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By fax: 613 688 3098

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Dear Brian,

On behalf of myself, Flora MacDonald and Riad Saloojee, I am writing to thank you for the opportunity to meet with you yesterday, to discuss the Maher Arar case. While we were disappointed that you were unable to provide answers to many of our questions, we do certainly appreciate your willingness to meet. Again I must stress our dismay that you were not prepared to include Monia Mazigh in the meeting. I would urge you, at the very least, to provide her with some other opportunity to meet and discuss the case.

As we indicated to you, our interest in meeting was representative of the widespread and mounting concern, shared by a large number of Canadian organizations with diverse interests and mandates, that Mr. Arar has experienced twelve months of total disregard for a number of his basic human rights. It is well past time for steps to be taken to restore those rights to Mr. Arar, including the right not to be subjected to torture, the right not to be arbitrarily detained, and the right to a fair trial.

In our meeting we pressed you for clarification of a number of points related to the decisions taken by U.S. officials in September 2002 to arrest, detain and deport Mr. Arar. You clarified, unconditionally, that those decisions were wholly taken by U.S. officials and that there were no Canadian representations or requests made. You did acknowledge, however, that it was possible that information or evidence from Canadian sources might have been in the file at the time. With respect to this issue we asked you a number of questions which you were not able to answer, but which you undertook to raise with officials in Washington and report back to us with any clarification you are able to obtain.

- Why was Mr. Arar, a Canadian citizen traveling to Canada on a Canadian passport, deported to Syria, his country of birth but a country with which he had effectively cut all ties, and not to Canada?
- What steps were taken to assess the risk that Mr. Arar would experience human rights violations if deported to Syria, and what was the conclusion of any such assessment? If there was awareness or acknowledgement of such a risk, why did the deportation proceed?
- What information and from what sources did U.S. officials rely upon in reaching the conclusion that Mr. Arar was a member of or associated with Al-Qaeda?

We then moved on to discuss the current concern that Mr. Arar continues to languish in a Syrian jail, without charge or trial, and that there have been credible allegations made that he has been subjected to torture. We asked you a number of questions in this regard, none of which received a clear answer and it is our hope and expectation that you will raise these issues at higher levels as well and provide further clarification to us.

- Is the U.S. government prepared to acknowledge that the human rights violations that Mr. Arar has suffered are of concern and should be remedied? This most particularly involves the right not to be arbitrarily detained, the right to a fair trial and the right to have allegations of torture impartially investigated, all of which are human rights concerns which the U.S. Department of State has regularly highlighted in its reports about Syria.
- Is the U.S. government prepared to acknowledge that it must assume some level of responsibility for the consequences of the decision taken to deport Mr. Arar to Syria? International law clearly recognizes that a state's human rights obligations are engaged when a decision is taken to deport someone to a country where human rights violations are reasonably foreseeable.
- Will the U.S. government intervene with Syrian authorities now with two specific demands: 1) that a fair judicial proceeding must be launched immediately or that Mr. Arar must be returned to Canada; and 2) that allegations of torture must be impartially investigated, including by means of private consular visits and access to independent medical attention?

As we stressed repeatedly throughout our meeting, none of this precludes the possibility of criminal proceedings being launched elsewhere, such as in Canada, if there is trustworthy and relevant evidence in the possession of law enforcement agencies. But it is abundantly clear that neither justice nor security is served by the approach that has been taken in this case over the past twelve months.

I look forward to hearing from you further. Given the pressing nature of this case and of these unanswered questions, I hope that your reply will be provided in the very near future.

Sincerely,

Alex Neve  
Secretary General