvement in the Inquiry will be of benefit because of our extensive involvement in and knowledge of the circumstances of these cases. We would bring to the Inquiry a perspective that is grounded in an international human rights framework and is well informed by comprehensive research and reporting on the issue of "human rights and security" worldwide.
34. I believe that AI brings a unique perspective and approach to the issues raised in this Inquiry. I am aware of the positions taken by other organizations seeking intervener status, and to my knowledge none of the other parties or interveners propose to address the issues from the perspective of a non-governmental international human rights organization with our unique experience, expertise and history with the issues of torture, human rights and security.
35. If granted leave to participate, AI will be mindful of submissions made by parties and other interveners and will seek to avoid duplication of argument and materials before the Inquiry.
36. I make this affidavit in support of Amnesty International's application for participation at the Inquiry and for no other or improper purpose.

Sworn before me at the City of Ottawa )  
In the Province of Ontario )  
This 14<sup>th</sup> day of March, 2007 )

  
A Commissioner, etc.

  
Alex Neve

Exhibit "A"  
Public Actions on Mr. Almalki's case

This is Exhibit A referred to in the  
affidavit of Alex Neve  
sworn before me, this 14<sup>th</sup>  
day of March 2007

.....  
A COMMISSIONER FOR TAKING AFFIDAVITS



**PUBLIC AI Index: MDE 24/025/2004**  
**31 March 2004**

**Further Information UA 313/03 (MDE 24/038/2003, 04 November 2003) Fear of torture and ill-treatment/unlawful detention/incommunicado detention/ill-health**

**SYRIA 'Abdallah al-Malki (m), Canadian/Syrian national - released**

'Abdallah al-Malki was released on 12 March 2004. He was reportedly arrested as he arrived at the airport in the capital Damascus in May 2002.

Further information about his detention will be released to network coordinators as it becomes available.

**Many thanks to all those who sent appeals. No further action is requested from the UA Network.**

This is Exhibit <sup>"A"</sup>.....referred to in the  
affidavit of..... *Alia Nave*.....  
sworn before me, this..... *14<sup>th</sup>*.....  
day of..... *March*..... 20..... *07*  
*[Signature]*  
A COMMISSIONER FOR TAKING AFFIDAVITS

**PUBLIC AI Index: MDE 24/038/2003**  
**04 November 2003**

**UA 313/03 Fear of torture and ill-treatment/unlawful detention/incommunicado detention/ill-health**  
**SYRIA/ 'Abdallah al-Malki (m), Canadian/Syrian national**  
**CANADA**

Amnesty International is gravely concerned at reports that 'Abdallah al-Malki, a Canadian/Syrian national, has been subjected to prolonged torture and ill-treatment in incommunicado detention in Syria. He is at risk of further torture or ill-treatment.

According to reports, 'Abdallah al-Malki was arrested as he arrived at the airport in the Syrian capital Damascus in May 2002 and was held at a secret location until September or October 2003. He is now believed to be held in Sednaya prison on the outskirts of Damascus. 'Abdallah al-Malki has not been granted permission to see representatives from the Canadian Consulate and has allegedly been denied access to his lawyer and relatives.

'Abdallah al-Malki has reportedly been subjected to a form of torture known as the *dullab*, which involves hanging the victim from a suspended tyre and beating him or her with sticks and cables. He has apparently also been given electric shocks and has been beaten around his body with cables as well as kicked in the head. 'Abdallah al-Malki is said to be in poor health and to have lost a lot of weight.

It is thought that 'Abdallah al-Malki is being held in connection with alleged "terrorist" activities but he has not been charged with a recognizable criminal offence.

**BACKGROUND INFORMATION**

Amnesty International has repeatedly raised concerns about the use of torture of political detainees in Syrian prisons. Maher Arar, also a Canadian/Syrian national, was detained without charge by the Syrian authorities for one year until his release on 5 October 2003, after which he returned to Canada (see UA 314/02, AMR 51/159/2002, 21 October 2002 and follow-ups). He had been deported from the USA via Jordan in October 2002. He was reportedly accused of having links with alleged "terrorist" groups and was held incommunicado at a secret location in Syria, where he was reportedly tortured and ill-treated.

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

**To the Syrian authorities:**

- expressing concern at the reports that 'Abdallah al-Malki is being tortured and ill-treated;
- calling for an immediate investigation into the reports that 'Abdallah al-Malki has been tortured and ill-treated, with the results to be made public and anyone found responsible to be brought to justice;
- urging the authorities to ensure that 'Abdallah al-Malki's rights are fully respected, including the right to humane treatment; the right to be informed of the reasons for the detention and to be able to challenge the lawfulness of the detention; the right to the presumption of innocence; the right to prompt access to and assistance of a lawyer; and the right to be able to communicate with, and receive visits from family and friends;
- urging that 'Abdallah al-Malki be given immediate and unrestricted access to Canadian consular officials;
- urging the authorities to provide 'Abdallah al-Malki with any medical treatment he may require;
- calling for the immediate disclosure of the whereabouts of 'Abdallah al-Malki;
- expressing concern that 'Abdallah al-Malki has been held for 1 ½ years without charge or trial and calling for his the immediate release unless he is to be charged with a recognizable criminal offence and given a prompt and fair trial.

**To the Canadian authorities**

- drawing their attention to the case of the reported torture and incommunicado detention without charge of Canadian/Syrian national 'Abdallah al-Malki;
- urging that they make representations to the Syrian government to ensure that 'Abdallah al-Malki is treated humanely and not subjected to any further torture or other ill-treatment; that he is given immediate access to Canadian consular officials, lawyers, relatives and adequate medical treatment; and that he be released unless he is to be charged with a recognizably criminal offence and given a prompt and fair trial.

**APPEALS TO:**

**Syrian Authorities:**  
His Excellency  
President Bashar al-Assad

Presidential Palace  
Damascus, Syrian Arab Republic  
**Telegram: President al-Assad, Damascus, Syria**  
**Telex: 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  
**Telegram: Interior Minister, Damascus, Syria**  
**Fax: + 963 11 222 3428**  
**Telex: 411016 AFIRS SY**  
**Salutation: Your Excellency**

**Canadian Authorities:**  
The Honorable William Graham  
Minister of Foreign Affairs  
Ministry of Foreign Affairs  
125 Sussex Drive  
Ottawa, ON, Canada  
K1A 0G2  
**Telegram: Foreign Affairs Minister, Ontario, Canada**  
**Fax: + 1 613 996 9709**  
**Salutation: Dear Minister**

**COPIES TO:** Diplomatic representatives of Syria accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 16 December 2003.\*\*\*\*\*

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: MDE 24/025/2005 (Public)  
News Service No: 129  
13 May 2005

### Syria: Ongoing risks for Syrian returnees

In recent months scores of Syrian returnees, including several children, have been arrested, or remain detained incommunicado without charge or pending unfair trials, and at risk of torture. In the past three years, at least ten returnees appear to have "disappeared" and several have died as an apparent result of torture and ill-treatment. Particularly at risk appear to be those with present, past or familial connections with the unauthorised Muslim Brotherhood (MB). The violations are taking place despite assurances of safe return being given to former political exiles. Despite this, foreign governments continue to deport failed asylum seekers in the apparent belief that they would not be at risk of persecution.

Mus'ab al-Hariri, aged 18, remains detained at Sednaya prison without access to his family or lawyer since his arrest at the Syrian-Jordanian border in July 2002, during his first visit to Syria. The Syrian Embassy in Saudi Arabia, to where the parents had moved in 1981, had reportedly assured Mus'ab's mother that he could return safely. He was reportedly tortured soon after his arrest, and later during interrogation by Military Intelligence. He is being tried before the Supreme State Security Court (SSSC), whose trials fall far short of international standards for fair trials, charged with belonging to the MB. In 1998 his brothers Yusef and 'Ubada, then aged 15 and 18, were arrested shortly after entering Syria, and sentenced by Field Military Courts (FMCs), whose secret trials are grossly unfair, for alleged membership of a secret organization. They were released in 2000 and January 2004. The final hearing for Mus'ab al-Hariri is scheduled for 19 June.

Ahmad 'Ali al-Masalma, an MB member, died on 28 March 2005, two weeks after being released from detention and two months after his return from exile in Saudi Arabia. He died reportedly as a result of torture and ill-treatment suffered in detention, including the denial of essential medication. He had reportedly received an assurance from the Syrian Embassy that he could return safely.

Majid Bakri Suleyman remains detained since his arrest on return from exile in Yemen to Syria on 13 January 2005. His decision was based on a pardon issued by the Syrian authorities on 15 July 2004 related to military personnel who fled the country. Mahmoud Samaq was also arrested on his arrival from exile in Yemen on 12 April 2005, having reportedly received assurances from the Syrian Embassy.

'Abdel Salam al-Saqaa remains detained since being arrested at the Jordanian border on 27 August 2004. He has apparently been tortured. His family had been living in exile in Jordan but had then received passports at the Syrian Embassy in Amman. In March 2002, MB-affiliate Mohammad Hasan Nassar died in incommunicado detention after being arrested one week earlier on his voluntary return from exile in Jordan. Since 2000 Jordan is said to have become less hospitable for Syrian exiles who may be deported on account of alleged minor misdemeanours.

Several Syrians remain detained since their deportation from countries where they failed to obtain

asylum. These include MB member Mohammed Osama Sayes who on 3 May 2005 was arrested on arrival after his forcible return from the UK, via the Netherlands. On 19 January 2005 MB-affiliate 'Abd al-Rahman al-Musa was arrested on arrival from the USA, also via the Netherlands. Both reportedly have been denied access to a lawyer, have not been charged with any offence nor have been brought before a court. MB member Muhammad Sa'id al-Sakhri was released after 11 months' detention in October 2003, after reports that he died under torture, following his arrest on forcible return from Italy along with his wife Maysun Lababidi and their four children.

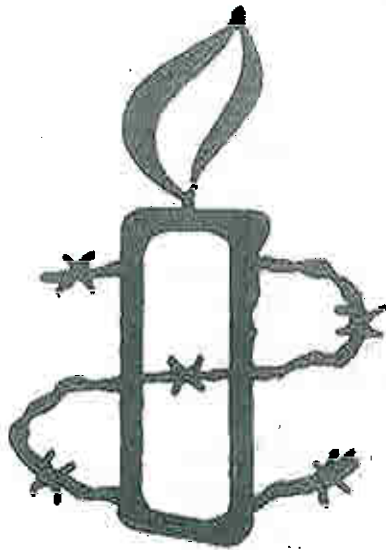
At least ten Syrians returning from exile in Iraq have suffered human rights abuses. 'Abdullah Qadour al-Thamr and Ziad al-Dakheel died in custody in May and April 2004 respectively, both reportedly as a result of being denied specialized medical treatment and very unhealthy conditions of detention. 'Abdullah Qadour al-Thamr's two brothers Mu'az and Mohammad, are among nine others who appear to have "disappeared" after their arrests upon return between September 2002 and April 2003. The SSSC sentenced to death two other MB-affiliates returning from Iraq during the same period, Mahmud 'Ali al-Nabhan and Muhammad Ahmad al-Effendi, then commuted the sentence to 12 years in prison.

Dual Syrian-Canadian national Arwad Muhammad 'Izzat al-Boushi was apparently sentenced to 12 years imprisonment for alleged MB membership after a grossly unfair trial before an FMC in July 2003. He was arrested on 3 July 2002 when he returned from Canada to visit his ailing father. He was reportedly tortured during pre-trial detention. Similarly dual Syrian-Canadian national 'Abdallah al-Malki was arrested on arrival in May 2002 and detained for 22 months, without charge, during which he was tortured. Dual Syrian-Canadian Maher Arar was released in October 2003 after 13 months' detention without charge, during which he was tortured, after being "rendered" from the USA via Jordan. In October 2004 Syrian-born German national Muhammad Haydar Zammar was "disappeared" from his solitary confinement cell in Damascus where he had been held without charge for about three years. He was arrested in Morocco in October or November 2001 then secretly transferred to Syria.

### **Background**

Affiliation to the Muslim Brotherhood is punishable by the death penalty under Syrian Law 49 of July 1980, although the sentence is usually commuted to a 12 year prison term. Many Muslim Brotherhood supporters and sympathisers, and their families, fled Syria following armed clashes which began in the late 1970s, and the introduction of Law 49 in 1980.

**Exhibit "B"**  
**Public Actions on Mr. Almalki, Mr. Abou-Elmaati and Mr. Nureddin**



**Amnesty  
International**

This is Exhibit.....B.....referred to in the  
affidavit of...Alex Neve.....  
sworn before me, this...14<sup>th</sup>.....  
day of...March.....20...07.....  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS

**A Chronology of "Non-Accountability":  
The Efforts to Seek Answers and Ensure Accountability  
for Ahmad El Maati, Abdullah Almalki and Muayyed Nureddin**

**Amnesty International Canada  
March 1, 2006**

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## **Chronology of non-accountability in the cases of Ahmad El Maati, Abdullah Almalki and Muayyed Nureddin**

**November 12, 2001**

**Mr. El Maati was detained at the airport in Damascus when he arrived in Syria.** He had travelled there to celebrate his wedding. His bride and her family waited for him at the airport but never saw him. He was taken to the **Palestine Branch** of the Syrian military intelligence where he was repeatedly **tortured and interrogated with questions that could only have come from Canada and forced to sign a statement he was not permitted to see.** He was transferred to Egypt on January 25, 2002 where he was held in various detention centres and repeatedly interrogated and tortured until his release over two years later on January 11, 2004. He was **never charged** with a crime.

**May 3, 2002**

**Mr. Almalki was detained when he arrived at the airport in Damascus.** He had travelled there to visit his grandmother, who was ill, and was able to talk briefly with his mother before being taken aside, detained and driven to the **Palestine Branch** of the Syrian Military Intelligence. He was repeatedly **tortured, interrogated about information that could only have originated in Canada, and forced to sign a false confession.** He was held in a dark, underground cell measuring only three by six by seven feet for more than fifteen months until being transferred to another Syrian prison in August, 2003. Mr. Almalki was finally released on March 10, 2004, after more than twenty-two months in detention. Mr. Almalki was **never charged** with any crime.

**Sept. 26-Oct.9, 2002**

**Mr. Arar was detained at JFK Airport in New York,** interrogated and held there until October 8 when he was taken on a private jet to Jordan, and then driven to Syria. He was **delivered into custody at the Palestine Branch** of the Syrian Military Intelligence, where he was tortured and interrogated with questions that could only have come from Canada and forced to sign a false confession. He was kept in a tiny underground grave-like cell for ten months and ten days before being transferred to another Syrian prison.

**October 5-6, 2003**

Just over a year after being initially detained in the U.S., **Mr. Arar was released from Syrian custody** on October 5, 2003 and returned to Canada the next day. He was escorted by a Canadian embassy official.



**December 11, 2003**

**Muayyed Nureddin** had been visiting family in Iraq and was en route to Damascus to catch his flight home to Canada when he was **detained by Syrian authorities at the border**. He was taken to the **Palestine Branch** of the Syrian military intelligence where he was **tortured and interrogated with questions he had been asked by Canadian security agents** before leaving Canada. He was forced to sign documents he was not permitted to read. He was kept in an underground cell before being released on January 13, 2004 after thirty-four days in detention. Mr. Nureddin was **never charged** with any crime.

**January 11, 2004**

**Mr. El Maatl was released from Egyptian custody almost two years after he was initially detained in Syria. He was never charged.** He was forced to report to the Egyptian authorities every three or four days until March when he was finally able to leave the country. Canadian officials refused to escort him home.

**January 13-14, 2004**

**Mr. Nureddin was released** from Syrian custody on January 13 and **was escorted home to Canada by a Canadian embassy official** on January 14.

**February 17, 2004**

**Irene Khan, Secretary General of Amnesty International's International Secretariat wrote to Prime Minister Paul Martin** to say that Amnesty International had interviewed Mr. Nureddin, and was concerned that he was tortured and that CSIS may have played a role in his case. Ms. Khan **recommended that the Arar Inquiry** include a second part which could **examine Mr. Nureddin's case.**

**February 19, 2004**

**Alex Neve, Secretary General of Amnesty International Canada wrote to** Foreign Affairs Minister **Bill Graham** and Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, **Anne McLellan** to **recommended that the Arar Inquiry examine Mr. Nureddin's case.**

**March 10, 2004**

**Mr. Almalki was released after more than twenty-two months in detention.** He was never charged with any crime. He was taken in for questioning again, and was not able to leave Syria until July 28, 2004.

**March 29-30, 2004**

**After trying unsuccessfully to leave the country on March 7, Mr. El Maatl was finally able to leave Egypt** and arrived home in Canada on March 30.

April 30, 2004

**Mr. El Maati, Mr. Almalki and Mr. Nureddin applied for standing** at the Commission of Inquiry into the actions of Canadian officials in relation to Maher Arar.

May 4, 2004

**Justice O'Connor ruled against applications for standing** by Mr. El Maati, Mr. Almalki and Mr. Nureddin, saying that his mandate was to investigate the role of Canadian officials with respect to Mr. Arar only.

July 28 to Aug. 2, 2004

**Mr. Almalki was able to leave Syria on July 28 and returned home to Canada on August 2, 2004.**

November 19, 2004

**Minister McLellan responded to Amnesty International's February 19, 2004 letter**, saying that the government did not intend to broaden the scope of the Arar Inquiry to examine Mr. Nureddin's case, and **saying that Mr. Nureddin could file a complaint about CSIS with the Security Intelligence Review Committee.**

November 26, 2004

Alex Neve of **Amnesty International Canada wrote to Minister Anne McLellan urging her to set up an independent investigation** of Mr. Almalki's case to determine "the nature and extent of co-operation between Syrian and Canadian officials" while he was detained in Damascus. Mr. Neve also wrote that Amnesty International wants to make sure anything Mr. Almalki might have said under torture is not used against him or anyone else.

May 9, 2005

**Justice O'Connor ruled in favour of the intervenors' suggestion that a fact-finder interview Mr. El Maati, Mr. Almalki and Mr. Nureddin.** Justice O'Connor **limited the mandate** of the fact-finder to interview these men with respect to their mistreatment in Syria, not the complicity of Canadian officials. The goal was to enable the Commission to make a finding with respect to whether Mr. Arar was tortured, without him having to testify.

June 7, 2005

Alex Neve of **Amnesty International Canada wrote to Prime Minister Martin urging that he appoint an Independent Expert to carry out a detailed review of Canadian complicity in the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin.** Specifically, he asked that the expert review: whether their experiences are reflective of a pattern; what reforms should be put in place to address any such pattern; what role Canadian officials did or did not play in circumstances around the arrest, detention, interrogation and release of these individuals; what knowledge or suspicion did Canadian officials have of the

likelihood these individuals were experiencing torture in detention; what action needs to be taken to ensure the discipline or prosecution of any officials who may have violated policy or contravened Canadian law; and whether any of these individuals are deserving of compensation and if so, how that should be measured and assured  
([http://www.amnesty.ca/resource\\_centre/reports/view.php?load=arcview&article=2780&c=Resource+Centre+Reports](http://www.amnesty.ca/resource_centre/reports/view.php?load=arcview&article=2780&c=Resource+Centre+Reports)).

June 28, 2005

**Mr. El Maati, Mr. Almalki and Mr. Nureddin were granted limited standing** at the Arar Inquiry, so that their counsel could address evidence for the purpose of protecting their clients' reputational interests.

August 9, 2005

Counsel for Mr. Almalki, Mr. El Maati and Mr. Nureddin appeared at the Arar Inquiry to cross-examine Michel Cabana, the former RCMP Officer in Charge of Project AO Canada. **Government counsel asserted national security confidentiality claims against almost all the questions asked.**

August 27, 2005

**The *Globe and Mail* published an exclusive interview by Jeff Sallot with Mr. Almalki on its front page.** This was the first interview Mr. Almalki had granted since his return to Canada. In the story, Mr. Almalki said that he wanted the truth to come out, people to be held accountable, and for this to never happen again, especially to another Canadian. A detailed chronology of his experience was released publicly.

August 29, 2005

**The *Globe and Mail* published an exclusive interview by Jeff Sallot with Mr. El Maati on its front page.** This was the first interview Mr. El Maati had granted since his return to Canada. A detailed chronology of his experience was made publicly available.

August 31, 2005

The *Globe and Mail* published a story saying that **Minister McLellan would reply soon to the letter sent by Amnesty International nine months earlier** on November 26, 2004. The article said that Minister McLellan declined an interview, and that:

*"Marc Roy, the associate director of communications for Mr. Martin, said for the second day in a row that he will not respond to questions about what due diligence the Prime Minister performed to make sure someone was getting to the bottom of the allegations of Canadian complicity in the torture of the two men or why it took two months to respond to the June 7*

letter" ("Ottawa to reply 'soon' to Amnesty request,"  
Jeff Sallot, *Globe and Mail*, August 31, 2005, Page A5).

September 1, 2005

**Amnesty International, the Canadian Council on American Islamic Relations and the International Civil Liberties Monitoring Group** held a news conference on Parliament Hill and **called on the government to launch an independent investigation** into Canadian complicity into the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin.

Spokesman for **Minister McLellan**, communications director Alex Swann, told Canwest News:

*"In response to the kind of allegations that were made, the government has no policy of condoning torture or subcontracting torture, as was suggested today... There is no such policy. Information-sharing that the services and the government of Canada engages in with foreign states is done under strict conditions and guidelines. Those things take into account privacy rights, human rights and also how the information would be used by the end user."*

Conservative **MP Peter MacKay** told Canwest News he agreed a new inquiry should be struck "as soon as possible" to review national security actions, but said it is too late to add new responsibilities to the Arar inquiry ("Human-rights groups fear information-sharing is 'sub-contracting torture' to Syrians," Tim Naumetz, Canwest News Service, September 2, 2005).

September 6, 2005

The ***Globe and Mail*** published a story revealing the origin of the map about which Mr. El Maati was questioned by CSIS in Canada, and later interrogated about, under torture, in Syria and Egypt. The story by journalist Jeff Sallot revealed that the map was actually an outdated government issue visitors' guide distributed to the general public by commissionaires in government buildings.

**Amnesty International Canada issued an open letter to Prime Minister Martin**, renewing its earlier calls on him to take immediate steps to appoint an Independent Expert to investigate the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin.

([http://www.amnesty.ca/take\\_action/actions/resources/almalki/tortured\\_citizens\\_6sept05.doc](http://www.amnesty.ca/take_action/actions/resources/almalki/tortured_citizens_6sept05.doc)).

September 7, 2005

Justice **O'Connor ruled that the chronologies** about Mr. El Maati, Mr. Almalki and Mr. Nureddin **could be filed as exhibits** and form part of the public record at the Arar Inquiry.

September 8, 2005

An article in the *Globe and Mail* recounted the **responses by opposition parties to calls for an investigation**. NDP MP **Alexa McDonough** said that the Arar inquiry should issue its final report on the case of Mr. Arar, and then look at other cases to paint a broader picture of the situation. Conservative Leader **Stephen Harper** said that although the full nature of what transpired is still unclear, he is "very concerned" about the allegations regarding the investigation of Mr. El Maati. He said that there was a process in place to investigate these allegations and they are obviously very, very serious...hopefully, members of Parliament, through their role and my own role in the Privy Council, will be fully briefed on what the specifics are here." Bloc Leader **Gilles Duceppe** said that parliamentarians have a duty to "get a broader view" and find out what happened, and that he wants "to see what comes out of the Arar inquiry, but we have, as elected officials, to be seized of situations like this to make sure that mistakes are not committed against the rights of citizens," ("Calls grow for torture inquiry: Opposition parties urge expanded probe after innocuous Ottawa map fuelled panic," Daniel LeBlanc, *Globe and Mail*, September 8, 2005, page A1).

September 9, 2005

The *Globe and Mail* reported responses by Prime Minister Martin and Minister McLellan to calls for an investigation into the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin:

*"The federal government yesterday rejected calls to investigate new allegations of Ottawa complicity in the torture of two Canadian Muslim men in the Middle East. Asked if he wanted to get to the bottom of their cases, Prime Minister Paul **Martin said he is satisfied that an inquiry into an earlier torture allegation by Ottawa software engineer Maher Arar will deal with the "broader issues" that are raised in the two new cases.** He ignored a follow-up question about the two men – Toronto truck driver Ahmad El Maati and Ottawa businessman Abdullah Almalki – during a brief media scrum in Ottawa. In Calgary, Public Safety Minister **Anne McLellan said the government has no intention of expanding the mandate of the Arar inquiry to investigate the two new cases.** Ms. McLellan said in a scrum that **if the men had complaints against the Canadian Security Intelligence Service they can lodge those complaints with an oversight body, the Security Intelligence Review Committee**" ("Martin rules out expanded probe of Ottawa's role in torture cases," Jeff Sallot and Dawn Walton, *Globe and Mail*, September 9, 2005).*

September 10, 2005

The eighteen organizations with Intervenor status at the Arar Inquiry made submissions recommending that **the Commission go "as far as the evidence allows with respect to determining whether what happened to Mr. Arar can be linked to a Canadian policy of having Canadian citizens detained, and/or interrogated on their behalf in countries known for practicing torture."** The Intervenors recognized that the Commission may not have seen enough evidence to be able to make conclusive findings of fact with respect to what happened to them, or with respect to issues of accountability and redress in their cases. However, they argued, "if the Commissioner finds that a pattern exists because of others' stories that are intimately tied to Mr. Arar then the Arar Inquiry would not be complete unless the Commissioner recommends the thorough and independent assessment of those others' claims of mistreatment. "

The Intervenors also urged the Commission to recommend:

*"that there be a further process of independent, impartial and expert review, through a second phase of this public inquiry, through the appointment of an independent expert, or through any other kind of effective independent process that the Commissioner feels would provide the kinds of answers and public accountability that are so necessary."*

The Attorney General's Submissions on this day said:

*"the Commissioner has heard extensive evidence in camera about the RCMP's knowledge of the arrests of El Maati and Almalki in Syria, and whether information was subsequently exchanged with the Syrian or Egyptian authorities concerning these two individuals" (Submissions by the Attorney General, chapter 5, paragraph 53).*

The Attorney General also asserted that "because Messrs. El Maati and Almalki travelled to Syria of their own volition, their cases should not have given reason for the RCMP to anticipate Mr. Arar would be sent to Syria" (Submissions by the Attorney General, chapter 5, paragraphs 54-5).

September 12, 2005

**Minister McLellan responded to Amnesty International's November 26, 2004 letter** to her, and its June 7, 2005 letter to Prime Minister Martin. She apologized for the delay in responding and said she was unable to meet at this time. Ms. McLellan wrote that the issues raised in Amnesty's letter pertain to the Arar Inquiry, and **it would be premature for her to speculate in advance of the Commission's findings.** She



also wrote that the **CPC and SIRC ensure that Canada's security and intelligence agencies respect civil liberties.**

In its final oral submissions before the Arar Commission, the **Attorney General argued against the need to expand the mandate of the Commission** in order to determine findings on the issue of pattern. Counsel asserted:

*"... you have heard extensive evidence about the extent to which Canadian officials knew anything about the arrest of Mr. Almalki in Syria and the arrest of Mr. El Maati in Syria. And you have also heard extensive information about whether there were exchanges of information with the Syrian authorities during the time that any of those people were detained in Syria. So in my submission, your mandate permits you to look at that. You have received extensive evidence about it and certainly sufficient evidence to make an informed decision about whether or not Mr. Arar's circumstances are part of a broader pattern" (Arar Commission transcripts, September 12, 2005, pages 11900 to 11901).*

**October 27, 2005**

**Justice O'Connor released the report of fact-finder, Professor Stephen J. Toope.** In the report, Mr. Toope said that of all the testimony he heard, "Mr. Almalki's revealed the most intense pain and suffering" (Toope Report, page 8, [http://www.ararcommission.ca/eng/ToopeReport\\_final.pdf](http://www.ararcommission.ca/eng/ToopeReport_final.pdf)). He also wrote:

*"When I compare information available from public sources with the **cross-referenced testimony of Messrs. Almalki, El Maati, and Nureddin, I conclude that the stories they tell are credible.** I believe that **they suffered severe physical and psychological trauma while in detention in Syria.** Mr. Almalki was especially badly treated, and for an extended period. When I compare all of this information to the story told to me by Mr. Arar, I am convinced that his description of his treatment in Syria is accurate." (Toope report, page 13).*

**November 1, 2005**

**The United Nations Committee on Human Rights posted its report** saying that in examining Canada's compliance with the International Covenant on Civil and Political Rights, it was **noting its concern about allegations that Canada "may have cooperated with agencies known to resort to torture with the aim of extracting information from individuals detained in foreign countries."** The Committee noted the ongoing Inquiry into Mr. Arar's case, but said it "regrets however that insufficient information was provided as to

whether cases of other Canadians of foreign origin detained, interrogated and allegedly tortured are the subject of that or any other inquiry" (Consideration of Reports Submitted by States Parties under Article 40 of the Covenant: Concluding observations of the Human Rights Committee, Canada, CCPR/CO/85/CAN, page 4, paragraph 16, [http://www.ohchr.org/english/bodies/hrc/docs/CCPR\\_C\\_CAN\\_C O\\_5.doc](http://www.ohchr.org/english/bodies/hrc/docs/CCPR_C_CAN_C O_5.doc)).

The Committee called on Canada:

***"to ensure that a public and independent inquiry review all cases of Canadians citizens who are suspected terrorists or suspected to be in possession of information in relation to terrorism, and who have been detained in countries where it is feared that they have undergone or may undergo torture and ill-treatment. Such inquiry should determine whether Canadian officials have directly or indirectly facilitated or tolerated their arrest and imprisonment" (ibid. page 4).***

November 2, 2005

Noting what was said in the Attorney General's oral closing submissions to the Arar Inquiry on September 12 and written submissions on September 10, 2005, the **eighteen organizations with intervenor status at the Arar inquiry** wrote a reply submission to the Arar Commission, **asserting that there is at least prima facie reason to believe there was a pattern** relating to the cases of Mr. Arar, Mr. El Maati, Mr. Almalki and Mr. Nureddin. The intervenors pointed out that all four Canadian Muslim men, who were under investigation in Canada, ended up being detained, interrogated and tortured in the same detention centre in Syria, and all say that the information that formed the basis of their interrogations could only have originated in Canada. The intervenors asserted that whether Mr. Nureddin was ever a suspect or person of interest to Project AO Canada, rather than another Canadian agency, is not the issue. Nor, the intervenors asserted, is the question of whether he, Mr. El Maati, or Mr. Almalki were travelling of their own volition before being detained.

**The intervenors cautioned that it would be "unfair, and inappropriate, for the Commission to make a conclusive finding that there is no pattern,** or no Canadian complicity in these men's cases, based on information that none of these men, intervenors, or the public, have had a chance to see, hear, question or otherwise respond to. This is especially true in the face of the abundant evidence in the public domain, as outlined



in our final submission, that points to the existence of a pattern."

The Intervenor's pointed out that Mr. El Maati, Mr. Almalki and Mr. Nureddin were not granted full standing at this Inquiry, and as such, Commission Counsel did not have the benefit of extensive, ongoing communication with them to inform the calling and evaluation of documentary evidence, or cross examination of witnesses *in camera* or in public. Indeed, detailed chronological accounts of their stories were only introduced as exhibits to the Inquiry near the end of the public hearings, and this information could not have been used to inform, test and explore any *in camera* evidence.

The Intervenor's also asserted that throughout the public hearing process, government counsel repeatedly limited the scope of questioning permitted about these cases, and about the pattern issue itself, asserting that this is not an Inquiry about Mr. El Maati, Mr. Almalki or Mr. Nureddin. When these men were finally granted standing, it was limited to protecting their reputational interests. On numerous occasions government counsel refused to let witnesses answer questions from their counsel, arguing that these questions went beyond the mandate of this Inquiry.



**CRUEL.  
INHUMAN.  
DEGRADES  
US ALL.**

amnesty  
international

**STOP TORTURE  
AND ILL-TREATMENT  
IN THE 'WAR ON TERROR'**

## **SYRIA**

### **Amnesty International's campaign to stop torture and ill-treatment in the 'war on terror'**

Human rights are under threat. The absolute ban on torture and other cruel, inhuman or degrading treatment – one of the most universally accepted human rights – is being undermined. In the “war on terror”, governments are not only using torture and ill-treatment, they are seeking to justify it. They argue that interrogation methods which amount to torture or ill-treatment, and detention conditions which constitute ill-treatment, are both justifiable and necessary.

This is a crisis in the struggle to eliminate torture and ill-treatment, and we are therefore redoubling our efforts. We are urging the widest possible network of people to join us in reasserting the absolute ban on torture and ill-treatment, including methods currently being described as “coercive interrogation”. No euphemisms can justify the unjustifiable. We want to stop the torture and ill-treatment that is being inflicted in the “war on terror”. We also want the prohibition on such brutal treatment to emerge all the stronger from our campaign.

### **Torture and other cruel, inhuman or degrading treatment in Syria**

Torture and ill-treatment are widespread in Syrian detention and investigation centres, particularly during pre-trial detention. The risk of torture and ill-treatment is increased during periods of incommunicado detention. Torture and ill-treatment are used against political suspects and ordinary criminal suspects, women and men, the elderly and children. Over the years, Amnesty International has documented about 40 different methods of torture and ill-treatment used against detainees in Syria. “Confessions” extracted under duress are systematically used as evidence in Syrian courts, and the defendants’ claims of torture or ill-treatment are almost never investigated. In 2004 at least nine people died reportedly as a result of torture and ill-treatment while in custody.

Amnesty International documented the cases of more than 20 Syrian Kurdish children, aged between 14 and 17, who were reportedly tortured and ill-treated while detained for over three months in 2004. The children were allegedly beaten with electric cables, had their heads banged together, and were ordered to strip almost naked under threat of being beaten. They were also given electric shocks to their hands and feet and sensitive parts of the body, had their toe-nails pulled out; and were beaten with rifle butts.

Other methods of torture or ill-treatment systematically used in Syria include: the *dulab* (the tyre), whereby the victim is forced into a car tyre, which may be suspended, and beaten with cables, bamboo sticks or whips; the “German Chair”, whereby the victim is strapped to a metal chair with moving parts in which the backrest is lowered away from the body causing hyperextension of the spine and severe pressure on the victim’s neck and limbs; and the “frame”, whereby the victim’s limbs are tied to a large metal frame and the victim is then beaten. Detainees are also given electric

shocks to various parts of the body and detained in extremely poor and unhygienic conditions, such as in tiny, filthy, insect-infested grave-like cells.

**Seraj Khalbous** became critically ill apparently as a result of torture suffered while detained incommunicado from 12 September 2005 at al-Mezze and al-Fayha Political Security Branches in Damascus. He was beaten, repeatedly stamped on, hit with large sticks, threatened with anal rape, subjected to extreme cold and sleep deprivation, and forced to watch others being tortured, including with electric shocks. He was released on 25 October.

### **Torture and other ill-treatment in the 'war on terror' in Syria**

A number of people suspected of "terrorist" activities have been arrested and tortured in Syria, with the apparent cooperation of Western intelligence agencies. Syria is one of the providers of detention centres to which the USA transfers alleged terror suspects without any legal process (a practice known as "rendition") for interrogation, often under torture and ill-treatment.

According to Robert Baer, a former CIA case officer in the Middle East, "We pick up a suspect or we arrange for one of our partner countries to do it. Then the suspect is placed on civilian transport to a third country where, let's make no bones about it, they use torture." Robert Baer also told *BBC Radio 4*: "If you send a prisoner to Jordan you get a better interrogation. If you send a prisoner, for instance, to Egypt, you will probably never see him again, the same way with Syria" (*Transcript of 'File on 4 - Rendition'*, 8 February 2005).

Amnesty International documented the following cases of four men alleged to have been involved in "terrorism". All were held for significant periods in the notoriously inhumane, tiny and filthy underground "grave" cells at Palestine Branch of Military Intelligence in Damascus. All were tortured and ill-treated.

- **Maher Arar**, a dual Canadian/Syrian national, was arrested in September 2002 and deported to Syria from the USA via Jordan in October 2002. He was reportedly accused of having links with "terrorist groups". He was held without charge for a year, tortured and ill-treated and released without charge in October 2003.
- **'Abdallah al-Malki**, also a dual Canadian/Syrian national, was arrested in Syria in May 2002. He was tortured -- including beatings on his feet, "the tyre" and "the frame" -- while detained for 22 months and then released without charge.
- **Ahmed Abou El-Maati**, a Canadian national of Syrian and Egyptian origin, was detained and tortured for 11 weeks from 12 November 2001 after he travelled voluntarily to Syria. He was beaten with electric cables, had ice cold water poured on him and had cigarettes burned on his legs. He was then transferred to detention in Egypt, where he suffered further torture. He was released without charge in January 2004 and allowed to return to Canada on 30 March 2004.
- **Muhammad Haydar Zammar**, a Syrian-born German national, remains held without charge, reportedly in relation to alleged links to al-Qa'ida. He has received no visits since his arrest in November 2001, except for when he was reportedly interrogated in November 2002 by agents of German intelligence and criminal investigation agencies. US security forces were reportedly involved in his detention and interrogation in Morocco, where he was initially arrested, and in his secret transfer to Syria -- on a US executive Gulfstream V Turbo jet that has reportedly transported at least 72 suspects.

## What you can do

- Take action as part of AI's campaign – see [www.amnesty.org](http://www.amnesty.org) and the campaign home page at <http://web.amnesty.org/pages/stoptorture-index-eng>
- Contact your national section/structure to get involved in their work on the campaign: see <http://web.amnesty.org/contacts/engindex> for contact details.
- Please write to the Syrian President, Bashar al-Assad:

State that torture and other ill-treatment are human rights violations, condemned by the international community as a crime and an offence to human dignity and prohibited in all circumstances under international law.

Urge the Syrian government to:

- Establish and ensure the implementation of effective system-wide measures incorporating all the elements of Amnesty International's *12-Point Programme for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Agents of the State* (AI Index: ACT 40/001/2005) <http://web.amnesty.org/library/index/engact400012005>.
- Officially and publicly condemn torture and ill-treatment and order that these practices cease, making clear that they are prohibited absolutely and will not be tolerated.
- Ensure that all allegations of torture or ill-treatment are promptly, impartially and effectively investigated by a body independent of the alleged perpetrators.
- Ensure that anyone responsible for having committed, ordered or authorized torture or other ill-treatment be brought to justice in a fair trial.

His Excellency President Bashar al-Assad  
President of the Republic  
Presidential Palace,  
Abu Rummaneh,  
Al-Rashid Street  
Damascus,  
Syrian Arab Republic  
**Fax: + 963 11 332 3410**  
**Salutation: Your Excellency**

# SYRIA

## SYRIAN ARAB REPUBLIC

**Head of state:** Bashar al-Assad

**Head of government:** Muhammad Naji 'Otri

**Death penalty:** retentionist

**International Criminal Court:** signed

**UN Women's Convention:** ratified with reservations

**Optional Protocol to UN Women's Convention:** not signed

Freedom of expression and association remained severely restricted. Scores of people were arrested and hundreds remained imprisoned for political reasons, including prisoners of conscience and others sentenced after unfair trials. However, about 500 political prisoners were released under two amnesties. Torture and ill-treatment were common. Human rights defenders continued to face harassment. Women and members of the Kurdish minority continued to face discrimination.

## Background

Syria became increasingly isolated after the assassination of former Lebanese Prime Minister Rafiq al-Hariri in Beirut on 14 February. In May the UN confirmed that Syria had withdrawn its forces from Lebanon. The state of emergency imposed in 1962 remained in force. The Association Agreement between Syria and the European Union, which was initialled in October 2004 and contains a human rights clause, remained frozen at the final approval stage.

## Releases of political prisoners

Up to 312 political prisoners, including prisoners of conscience, were ordered to be released on 30 March under a presidential amnesty. Most were Kurds who had been detained following violent disturbances in north-eastern Syria in March 2004.

Some 190 political prisoners, including prisoners of conscience, were released under a presidential amnesty on 2 November. They included: 'Abd al-'Aziz al-Khayyir, arrested in February 1992 and sentenced after an unfair trial before the Supreme State Security Court (SSSC) in August 1995 to 22 years' imprisonment for membership of the Party for Communist Action; Haythem al-Hamwi, Muhammed Shehada, Yahya Shurbajee and Mu'atez Murad, community activists from Darya arrested in May 2003 and sentenced to between three and four years' imprisonment after unfair trials before Field Military Courts; and Mus'ab al-Hariri, who was arrested on 24 July 2002, aged 14 or 15, shortly after he and his mother returned to Syria after living in exile in Saudi Arabia. Mus'ab al-Hariri had been sentenced by the SSSC on 19 June 2005 to six years' imprisonment for alleged membership of the Muslim Brotherhood.

## **Imprisonment for political reasons**

Scores of people were arrested during the year for political reasons, including tens of prisoners of conscience. At least several hundred people, including prisoners of conscience, remained imprisoned for political reasons. Scores were brought to trial before the SSSC and Military Courts, all of which suffer from a gross lack of independence and impartiality. Many of those facing trial were suspected members or affiliates of banned political parties such as the Kurdish Democratic Union Party, the Muslim Brotherhood, Hizb al-Tahrir, and the pro-Iraqi Arab Socialist Democratic Ba'th Party.

Prisoners of conscience included:

{@} Six men, who were arrested in 2001 and sentenced to up to 10 years' imprisonment after unfair trials in 2002 for their involvement in the "Damascus Spring" pro-reform movement, remained in prison.

{@} Former "Damascus Spring" detainee Kamal al-Labwani, who was released in September 2004 after three years' imprisonment, was rearrested on 8 November upon arrival in Damascus after several months in Europe and the USA. Charges against him, which related to his peaceful activities promoting democracy and human rights, included "weakening national morale", "inciting strife" and "belonging to a secret organization".

{@} Ali al-'Abdullah was arrested on 15 May, a week after he read a statement on behalf of the exiled Muslim Brotherhood leader at the unauthorized Jamal al-Atassi Forum. The Forum was then closed down by the authorities. He was charged with "promoting an illegal organization". He was released under the presidential amnesty on 2 November.

{@} Riad Drar was arrested on 4 June after he made a speech at the funeral of Islamic scholar Sheikh Muhammad Ma'shuq al-Khiznawi. He faced charges before the SSSC of "inciting sectarian strife", a charge commonly used against people promoting the rights of Syrian Kurds. He remained held in solitary confinement.

## **'War on terror' detentions and torture**

Scores of Syrians remained in detention and were being tried before the SSSC for alleged membership of a Salafi Islamist organization and for alleged plans to carry out acts of terrorism, including in Iraq. The detainees included 16 men from al-'Otaybe, who were arrested in April 2004, and 24 men from Qatana, aged between 17 and 25, who were arrested in July 2004. They were reportedly tortured and ill-treated during long periods of incommunicado detention. There were widespread concerns that the arrests and trials were attempts by the authorities to portray the country as under threat from terrorism.

According to unconfirmed media reports emanating from government sources, in 2005 the Syrian authorities arrested up to 1,500 people allegedly seeking to fight alongside anti-US forces in Iraq. Many were reportedly returned to their country of origin. Saudi Arabian media and human rights activists stated from July that Saudi nationals had been detained and tortured in Syria, from October 2003, before being returned to Saudi Arabia.

{@} Pregnant sisters Heba al-Khaled, 17, and Rola al-Khaled, 20, and Nadia al-Satour and her baby, were arrested on 3 September and held hostage by the authorities to put pressure on their husbands, alleged Islamist militants, to give themselves up. They were first detained in the town of Hama, then transferred to the Palestine Branch of Military Intelligence in Damascus where they remained at the end of the year.

{@} Muhammad Haydar Zammar, a German national of Syrian origin, remained detained incommunicado, at an unknown location and without charge, for a fourth year, apparently on account of alleged links to al-Qa'ida. The US security forces were reportedly involved in his arrest and interrogation in Morocco in 2001, and in his secret transfer to Syria one or two weeks later. He was reportedly interrogated in Syria in November 2002 by agents of German intelligence and criminal investigation agencies.

In August and October, information was released during an inquiry in Canada on the actions of Canadian officials in relation to Syrian/Canadian national Maher Arar. It indicated that, like him, at least three other Canadian nationals of Arab origin had been detained, interrogated and tortured in Syria in previous years with the possible complicity or involvement of Canadian and other foreign intelligence agencies. All three claimed they were forced to sign statements without being permitted to read them. They were:

{@} Ahmed Abou El-Maati was detained for 11 weeks after he arrived in Syria on 12 November 2001. He alleged that during this time he was beaten with electric cables, burned with cigarettes and had ice-cold water poured over him. He was then transferred to Egypt where he suffered further torture.

{@}Abdullah Almalki said he was beaten on the soles of his feet, hung in a tyre and beaten, and suspended by his hands from a metal frame and beaten while detained at the Palestine Branch of Military Intelligence in Damascus for 22 months from May 2002.

{@}Muayyed Nureddin said he was beaten repeatedly on the soles of his feet with a cable and had cold water poured on him while detained in Syria from 11 December 2003 to 13 January 2004.

### **Human rights defenders under threat**

Syrian human rights defenders became increasingly active, but faced arrest and harassment. Several unauthorized human rights organizations were operating. At least 10 human rights defenders were forbidden from travelling outside the country.

{@}Nizar Ristnawi, a founding member of the unauthorized Arab Organization for Human Rights-Syria (AOHR-S), was arrested on 18 April. He remained in detention on unknown charges at the end of the year.

{@}Muhammad Ra'dun, head of the AOHR-S, was arrested on 22 May in connection with statements he had made about human rights in Syria. He was charged with "spreading false news" and "involvement in an illegal organization of an international nature". He was released under a presidential amnesty on 2 November.

### **'Disappearances'**

The government provided no information about thousands of Syrians, Lebanese and other nationals who "disappeared" in the custody of Syrian forces in previous years. These included some 17,000 people, mostly Islamists who "disappeared" after they were detained in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias. In September, however, the government named one judge and two generals as its representatives on a joint Syrian-Lebanese committee intended to address the "disappearances" issue. Local human rights groups welcomed this but questioned the lack of independence and the limited powers of the committee.

### **Torture and ill-treatment**

Torture and ill-treatment of political and criminal detainees continued to be widely reported, particularly during incommunicado, pre-trial detention. At least two deaths as a result of such treatment were reported.

{@}Ahmad 'Ali al-Masalma, a Muslim Brotherhood member, died at the end of March, two weeks after he was released from four weeks in detention. He was arrested on his return from 26 years' exile in Saudi Arabia. He was allegedly tortured in detention and denied essential medication.

{@}Sheikh Muhammad Ma'shuq al-Khiznawi, an Islamic religious leader and outspoken figure within the Kurdish community, died on 30 May, 20 days after he "disappeared", apparently in the custody of Military Intelligence agents. His nose and teeth were broken and there was a wound on his forehead.

{@}Seraj Khalbous became seriously ill probably as a result of torture while detained incommunicado in September at al-Mezze and al-Fayha Political Security Branches in Damascus. He was beaten, stamped on, struck with large sticks, threatened with anal rape, subjected to extreme cold, sleep deprivation and humiliation, and witnessed others being tortured with electric shocks. He was released on 25 October.

Most allegations of torture were not investigated. However, in June it was reported that two senior officials at the Ma'dan Court building in Raqqa were each sentenced to two months in prison for torturing Amna al-'Allush in March 2002 to force her to "confess" to a murder. Despite this, Amna al-'Allush continued serving the 12-year prison sentence she received in April 2004.

### **Discrimination against Kurds**

Syrian Kurds continued to suffer from identity-based discrimination, including restrictions on the use of the Kurdish language and culture. Tens of thousands of Syrian Kurds remained effectively stateless. As a result, they were denied full access to education, employment, health and other rights enjoyed by Syrian nationals, as well as the right to have a nationality and passport. In June, at its first meeting for 10 years, the ruling Ba'th Party Congress ordered a review of a 1962 census which could result in stateless Kurds obtaining Syrian citizenship.



## **Discrimination and violence against women**

Women remained subject to discrimination under a range of laws including in the areas of marriage, divorce, the family, inheritance and nationality. They were also inadequately protected against domestic and other forms of violence. For example, men who commit rape can escape possible punishment if they marry the victim, and men who murder a female relative on grounds of her alleged "adultery" or "extra-marital sexual relations" can also escape punishment or be treated more leniently than other murderers.

The scale of violence against women remained poorly documented and few cases were publicized during the year.

(@) At her wedding party in al-Suweida in August, Huda Abu 'Assali, a Druze, was reportedly killed by her father and brother for having married a Kurdish man while away from home at university in Damascus. No prosecution was known to have been brought.

## **Death penalty**

The death penalty remained in force for a wide range of crimes but the authorities disclosed little information about its use. It was not known how many people were sentenced to death or executed in 2005. However, the government informed the UN Human Rights Committee (HRC) that 27 executions were carried out during 2002 and 2003, although it was unclear whether this was the total or it excluded executions carried out after trials before the SSSC or military courts. In an interview published in August, former Defence Minister Mustafa Tlas claimed that he had authorized the hanging of 150 political opponents a week throughout the 1980s and that he had signed execution orders for thousands of detainees whose families were not notified.

## **UN Human Rights Committee**

The HRC, commenting on Syria's third periodic report, criticized the government's failure to implement human rights reforms recommended by the HRC in 2001. It expressed concern about the continuing state of emergency; restrictions on freedom of expression and other basic rights; discrimination and violence against women; the targeting of human rights defenders; and Syria's use of the death penalty.

## **AI country reports/visits**

### **Report**

Syria: Kurds in the Syrian Arabic Republic one year after the March 2004 events  
(AI Index: MDE 24/002/2005)

### **Visits**

AI and the Syrian authorities discussed the possibility of an AI visit to the country but no decision was reached. AI has not been permitted into Syria since 1997.



# CANADA

## CANADA

**Head of state:** Queen Elizabeth II, represented by Michaëlle Jean (replaced Adrienne Clarkson in September)

**Head of government:** Paul Martin

**Death penalty:** abolitionist for all crimes

**International Criminal Court:** ratified

**UN Women's Convention and its Optional Protocol:** ratified

Indigenous women and girls continued to suffer a high level of discrimination and violence. There were concerns that counter-terrorism practices did not conform to human rights obligations.

### **Background**

Canada ratified in September the Optional Protocol to the UN Children's Convention on the sale of children, child prostitution and child pornography, and in November the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

### **Violence against Indigenous women**

High levels of discrimination and violence against Indigenous women continued. Federal and provincial governments announced initiatives to address these problems, but officials failed to advance a comprehensive national strategy. Crucially, police responses to threats against Indigenous women's lives were inconsistent and often inadequate.

### **Police abuses**

There were reports of excessive use of force involving taser guns. During the year, five men died after being subdued by police using a taser, bringing the number of such deaths to 14 since April 2003.

### **Security and human rights**

A public inquiry continued into Canada's role in the case of Maher Arar, a Canadian-Syrian national who was deported in 2002 from the USA to Syria where he was detained without charge for a year and tortured.

There were concerns about three other dual Canadian nationals who had been detained and tortured abroad: Abdullah Almalki, of Syrian origin, held in Syria for nearly two years; Ahmad Abou El-Maati, of Syrian origin, held in Syria and Egypt for over two years; and Muayyed Nureddin, of Iraqi origin, held in Syria for one month. The government refused to hold a public inquiry into the cases.

Four Muslim men remained in detention pending deportation and a fifth was released on strict bail restrictions, all pursuant to security certificates issued under the 2001 Immigration and Refugee Protection Act. The men faced a serious risk of torture if deported. Under security certificate proceedings, detainees only have access to summaries of evidence and no opportunity to challenge key witnesses.

There were reports that Canadian forces in Afghanistan were handing over detainees to US forces without reliable assurances that the detainees would not be subjected to the death penalty, and would be treated in a manner consistent with international humanitarian law and human rights obligations.

Omar Khadr, a Canadian national arrested by US forces in Afghanistan in July 2002 when he was a minor, remained in US custody in Guantánamo Bay, Cuba, where he had been since November 2002. In August an

interim injunction was granted by the Federal Court of Canada prohibiting Canadian officials from questioning Omar Khadr unless this directly related to providing him with consular assistance.

### **Refugee protection**

Under the 2004 Canada/USA "safe-third country" deal, most refugee claimants arriving in Canada via the USA were restricted to making refugee claims in the USA, where there were concerns that some faced human rights violations.

The government announced in November that it would not enact provisions under the Immigration and Refugee Protection Act to establish a full appeal of decisions denying refugee status.

### **Other concerns**

In October, Rwandan national Desire Munyaneza, who had been denied refugee status in Canada, became the first person charged under the Crimes against Humanity and War Crimes Act.

There were no further negotiations with the Lubicon Cree in Alberta. In November the UN Human Rights Committee called on Canada to make every effort to resolve the long-standing land dispute, to consult with the Lubicon before licensing any economic exploitation of the disputed lands, and to ensure that the human rights of the Lubicon are not jeopardized by such activities.

### **AI country reports/visits**

#### Report

2005 UN Commission on Human Rights: Recommendations to the government of Canada on the occasion of its election on the Bureau of the Commission on Human Rights  
(AI Index: AMR 20/001/2005)

#### Visit

In October AI's Secretary General visited Canada and met federal government officials to discuss a range of human rights issues.



## Canada : Pattern of involvement by security officials in foreign detention and torture

*Posted: 30 August 2005*

*Updated: 14 February 2006*

Amnesty International has followed with concern numerous cases of Canadian citizens who have been detained abroad in countries such as Syria and Egypt over the past several years in circumstances where their basic human rights have been very much at risk. Several have been detained for lengthy periods of time without charge or trial, in abysmal prison conditions. Several have also been subjected to severe torture.

In a number of cases there are troubling allegations, still unresolved, as to whether Canadian law enforcement or security agencies may have played a role in these cases. It is time for concerted and transparent action to be taken to get to the bottom of these concerns.

Maher Arar's case is well known to Canadians, and is now the subject of a public inquiry. Amnesty International has, however, also had an opportunity to conduct extensive interviews of other Canadians detained abroad, including Muayyed Nureddin, Abdullah Almalki and Ahmed Abou El-Maati. They have all provided detailed and credible accounts of torture, in Syria and/or Egypt, which is consistent with Amnesty International's wider information about the nature and prevalence of torture in those two countries.

There are mounting concerns that Canadian officials have conducted investigations in security-related cases in ways that have directly or indirectly led to Canadian citizens experiencing serious human rights violations in other countries. There is concern that this may have been a deliberate practice, or at least carried out with wilful blindness to the risk of human rights abuses. It is vital that there be a thorough review of the possibility that an approach of this nature has existed, or even may still be part of Canadian practice.

Amnesty International has urged that the Arar Inquiry carry out its work in a manner that does examine the possibility that his case was not singular, but part of a wider pattern. Unfortunately government lawyers have strenuously objected to all such requests, arguing that the inquiry must limit its focus very specifically to Mr. Arar's own circumstances.

Amnesty International and other organizations continue to argue that unless the question of "pattern" is examined, the inquiry will not be able to properly assess whether what happened to Mr. Arar was isolated and exceptional, or whether it reflected accepted policy or practice. We view that question as being central to the inquiry's existing mandate.

### **TAKE ACTION:**

Canadian law enforcement and security activity must proceed within Canada's legal framework, with respect for rule of law, and in conformity with international human rights

obligations. Concerns about security can never justify violating fundamental human rights. If a pattern such as the one suggested by these cases exists it would appear to involve practices carried out outside of relevant Canadian laws, such as the Anti-Terrorism Act, beyond the reach and protection of Canadian courts, and in a manner that recklessly puts individuals at risk of serious human rights violations.

Please write a polite letter to the Prime Minister requesting that the government appoint an Independent Expert who would be tasked with carrying out a detailed review of these cases, and reporting publicly as to:

- whether their experiences are reflective of a pattern
- what reforms should be put in place to address any such pattern
- what role Canadian officials did or did not play in circumstances around the arrest, detention, interrogation and release of these individuals
- what knowledge or suspicion Canadian officials had or should have had of the likelihood these individuals were experiencing torture in detention
- what action may need to be taken to ensure the discipline or prosecution of any officials who may have violated policy or contravened Canadian law
- whether any of these individuals are deserving of compensation and if so, how that should be measured and assured

**WRITE TO:**

**The Right Honourable Stephen Harper**

Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
K1A 0A2 Canada

Fax: (613) 941-6900

Email: [Harper.S@parl.gc.ca](mailto:Harper.S@parl.gc.ca)

**Amnesty International/Reprieve conference: Maher Arar and Extraordinary Renditions**

**Date: 07/12/2005**

**Index: POL 30/042/2005**

Presentation by Maria LaHood, Center for Constitutional Rights, at the Amnesty International/Reprieve Conference: The Global Struggle Against Torture: Guantánamo Bay, Bagram and beyond, 19-21 November 2005

While transiting through a New York airport on his way home to Canada in September 2002, Canadian citizen Maher Arar was detained and interrogated by FBI and immigration officials for nearly two weeks. They then took him from his cell in shackles at 4:00 in the morning and advised him that based on classified evidence he was found to be a member of Al Qaeda, and that he was being removed to Syria rather than Canada. Maher was taken on a private jet to Jordan, where he was beaten for eight hours, and then delivered to Syria, where he was beaten and interrogated for 18 hours a day for a couple of weeks. He was whipped on his back and hands with a two inch thick electric cable. For over ten months he was held in an underground dark, damp grave-like cell – 3 x 6 x 7 feet – where he could hear others being tortured. After a year in Syria, Maher was released without any charges and is back home in Canada with his family.

The Center for Constitutional Rights (CCR) represents Maher in U.S. court against the US officials who sent him to Syria to be tortured, including former Attorney General Ashcroft, former Deputy Attorney General Larry Thompson, FBI director Robert Mueller, and several immigration officials. The lawsuit not only seeks compensation, but to expose the truth about what the officials did to Maher, known as an "extraordinary rendition", and to put a stop to this practice through which the Government abducts people and delivers them to other countries to be interrogated through torture. The Government officials have moved to dismiss the case, arguing essentially that even if they conspired with Syrian officials to have Maher tortured, they can't be liable, because the decision to send Maher to Syria was a discretionary immigration decision – a mere deportation - that the court cannot review. They also argue that no non-U.S. citizen transiting through the U.S. has constitutional rights except *at most* a right to be free from gross physical abuse, and that Maher had no constitutional rights in Syria, even if he was held at the behest of the U.S. They further claim that they can't be held liable because they didn't torture Maher themselves and he wasn't in their custody, and because their decision purportedly related to national security concerns. The judge heard oral argument on the motions to dismiss in August 2005, but has not yet issued a decision.

The Government has also asserted the "state secrets" privilege, asking the court to dismiss Maher's case because the reasons they deemed him a member of Al Qaeda and sent him to Syria instead of Canada are so-called state secrets. They contend that litigating the case would disclose these state secrets, revealing intelligence gathering methods and harming national security and foreign relations. Aggravating the fact that the U.S. Government labeled Maher a member of Al Qaeda is the fact that it continues to maintain that claim, despite the fact that the Syrian and Canadian Governments have said he has no links to Al Qaeda, and despite the fact that it's never provided any evidence that he does.

Former Attorney General Ashcroft has noted that even whether the U.S. obtained diplomatic assurances would be considered a state secret. Of course even if diplomatic assurances are obtained, they're not monitored and they're not enforceable. Even our current Attorney General Alberto Gonzalez has admitted that they can't control what countries do to someone once they have them, and that he didn't know if countries actually comply with the assurances.

CCR has argued that Maher should at least be able to try to prove his case with non-privileged information – there's an enormous amount of public information that continues to be made available – and that he should also have a right to obtain non-privileged information from the Government. The Government has responded that even if the information is public, forcing them to admit it could cause harm to national security and foreign relations. Furthermore, although it seems clear that the reason the U.S. sent Maher to Syria was so that he would be detained and interrogated through torture, whatever reason they say they sent him there does not change what they did. Regardless of their reasons, they knew or should have known that it was likely Maher would be tortured in Syria, and at the very least they were deliberately indifferent to that fact.

Finally, even if the judge thought the Government's privileged evidence should be kept secret and could provide a defense, the case can't be dismissed unless there are no procedural safeguards that would protect the information while allowing the case to move forward. Such safeguards could include protective orders, national security clearance for the attorneys, and in camera hearings. However, two U.S. courts of appeals have recently affirmed outright dismissals of cases based on the Government's state secrets assertion, and on November 28<sup>th</sup>, the Supreme Court declined to review one of those decisions, and has yet to decide if it will review the other.

If the Government's state secrets assertion is accepted, then its practice of covertly kidnapping people and sending them to other countries to be detained and tortured would not be reviewable by a court. Such an assertion could also prevent adjudication of the use of secret prisons, torture, or even assassinations anywhere around the world. In the name of national security, the Government could shield any of its human rights violations from judicial scrutiny, and further expand its power to act outside the law.

The U.S. Government has also refused to cooperate with the Canadian Inquiry, which the Canadian Government launched to investigate the role of Canadian officials in what happened to Maher. Evidence released through the Inquiry has shed some light on the events. It has revealed that Maher had been identified as a witness, not a suspect, of a Canadian investigation in which the U.S. was a part. The Canadian investigators called Maher to come in for questions, and he called a lawyer, who put some standard conditions on the interview. The Canadian officials didn't bother to pursue the interview, but let U.S. officials know that Maher didn't want to be interviewed without an attorney. So in September 2002, when Maher was on the flight to New York, U.S. officials called Canada and said send us that list of questions you wanted answers to.

Information has also been revealed because courageous people like Abdullah Almalki have come forward with their stories. While Maher was detained in New York, Mr. Almalki was being interrogated and tortured in Syria and was specifically questioned about Maher – he was asked isn't it true Maher went to Afghanistan or Pakistan, and then told that Maher would soon be there anyway. Clearly the U.S. and Syria were exchanging information.

Another Canadian, Ahmed El Maati, was picked up after U.S. officials found an Ottawa tourist map in his employer's truck. When Mr. El Maati was detained and tortured in Syria he ended up falsely "confessing" to planning to drive a truck of explosives into Canadian parliament buildings, and that he had seen Maher and Mr. Almalki in Afghanistan. When Mr. El Maati was released from Syria in August 2002 he told the Canadian Government he had been tortured and had made a false confession, which the U.S. likely knew when they detained Maher a month later. This has not stopped U.S. officials from claiming that intelligence from Syria thwarted a terrorist attack that would have killed a lot of people in Ottawa. Newspaper reports have cited to Flint Leverett, formerly with the CIA and the National Security Council, as the source for this information, but Flint Leverett recently testified at the Canadian Inquiry that he had no knowledge that any attack had really been averted.

The Canadian Government's position in the Inquiry has in some respects mirrored the U.S. Government's position regarding national security and foreign relations. Maher and his Canadian attorneys have been excluded from in camera hearings, and when the Commission tried to issue a summary of the role of Canadian Intelligence, the Canadian Government redacted it. When the Commission stated that the Canadian Government had censored information not conceivably related to national security, the Canadian Government sued the Commission to stop it from releasing the summary. Maher has never testified before the Commission because it deemed it would be unfair to have him testify until the interim report is issued and he can confront the evidence. Although the interim report is due to be issued to the Canadian Government at the end of March, it can prevent its disclosure if information relates to national security or was obtained from a foreign entity.

So both the U.S. and Canadian Governments are essentially claiming to protect themselves and each other, but I'm hopeful that the more we expose the truth about what our governments are doing, and the more we come together as an international community, as we are here, we can begin to erode this concept of "national" security, and the notion that human rights are secondary to this concept, thereby eroding the unchecked power of the U.S. Government.

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: POL 30/041/2006 (Public)  
News Service No: 245  
21 September 2006

### **Syria/Jordan/Canada/USA: Canadian inquiry underlines need for investigation into Maher Arar case in Syria and Jordan**

Amnesty International welcomes the findings of the Canadian public inquiry into the role of Canadian officials in the deportation and detention of Maher Arar, published on 18 September.

Among other findings, the inquiry concluded that Maher Arar was tortured while detained for almost 12 months in Syria. In light of this, Amnesty International is repeating its call to the Syrian authorities urgently to establish their own independent investigation into the torture and other ill-treatment of Maher Arar in Syria. Over many years Amnesty International has repeatedly documented cases, including Maher Arar's, illustrating the widespread practise of torture in Syria and called for proper investigations. However, the organization has never received information to indicate that any of these cases, including some which reportedly led to deaths in custody, have been investigated or that any officials responsible for torture have been prosecuted.

Maher Arar was detained in Syria between 9 October 2002 and 5 October 2003. He was mostly held in incommunicado detention in inhumane conditions in a tiny, unlit basement cell at the Palestine Branch of Military Intelligence, Damascus, before being released without charge.

During his detention in Syria he was tortured, including by being beaten with a shredded thick black electrical cable. He was threatened that he would be tortured using the metal 'German' chair and 'the tyre' torture methods and with electric shocks. He heard other prisoners being tortured and screaming. Interrogators, who may have been working on information supplied by Canadian and US intelligence agencies, alleged that he was involved with al-Qa'ida. The findings of the public inquiry have indicated that much of that information was inaccurate and had been improperly shared by Canadian police with their US counterparts. The inquiry has concluded that after extensive investigations "there is nothing to indicate that Mr. Arar committed any offence or that his activities constitute a threat to the security of Canada."

Maher Arar, a 34-year-old Canadian telecommunications consultant of Syrian origin, was detained in the US on 26 September 2002 while changing flights on his journey from Tunisia back home to Canada. He was detained in the USA for 12 days and then, on 8 October 2002 was taken from his cell in the middle of the night and flown on a private plane via other US airports and Rome, Italy, to Jordan, where he was beaten and driven to Syria.

Amnesty International also repeats its call upon the Jordanian authorities to make public the names of all individuals who have been transferred into or out of Jordanian custody from or to US custody, or via the assistance of US or other intelligence and security services. The dates and locations of the individuals'



detention in Jordan should be provided, as well as the legal basis for their detention.

### **Background**

The Canadian Commission of Inquiry's findings vindicate Maher Arar and call for him to be compensated. It calls too for an "independent and credible" review to be carried out into the cases of three other Canadian nationals of Arab origin who were detained, interrogated and tortured in Syria in previous years with the possible complicity or involvement of Canadian and other foreign intelligence agencies: Ahmed Abou El-Maati who was detained for 11 weeks after he arrived in Syria on 12 November 2001 (after which he was further transferred to Egypt, where he again experienced severe torture and remained in detention without charge or trial until 11 January 2004); 'Abdullah Almalki who was detained at the Palestine Branch in Damascus for 22 months from 3 May 2002 until 10 March 2004; and Muayyed Nureddin who was detained in Syria from 11 December 2003 to 13 January 2004. The inquiry's fact-finder, Professor Stephen Toope, who has served as the Chair of the UN Working Group on Enforced Disappearances, interviewed all of these men in the course of his fact-finding mandate and concluded that each of them provided credible testimony that they had been tortured in Syria.

Amnesty International continues to call on the US authorities to establish an independent commission of inquiry into all aspects of the USA's "war on terror" detention policies and practices, including rendition. The Canadian Commission of Inquiry's findings on Maher Arar's case, as well as President George W. Bush's recent confirmation that the USA's Central Intelligence Agency (CIA) has been operating a secret detention and interrogation programme outside the United States, have further highlighted the need for such an inquiry in the US. Amnesty International is also calling on the US government to identify all individuals who have been held in the CIA programme, and clarify their fate and whereabouts.

Amnesty International has actively taken up the cases of Maher Arar, Abdullah Almalki, Ahmed El-Maati and Muayyed Nureddin, both while they were in detention in Syria and following their return to Canada. The organization pressed for the public inquiry into Maher Arar's case to be convened and, once it was, participated actively in the course of the inquiry as an intervenor. Amnesty International had urged the Commissioner to include a reference to the cases of the other detainees in his report and to recommend that a further process of independent review into those cases was necessary. Amnesty International calls on the Canadian government to now move to implement this and all other recommendations in the inquiry report.

Amnesty International campaign to stop torture and other ill-treatment in the 'war on terror':  
[www.amnesty.org/stoptorture](http://www.amnesty.org/stoptorture)

**Exhibit "C"**  
**Press Conference Report, 12 October 2006**

# 3 more Canadians alleging torture seek Arar-style inquiry

Last Updated: Thursday, October 12, 2006 | 11:49 AM ET  
CBC News

Three Canadian men of Middle Eastern origin who say they were imprisoned and tortured in Syria are demanding an independent inquiry into their allegations.

The three — Muayyed Nureddin, Abdullah Almalki and Ahmad El Maati — told a news conference in Ottawa on Thursday that the federal government must follow the recommendations of Justice Dennis O'Connor, who investigated the case of Maher Arar.

Arar was arrested by U.S. authorities in September of 2002 and taken to Syria where he was interrogated and tortured for nearly a year.

O'Connor said Canadian officials had shared faulty information about Arar with the United States and Syria, and recommended that all such allegations be probed by an independent investigator.

Almalki — like Arar, a Syrian-born Canadian citizen — told reporters that while spending 22 months in Syrian custody, their officials told him Canada had supplied information suggesting he was a terrorist.

"It was interrogation and torture by proxy," he said, "I was imprisoned at the behest of the Canadian government."

Even though he is now free and back home in Canada, Almalki said, his family lives in constant fear that he might be re-arrested or kidnapped.

"Someone has to clear our names," he said.

Amnesty International is supporting the men's demands.



Abdullah Almalki wants a full inquiry into his ordeal in Syria.  
(CBC)

This is Exhibit "C" referred to in the  
affidavit of Alex Nave  
sworn before me, this 14<sup>th</sup>  
day of March, 2006  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS

**Exhibit "D"**  
**Open Letter to Prime Minister, 6 September 2005**



# Amnesty International

CANADA

1-800-266-3789

www.amnesty.ca

The Right Honourable Paul Martin  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
K1A 0A2

September 6, 2005

Dear Prime Minister,

Amnesty International is writing this open letter to you, requesting that you take immediate steps to appoint an Independent Expert to investigate the growing number of cases of Canadian citizens who have been interrogated and tortured in jail cells in Syria and Egypt. We have made this recommendation to you previously. We are repeating it today, as the need is becoming more urgent. There are mounting and very serious allegations of Canadian involvement in a number of cases. It is time to ensure there is full and impartial review of the circumstances of all such cases, and careful consideration of whether they were reflective of a wider policy or practice.

Ahmad El Maati, Abdullah Almalki, Maher Arar, Muayyed Nureddin: between November 2001 and December 2003, at least 4 Canadians were thrown into the same squalid and inhumane cells, in the same basement of the same military intelligence building in Damascus. They were tortured and interrogated by the same branch of Syrian military intelligence. They were questioned about each other. They had all been of interest to the RCMP and/or CSIS before being detained abroad. They had all been asked to meet with Canadian investigators, without legal counsel present, before being detained abroad. They all say that the focus of their interrogations abroad were questions that could only have originated with Canadian investigators; questions seemingly aimed at advancing a Canadian investigation. It defies belief to conclude these may have been a series of coincidences or unfortunate mistakes. These men, and all Canadians, need to understand why and how this happened to them.

Prime Minister, the need for you to take immediate and decisive action has become of paramount concern given today's revelations in the Globe and Mail about the map that has long figured as a central piece of evidence in the case of Ahmad El Maati (and by extension the cases of Mr. Almalki and Mr. Arar as well). The map was found in the cab of the truck Mr. El Maati was driving when he attempted to make a delivery into the United States in August, 2001. Mr. El Maati indicated it was not his map, and when he later discussed it with his trucking company, they confirmed in writing that it likely belonged to a previous driver.

This is the  
affidavit  
sworn to  
day of...  
"D"  
Alex Neve  
14th  
2007  
A COMMISSIONER FOR SWORN AFFIDAVITS

**National Office**  
312 Laurier Avenue E.  
Ottawa, ON K1N 1H9  
Telephone: 613.744.7667  
Fax: 613.746.2411  
Email: info@amnesty.ca

**Toronto Office**  
56 Temperance Street, 8th Floor  
Toronto, ON M5H 3V5  
Telephone: 416.363.9933  
Fax: 416.363.3103  
Email: toronto@amnesty.ca

**Pacific Regional Office**  
490-319 W. Pender St.  
Vancouver, BC V6B 1T4  
Telephone: 604.294.5160  
Fax: 604.294.5130  
Email: pac@amnesty.ca

Nonetheless, the map, which identified a number of government buildings in the Ottawa area with handwritten numbers, was considered to be sufficiently suspicious that he and his family were asked about it in Canada, he was questioned about it under torture in Syria and was questioned about it again – and shown a copy of it this time – while being interrogated and tortured in Egypt as well.

The Globe and Mail's investigation reveals that the map, far from being a homemade, hand-drawn guide for bombings in Ottawa, was a standard-issue, government-prepared map of the buildings in the Tunney's Pasture office complex in west Ottawa. At that, it was out-of-date, showing buildings that had earlier moved from that complex.

We are not yet aware of any government reaction to the Globe and Mail report. It leaves the troubling prospect, however, that evidence that was considered to be of such importance in Mr. El Maati's case that it was shared with both the Syrian and Egyptian governments, was completely innocuous and should have been readily understood as such at the outset. Innocuous, but responsible for a chain of events that led to the brutal torture of Mr. El Maati in two countries, and may have contributed to the circumstances that led to the arrest, interrogation and torture of Mr. Almalki and Mr. Arar as well.

Prime Minister, we are of course aware that the public inquiry into Maher Arar's case is still underway. We have pressed and will continue to press Commissioner O'Connor to explore these issues widely and publicly. We have urged that you instruct government counsel to similarly indicate to the Commissioner that he should do so, but to date counsel continue to argue that he should confine interpretation of his mandate to a narrow focus on the particular circumstances of Mr. Arar's case.

But these latest revelations underscore how critical the need is for another process, beyond the current inquiry. More than one law enforcement or security agency is possibly involved. Requiring individual complaints to a number of different relevant existing oversight bodies would end up being cumbersome and time consuming. What is needed is one person, of independent stature and relevant expertise, with an overarching mandate to consider the actions of all agencies who may have been involved. Among other matter, he or she should be specifically tasked with reviewing why it is that this seemingly inconsequential map became so central to Mr. El Maati's case and how it possibly could have surfaced in the course of torture and interrogation sessions in both Syria and Egypt.

Please do not wait Prime Minister. Each passing week and month delays the prospect of justice and accountability for these men. And please do not leave this to other government ministers or officials. It is a matter of grave national concern, and demands your own personal attention.

Sincerely,


  
Alex Neve  
Secretary General

Exhibit "E"  
Letter to Prime Minister, 4 November 2003

This is Exhibit "E" referred to in the  
affidavit of Max Neve  
sworn before me, this 14<sup>th</sup>  
day of March 2003  
Mike Pancher  
A COMMISSIONER FOR TAKING AFFIDAVITS



# Amnesty International

CANADA

1-800-266-3789

www.amnesty.ca

The Right Honourable Jean Chrétien  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
K1A 0A2

Fax: 613-941-6900

November 4, 2003

Dear Prime Minister,

Today, Maher Arar has spoken to Canadians about the year long ordeal that began for him when he was arrested while transiting through JFK Airport in New York City on September 26, 2002 and resulted in close to twelve months of grueling detention without charge or trial in Syria. In Syria he was subjected to severe torture and was held in abysmal prison conditions, best described by the term he used in his own mind, "*the grave.*"

Sadly, disturbing questions continue to mount about the role of law enforcement agencies and officials in all three countries involved in this wrenching drama: Canada, the United States and Syria. For more than one year Maher Arar's wife Monia Mazigh, concerned organizations, journalists, and politicians from all parties, have pressed for answers to those questions. But to date they remain unanswered.

How could a Canadian citizen have been barred from returning home to Canada? What role if any did the RCMP or CSIS play in the decision that led to his deportation from the United States to Syria? What attention was paid to the obvious concern that in Syria he would almost certainly be at risk of serious human rights violations? Did the RCMP or CSIS continue to play a role or receive information after his deportation? And now, recent disturbing leaks of information about Mr. Arar to the media from Canadian government sources add to the concerns. Have law enforcement agencies in Canada or the United States made use of information extracted from Mr. Arar under torture in Syria? Why has nothing been done to convey a strong public message that such leaks are unacceptable, possibly even criminal, and that those responsible will be disciplined and, if appropriate, prosecuted.

**National Office**

312 Laurier Avenue E.  
Ottawa, ON K1N 1H9  
Telephone: 613.744.7667  
Fax: 613.746.2411

**Toronto Office**

56 Temperance Street, 8th Floor  
Toronto, ON M5H 3V5  
Telephone: 416.363.9933  
Fax: 416.363.3103

**Pacific Regional Office**

490-319 W. Pender St.  
Vancouver, BC V6B 1T4  
Telephone: 604.294.5160  
Fax: 604.294.5130



As those questions have mounted, it has become evident that the only effective way to provide a venue for Mr. Arar to obtain justice, as well as to examine what measures need to be put in place to guard against this happening again in the future, is through a public, independent inquiry. Other options are either restricted in their scope or limited in their effectiveness. The day after Mr. Arar's return to Canada you stated that you felt there was no need for an inquiry. In light of Mr. Arar's public testimony today, I urge you to reconsider your position and convene an inquiry without further delay.

The questions in this case go to the heart of fundamental precepts such as the rule of law and respect for basic human rights. Those values have been challenged, directly and indirectly, by governments around the world who justify their actions by pointing to the new global imperative to fight "terrorism" and enhance security. But when universal human rights are undermined, injustice and insecurity are the inevitable results. Canada clearly stands for human rights and security, and against injustice and insecurity. Canada thus owes it to Mr. Arar, his family and to this country's entire citizenry to ensure that these questions do not go unanswered.

Finally Prime Minister, Mr. Arar has shared news publicly this morning that in the final two weeks he was in detention in Syria he encountered another Canadian citizen of Syrian origin: Abdullah Almalki. Mr. Arar knew Mr. Almalki casually in Canada as he is the brother of a close business associate and friend. He did not, however, recognize him at first when they crossed paths in prison, so severe has been the toll of torture and mistreatment that he has experienced. Mr. Almalki recounted to Mr. Arar the extent and nature of the torture he has been subjected to, which Mr. Arar describes as being far worse than what he himself experienced. Mr. Almalki has been in detention without charge or trial since May 2002 and it appears that he is still being beaten. Canadian consular officials have not been granted access to him.

Clearly there is need for a forceful intervention by the Canadian government with Syrian authorities to ensure that Mr. Almalki is protected from any further torture and that he is treated in accordance with international legal standards. Amnesty International urges that be done without delay, including at the very highest levels of exchange between the Canadian and Syrian governments. In Mr. Arar's case you personally sent an envoy to Syria, Minister Graham raised it in person and by phone with the Syrian Foreign Minister and Syria's Ambassador to Canada, and a two-person parliamentary delegation was sent to Syria to meet with Mr. Arar in prison. Given the alarming nature of the information that Mr. Arar has now provided about Mr. Almalki, such initiatives are most certainly needed again.

Sincerely,

  
Alex Neve  
Secretary General

PUBLIC

AI Index: AMR 51/159/2002

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.

PUBLIC

AI Index: AMR 51/161/2002

25 October 2002

Further information on UA 314/02 (AMR 51/159/2002, 21 October 2002) - Possible "disappearance"/ forcible return New concern: Fear of torture/ill treatment

USA / SYRIA

Maheer Arar (m), Canadian national

Maheer Arar, a Canadian citizen of Syrian origin, has been deported to Jordan and is now reportedly being held in a secret location in Syria. This is the first news of his whereabouts since early October, when he was detained by US authorities for interrogation about possible links with alleged terrorist group *al-Qa'eda*.

According to information received by Amnesty International, Maheer Arar was handed over to Syria around 21 October after being detained in Jordan for interrogation. An official from the Canadian Consulate in Damascus was reportedly taken in an enclosed vehicle to meet Maheer Arar on 23 October. The meeting took place in the presence of Syrian authorities, and Maheer Arar was not allowed to answer all questions asked by the Consul. The Syrian authorities have reportedly said that the Canadian Consul can visit Maheer Arar on a regular basis.

Maheer Arar has been forcibly removed to a country 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 been expressed at the circumstances in which the US authorities carried out the deportation. Maheer 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 also failed to provide information on his 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 Maheer Arar, thereby depriving him of the assistance of his consulate.

**RECOMMENDED ACTION:** Please send appeals to arrive as quickly as possible, in English (to the US authorities), Arabic or French (to the Syrian authorities), or your own language:

**To the Syrian authorities:**

- expressing concern at the detention of Maheer Arar, who is being held at an unknown location;
- calling for his immediate release unless he is to be charged with a recognizably criminal offence;
- urging that he be humanely treated and not subjected to torture or ill-treatment in detention;
- asking that the whereabouts of Maheer Arar are disclosed and that he be allowed immediate and unrestricted access to his family and a lawyer.

**To the US authorities:**

- expressing concern that Maheer Arar was deported to Jordan and is now in detention at an unknown location in Syria;
- urging the authorities to use their influence to ensure that Maheer Arar is humanely treated and not subjected to torture or ill-treatment;
- expressing concern at the circumstances in which the deportation took place and calling on them to ensure that anybody threatened with extradition or expulsion can challenge the decision to detain and expel them in a fair hearing, including individuals detained in airport "transit zones";
- noting the US government's obligations under the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment and the provisions of other standards of international law;

- urging them to ensure that no other detainees are forcibly removed to a country where they are at risk of torture or ill-treatment or other serious human rights abuses take place.

**APPEALS TO:**

**Syrian Authorities:**

His Excellency  
President Bashar al-Assad  
Presidential Palace  
Damascus, Syrian Arab Republic  
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  
Telegrams: Interior Minister, Damascus, Syria  
Telexes: 411016 AFIRS SY  
Salutation: Your Excellency

**US Authorities:**

The Honorable John Ashcroft  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW 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, Secretary of State  
2201 C Street NW  
Washington, DC 20520  
USA  
Fax: + 1 202 647 2283  
Telegrams: Secretary of State, Washington DC, USA  
Salutation: Dear Secretary of State

and diplomatic representatives of the USA and Syria accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 6 December 2002.



PUBLIC

AI Index: AMR 51/019/2003

10 February 2003

Further information on UA 314/02 (AMR 51/159/2002, 21 October 2002) and follow-up (AMR 51/161/2002, 25 October 2002) - Fear of torture/ incommunicado detention/ detention without trial

USA/SYRIA/CANADA

Maher Arar (m), Canadian National

---

Amnesty International is concerned that Maher Arar is being held incommunicado at an undisclosed detention centre in Syria, where he is at risk of being tortured.

Maher Arar has been held in detention in Syria since his forcible deportation from the USA around 21 October 2002. Canadian Consular officials made several visits to Maher Arar in Syria previous to 7 January but he was unable to talk freely as Syrian officials remained present. Maher Arar has reportedly not yet been charged or tried.

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

**To the Syrian authorities:**

- expressing concern for the safety of Maher Arar who is being held in incommunicado secret detention and without access to Canadian consular officials;
- urging that he be humanely treated and not subjected to torture or ill treatment in detention;
- asking that the whereabouts of Maher Arar be disclosed and that he be allowed immediate and unrestricted access to his family and a lawyer;
- calling for his immediate release unless he is to be charged with a recognizably criminal offence.

**To the Canadian authorities:**

- urging them to do everything possible to be granted access to Maher Arar and to provide him with any assistance he might need;
- calling on them to press Syrian officials to immediately release Maher Arar unless he is to be charged with a recognizably criminal offence.

**To the US authorities:**

- expressing concern that Maher Arar was deported reportedly first to Jordan and is now in detention at an unknown location in Syria;
- urging the authorities to use their influence to ensure that Maher Arar is humanely treated and not subjected to torture or ill-treatment;
- expressing concern at the circumstances in which the deportation took place and calling on them to ensure that anybody threatened with extradition or expulsion can challenge the decision to detain and expel them in a fair hearing, including individuals detained in airport "transit zones";
- noting the US government's obligations under the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment and the provisions of other standards of international law;
- urging them to ensure that no other detainees are forcibly removed to a country where they are at risk of torture or ill-treatment or other serious human rights abuses take place.

**APPEALS TO:**

**Syrian Authorities:**

His Excellency  
President Bashar al-Assad  
Presidential Palace

Damascus, Syrian Arab Republic  
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  
Telegrams: Interior Minister, Damascus, Syria  
Telexes: 411016 AFIRS SY  
Salutation: Your Excellency

Canadian Authorities:  
The Honourable Bill Graham  
Minister of Foreign Affairs  
125 Sussex Drive  
Ottawa, Ontario  
K1A 0G2 Canada  
Telegrams: Minister of Foreign Affairs, Ontario, Canada  
Fax: + 1 613 996 3443  
Salutation: Dear Minister

US Authorities:  
The Honorable John Ashcroft  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW 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  
Telegrams: INS Commissioner, Washington USA  
Fax: + 1 202 307 9911  
Salutation: Dear Commissioner Ziglar

COPIES TO:  
The Honorable Colin Powell, Secretary of State  
2201 C Street NW  
Washington, DC 20520  
USA  
Telegrams: Secretary of State, Washington DC, USA  
Fax: + 1 202 647 2283  
Salutation: Dear Secretary of State

and to diplomatic representatives of Syria accredited to your country.

PUBLIC

AI Index: AMR 51/040/2003

14 March 2003

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) - Fear of torture/incommunicado detention/detention without trial

USA/SYRIA/CANADA

Maher Arar (m), Canadian national

Amnesty International has learned from the Canadian authorities that Canadian consular officials have visited Maher Arar in detention in Syria. These visits will reportedly continue.

According to letters received by UA appeal writers, Bill Graham, the Canadian Minister of Foreign Affairs, protested at Maher Arar's deportation to Syria to the US authorities. In his letters, Bill Graham noted "we [the Canadian authorities] are particularly dismayed that his deportation to Syria took place without Canadian authorities being notified, particularly since the American authorities were fully aware of his Canadian citizenship."

Maher Arar has been held in detention in Syria since his forcible deportation from the USA around 21 October 2002. He has reportedly not yet been charged or tried, and he may be in danger of torture or ill-treatment.

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

**To the Syrian authorities:**

- expressing concern for the safety of Maher Arar;
- urging that he be humanely treated and not subjected to torture or ill-treatment in detention;
- calling on the authorities to allow him immediate and unrestricted access to his family and a lawyer;
- calling for his immediate release, unless he is to be charged with a recognizably criminal offence.

**To the Canadian authorities:**

- welcoming the efforts being made to provide assistance to Maher Arar and urging them to continue to press for ongoing and regular consular access;
- urging them to raise concerns with the Syrian authorities that Maher Arar has now been detained without charge or trial for over four months;
- calling on them to press the Syrian authorities to release Maher Arar immediately unless he is charged with a recognizable criminal offence and brought promptly to trial;
- urging them to press the Syrian authorities to allow Maher Arar immediate and unrestricted access to his counsel and his family.

**To the US authorities:**

- expressing concern at the circumstances in which Maher Arar's deportation took place;
- calling on them to ensure that anybody threatened with extradition or expulsion can challenge the decision to detain and expel them in a fair hearing, including individuals detained in airport "transit zones";
- noting the US governments' obligations under the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment and the provisions of other standards of international law;
- urging them to ensure that no other detainees are forcibly removed to a country where they are at risk of torture or ill-treatment or other serious human rights abuses take place.



**APPEALS TO:**

**Syrian authorities:**

His Excellency  
President Bashar al-Assad  
Presidential Palace  
Damascus, Syrian Arab Republic  
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  
Telegrams: Interior Minister, Damascus, Syria  
Telexes: 411016 AFIRS SY  
Salutation: Your Excellency

**Canadian authorities:**

The Honorable Bill Graham  
Minister of Foreign Affairs  
125 Sussex Drive  
Ottawa, Ontario  
K1A 0G2 Canada  
Telegrams: Minister of Foreign Affairs, Ontario, Canada  
Fax: + 1 613 996 3443  
Salutation: Dear Minister

**US Authorities:**

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

The Honorable Tom Ridge  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Naval Security Station  
Nebraska and Massachusetts Ave. NW  
Washington, DC 20528, USA  
Fax: + 1 202 282 8404  
Salutation: Dear Secretary Ridge

**COPIES TO:**

The Honorable Colin Powell, Secretary of State  
2201 C Street, NW  
Washington, DC 20520, USA  
Telegrams: Secretary of State, Washington DC, USA  
Fax: + 1 202 647 2283

PUBLIC

AI Index: MDE 24/029/2003

8 August 2003

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**

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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.

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

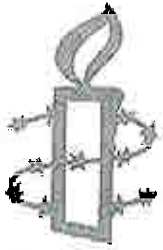
COPIES TO: Diplomatic representatives of Syria, Canada and the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 September 2003.

Exhibit "F"  
Correspondence with government on Mr. Nureddin's case, February 2004

This is Exhibit <sup>"F"</sup>.....referred to in the  
affidavit of Alex Deve.....  
sworn before me, this 14<sup>th</sup>.....  
day of March.....2007.....  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS





# Amnesty International

CANADA

1-800-266-3789

www.amnesty.ca

The Honourable Dan McTeague  
Parliamentary Secretary to the Minister of  
Foreign Affairs (Canadians Abroad)  
House of Commons  
Ottawa, Ontario

By fax: 993 6587

February 19, 2004

Dear Mr. <sup>Dan</sup>McTeague,

Attached please find letters that Amnesty International has written to the Prime Minister, the Deputy Prime Minister and the Minister of Foreign Affairs regarding the case of Muayyed Nureddin.

You will note that we are deeply concerned about the information that has arisen from testimony we have received from Mr. Nureddin. We believe that his case highlights the importance of ensuring that the upcoming inquiry into the case of Maher Arar be broader in scope. What happened to Maher Arar can no longer be considered to be an isolated case. It is crucial that the inquiry be given a mandate to look at wider legal and institutional reform that may be needed to ensure that Canadian law enforcement and security activities, including in the area of intelligence gathering and sharing, are done in a manner that does not put Canadian citizens and other individuals at risk of human rights violations.

As always, your support in advancing this recommendation would be much appreciated.

Sincerely,

Alex Neve  
Secretary General

**National Office**

312 Laurier Avenue E.  
Ottawa, ON K1N 1H9  
Telephone: 613.744.7667  
Fax: 613.746.2411  
Email: info@amnesty.ca

**Toronto Office**

56 Temperance Street, 8th floor  
Toronto, ON M5H 3V5  
Telephone: 416.363.9933  
Fax: 416.363.3103  
Email: toronto@amnesty.ca

**Pacific Regional Office**

490-319 W. Pender St.  
Vancouver, BC V6B 1T4  
Telephone: 604.294.5160  
Fax: 604.294.5130  
Email: pro@amnesty.ca





# Amnesty International

CANADA

1-800-266-3789

www.amnesty.ca

The Honourable Anne McLellan  
Deputy Prime Minister and Minister of  
Public Safety and Emergency Preparedness  
Ottawa, Ontario  
By fax: 990-9077

The Honourable Bill Graham  
Minister of Foreign Affairs  
125 Sussex Drive  
Ottawa, Ontario  
By fax: 996 3443

February 19, 2004

Dear Ministers,

I am writing with respect to the case of Muayyed Nureddin, a Canadian citizen of Iraqi origin who was recently detained for one month in Syria.

I have attached a letter that has recently been sent by Amnesty International's International Secretariat about this case. You will note that we are concerned about the allegations that Mr. Nureddin was subjected to torture while in detention. We are also concerned about disturbing questions, not unlike those which have arisen in the case of Maher Arar, as to whether Canadian agencies, including the Canadian Security Intelligence Service (CSIS) may have played any direct or indirect role in the events that led to Mr. Nureddin being detained and tortured.

Amnesty International is recommending that the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar released by Deputy Prime Minister McLellan earlier this month be broadened, to take account of Mr. Nureddin's case. We propose that the first part of the inquiry remain the same, a factual inquiry into Mr. Arar's case. We urge that the second part of the inquiry be a similar factual inquiry into Mr. Nureddin's case. The third part of the inquiry, the "policy inquiry," should in our view lead to recommendations in at least three areas:

1. An independent, arm's length review mechanism for the RCMP's national security activities (this of course is already included in the Terms of Reference);
2. An appropriate mechanism for ensuring thorough, impartial and transparent investigation of allegations that actions of Canadian law enforcement, security, or other officials, acting alone or in concert, may have directly or indirectly led to the violation of anyone's human rights outside Canada. This mechanism should be given a mandate to award compensation if warranted and make recommendations as to possible criminal prosecutions if borne out by the evidence.

**National Office**  
312 Laurier Avenue E.  
Ottawa, ON K1N 1H9  
Telephone: 613.744.7667  
Fax: 613.746.2411  
Email: info@amnesty.ca

**Toronto Office**  
56 Temperance Street, 8th Floor  
Toronto, ON M5H 3V5  
Telephone: 416.363.9933  
Fax: 416.363.3103

**Pacific Regional Office**  
490-319 W. Pender St.  
Vancouver, BC V6B 1T4  
Telephone: 604.294.5160  
Fax: 604.294.5130

We are of the view that it would be incomplete for the Inquiry to look only at an oversight body for the RCMP. It is apparent that cases of this sort may involve the RCMP, may involve CSIS, and may involve officials within other government departments. It is also clear that there are bound to be inter-relationships across and among these agencies and departments. Rather than rely on a number of different oversight mechanisms, dealing individually with each agency and department, Amnesty International believes there is a pressing need for a comprehensive mechanism that takes all of the agencies and departments into account and which has a mandate to award compensation and recommend prosecutions.

3. Other changes to Canadian law, policy or practice to ensure that actions of Canadian law enforcement, security or other officials, acting alone or in concert, do not directly or indirectly lead to the violation of anyone's human rights outside Canada.

Thank you for your attention to these concerns. I would welcome an opportunity to meet to discuss our recommendations further.

Sincerely,



Alex Neve  
Secretary General

Ref.: TG AMR 20/001/2004

The Right Honourable Paul Martin  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
K1A 0A2 Canada

17 February 2004

Sent by Fax on 001 613-941-6900

Dear Prime Minister,

I am writing to express Amnesty International's concerns around the case of Mr. Muayyed Nureddin, a Canadian citizen of Iraqi origin recently detained in Syria.

Amnesty International has interviewed Mr. Muayyed Nureddin, who was detained in Syria from 11 December 2003 until 13 January 2004. Mr. Nureddin has described the torture that he alleges he experienced in detention and has provided information that raises questions as to whether the Canadian Security Intelligence Service (CSIS) played a role in his case. I understand that Mr. Nureddin's lawyer is writing to the Canadian government as well, outlining the circumstances of this case, so I will not repeat those details here.

Amnesty International has no information as to whether Canadian authorities allege that Mr. Nureddin has committed criminal offences. We take no position as to his guilt or innocence, but note that he has not, to our knowledge, been charged with any offence and that the presumption of innocence therefore obviously operates in his favour.

Amnesty International is concerned about Mr. Nureddin's allegation that he was tortured in Syria. We urge the Canadian government to press Syrian authorities to impartially investigate that allegation, leading to anyone found to be responsible being brought to justice. The Canadian government should also support Mr. Nureddin if he seeks compensation from the Syrian government, including if he chooses to make use of Canadian courts to do so.

Amnesty International is also concerned about the possibility that CSIS may have played a role in this case. The similarity of the questioning Mr. Nureddin experienced in Canada and in Syria points in that direction, as does the fact that Canadian consular officials reportedly learned of Mr. Nureddin's release from CSIS sources. Amnesty International is not opposed to cooperation among governments with respect to intelligence and information sharing. In some instances the sharing of information bolsters human rights protection, such as when it results in individuals accused of committing human rights violations being brought to justice. We do, however, call upon governments to ensure that information and intelligence sharing does not expose individuals to human rights violations. Mr. Nureddin's case gives rise to a number of questions in this respect:

If the CSIS directly or indirectly played a role in Mr. Nureddin's arrest in Syria on 11 December 2003, what steps if any were taken by the CSIS to guard Mr. Nureddin against possible human rights violations, including torture? Given Syria's human rights record, particularly with respect to torture in detention, and given the recent high profile case of Maher Arar, Amnesty International is of the view that it should have been apparent to the CSIS officials that the risk that Mr. Nureddin would be subjected to torture was very serious.

If there was any information sharing between Syrian officials and CSIS during Mr. Nureddin's detention, what steps if any were taken by the CSIS to determine whether Mr. Nureddin was experiencing human rights violations, including torture, and what steps were taken to protect Mr. Nureddin from any such human rights violations?

Amnesty International welcomed the Canadian government's announcement on 28 January 2004 that there will be a public inquiry into the case of Maher Arar. With this information from Mr. Nureddin, Amnesty International believes that the *Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar* should also examine whether there is a wider practice of intelligence gathering and sharing by Canadian law enforcement and security agencies that may put individuals, including Canadian citizens, at risk of human rights violations outside Canada.

Amnesty International has reviewed the Terms of Reference for the Commission of Inquiry. We propose that the first part of the inquiry remain the same, a factual inquiry into Mr. Arar's case. We urge that the second part of the inquiry be a similar factual inquiry into Mr. Nureddin's case. The third part of the inquiry, the "policy inquiry," should in our view lead to recommendations in at least three areas:

- an independent, arm's length review mechanism for the Royal Canadian Mounted Police's national security activities;
- a mechanism for ensuring thorough, impartial and transparent investigation of allegations that actions of Canadian law enforcement, security, or other officials, acting alone or in concert, may have directly or indirectly led to the violation of anyone's human rights outside Canada. This mechanism should have a mandate to award compensation and recommend criminal prosecutions if borne out by the evidence;<sup>1</sup> and
- other changes to Canadian law, policy or practice to ensure that actions of Canadian officials, acting alone or in concert, do not directly or indirectly lead to the violation of anyone's human rights outside Canada.

I would like to thank you for your time and look forward to hearing from you on these important matters.

Yours sincerely,

For Irene Khan, Secretary General

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<sup>1</sup> It would, in our view, be incomplete for the Inquiry to look only at the RCMP. Cases of this sort may involve the RCMP, CSIS, and other government departments. There are bound to be inter-relationships among these agencies and departments. Rather than dealing individually with each agency and department, Amnesty International believes there is a need for a comprehensive mechanism that takes all agencies and departments into account and which has a mandate to award compensation and recommend prosecutions.