

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

May 9, 2003

Dear Minister,

OPEN LETTER REGARDING THE CASE OF MAHER ARAR

I am writing further to my letter of December 12, 2002 and your reply of February 3, 2003. I have also had telephone conversations with officials in your office and the Department and do appreciate the information and updates that have been shared.

Amnesty International remains gravely concerned about the fact that Mr. Arar has been in detention without charge or trial in Syria for nearly seven months. Throughout that time his case has been the subject of a worldwide Amnesty International Urgent Action insisting that Syrian authorities immediately release him unless he is charged with a recognizably criminal offence.

Over the past several months we have learned that on at least two occasions Syrian authorities have informed Canadian officials that charges against Mr. Arar were imminent. The most recent reports stem from the visit of Canadian Members of Parliament Sarkis Assadourian and Marlene Catterall to Syria in late April, at which time they were able to visit him. We understand that was the first visit Canadian officials have had with Mr. Arar since late February. In the aftermath of their visit there have been reports that charges would soon be laid against Mr. Arar and that his trial on those charges would be by way of secret military proceedings.

Earlier suggestions that Mr. Arar might be accused of involvement in or support for *al-Qa'ida* seem to have been replaced with the suggestion that the charges will be related to involvement in the unauthorized Muslim Brotherhood (*al-Ikhwan al-Muslimun*). Over the years Amnesty International has reported extensively on human rights violations carried out in Syria against individuals allegedly affiliated to the Muslim Brotherhood, including a 1980 massacre in Tadmur Prison of between 500 and 1000 individuals "connected" to the Muslim Brotherhood, and long-term detention without charge or trial of hundreds of such individuals.

Hundreds of individuals allegedly affiliated to the Muslim Brotherhood have remained in detention in Syria for over twenty years. Amnesty International remains concerned about the plight of scores of prisoners of conscience or possible prisoners of conscience

detained incommunicado since the late 1970s in connection with their involvement in the Muslim Brotherhood. We are aware of other cases where individuals accused of involvement in the Muslim Brotherhood have been tried in camera by the Supreme State Security Court or a Field Military Court, special courts whose procedures fall seriously short of international standards. For instance, Munir Takyur, an alleged member of the Muslim Brotherhood and brother of a leading member of the Muslim Brotherhood was arrested on his voluntary return from Jordan in 1998 and later sentenced, after a secretive trial before a military court, to 12 years in prison in connection with his alleged affiliation with the Muslim Brotherhood. In March 2002, Muhammad Hasan Nassar, a former member of the Muslim Brotherhood, died in custody after being held in incommunicado detention for a week by the Syrian authorities, following his voluntary return from exile. There were fears that he might have been tortured or ill-treated.

In light of these reports, Amnesty International calls upon the Canadian government to make it absolutely clear to Syrian authorities, and to press the U.S. government to similarly make it clear to Syrian authorities, that the following international human rights standards must govern in this case:

- ◆ Mr. Arar must be released *immediately* if he is not charged with a recognizably criminal offence.
- ◆ If such charges are laid and relate to accusations of involvement in the Muslim Brotherhood, there must be specific allegations of his involvement in criminal activity, beyond mere membership. Detention on the basis of mere membership in the Muslim Brotherhood, without further charges of a recognizably criminal offence, would contravene international human rights standards such as those guaranteeing freedom of expression and association.
- ◆ Any trial of recognizably criminal charges, must meet international standards for a fair trial and should not be conducted in secret by a military court or tribunal. Mr. Arar's right to legal counsel and to visits with his family must be scrupulously respected. If Syrian authorities are not prepared to respect Mr. Arar's right to a fair trial, he should be released or returned to stand trial in Canada.
- ◆ Canadian consular access to Mr. Arar, which has been inconsistent during the past seven months and has reportedly always been in the presence of Syrian officials, must be regular and must provide opportunities to Canadian officials to meet privately with him.

I urge you to insist that Syria act in accordance with the above four points and would appreciate being kept informed of the response you receive. Mr. Arar and his family have endured seven months of secrecy, limbo and a failure on the part of Syrian

authorities to comply with international standards. Now is the time for human rights obligations to prevail. Mr. Arar and his family deserve no less.

Sincerely,

Alex Neve
Secretary General