

Prime Minister Jean Chretien
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By fax: 613 941 6900

October 23, 2002

Dear Prime Minister,

**Human Rights Sidelined:
Canadian Citizens Detained by U.S. Officials Since September 11th**

Amnesty International has, since September 11, 2001, urged the United States, Canada and governments worldwide to ensure that basic human rights not be sacrificed in the context of counter-terrorism and security measures. We have stressed that it is through scrupulous regard for fundamental rights and freedoms that real and sustainable global security will be attained.

We have, unfortunately, repeatedly drawn attention to laws, policies and actions taken by governments since the September 11 attacks, that do undermine or violate basic rights. We have also continued to criticize human rights abuses carried out by armed opposition groups and other armed actors.

In recent months we have followed closely the cases of three Canadian citizens who have, due to suspicions or allegations of involvement with terrorist organizations, been detained or charged by U.S. authorities.

- In July, Omar al-Khadr, fifteen years of age, was apprehended by U.S. forces following military action in Afghanistan. To Amnesty International's knowledge he remains in the custody of U.S. authorities in Afghanistan, and has not been granted prisoner of war status nor had a determination of such status pursuant to the Third Geneva Convention. Nor has he been charged with any criminal offence or been given access to legal counsel. Mr. Al-Khadr is a juvenile but it is reported that he has been detained alongside adults, and that international principles governing the detention of juveniles have not been followed. It is our understanding that Canadian requests to have consular access to Mr. Kadr have not been granted.

- In early September, Mohammed Jabarah, was detained in Oman, returned to Canada and then further removed to the United States, outside of any extradition or other legal process. It has been alleged that the Canadian Security Intelligence Service facilitated his removal to the United States. Mr. Jabarah remains in detention in the United States. It remains unclear whether he has been charged with any offence.
- Most recently, Maher Arar, transiting through New York City on September 26 while returning to Canada from a family vacation in Tunisia, was detained at the airport, reportedly subjected to at least nine hours of questioning, and then transferred to the Metropolitan Detention Centre. He appears almost certainly to have been deported from the United States between October 8 and 10. At first it was thought he had been sent directly to Syria, now it appears he was sent to Jordan and then some 10 days later turned over to Syrian authorities. At writing he remains in custody in Syria and there are fears for his safety.

In all three cases Amnesty International has no information as to the substance of any accusations made against these three men and takes no position on their guilt or innocence. However, in each case, it appears that U.S. officials have failed to comply with basic precepts of international human rights law and humanitarian law and that entreaties on the part of the Canadian government, in an effort to urge compliance with those fundamental standards, have gone unanswered or been ignored.

Amnesty International is aware that in each of these cases Canadian officials have sought to provide consular assistance and advice, have raised concerns with U.S. officials, and, particularly in the case of Mr. Arar, have been public in their criticism of U.S. action.

Amnesty International is of the view that three cases of this nature, arising in just over two months, merit a more concerted response from your government. They cannot be considered to be three isolated cases. Rather, a serious question has arisen as to the willingness of the United States to respond to Canadian concerns when Canadian citizens detained in the context of counter-terrorism are not treated in accordance with international legal standards.

We urge you to raise this issue at the very highest levels within the U.S. administration and to seek and obtain a clear assurance that Canadian citizens detained by U.S. authorities, in the United States or abroad, will at all time be treated in full conformity with international law, including basic human rights, humanitarian law and consular access standards.

Sincerely,

Alex Neve
Secretary General

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