

06-4216-cv

United States Court of Appeals
for the
Second Circuit

MAHER ARAR,

Plaintiff-Appellant,

– v. –

JOHN ASHCROFT, Attorney General of the United States, LARRY D. THOMPSON, formerly Acting Deputy Attorney General, TOM RIDGE, Secretary of State of Homeland Security, J. SCOTT BLACKMAN, formerly Regional Director of the Regional Office of Immigration and Naturalization Services, PAULA CORRIGAN, Regional Director of Immigration and Customs Enforcement,

(For Continuation of Caption See Next Page)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

**DECLARATION OF MARIA LAHOOD IN SUPPORT OF
APPELLANT MAHER ARAR'S MOTION FOR JUDICIAL NOTICE**

MARIA COURI LAHOOD, ESQ.
BARBARA J. OLSHANSKY, ESQ.
DAVID COLE, ESQ.
WILLIAM GOODMAN, ESQ.
KATHERINE GALLAGHER, ESQ.
JULES LOBEL, ESQ.
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, New York 10012
(212) 614-6430

ROBERT F. FINK, ESQ.
STANLEY McDERMOTT III, ESQ.
JOSHUA S. SOHN, ESQ.
SARAH J. STERKEN, ESQ.
DLA PIPER US LLP
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500

(Co-counsel for Plaintiff-Appellant)
(For Continuation of Appearances See Next Page)

JOHN DOE 1-10, FEDERAL BUREAU OF INVESTIGATION and/or
IMMIGRATION AND NATURALIZATION SERVICE AGENTS, JAMES W.
ZIGLAR, formerly Commissioner for Immigration and Naturalization Services,
UNITED STATES,

Defendants-Appellees.

DENNIS BARGHAAN, ESQ.
LARRY L. GREGG, ESQ.
OFFICE OF THE U.S. ATTORNEY
EASTERN DISTRICT OF VIRGINIA,
CIVIL DIVISION
Counsel for Defendant-Appellee
John Ashcroft
2100 Jamieson Avenue
Alexandria, Virginia 22314
(703) 299-3700

JOHN J. CASSIDY, ESQ.
STEPHEN L. BRAGA, ESQ.
JEFFREY A. LAMKEN, ESQ.
JAMIE S. KILBERG, ESQ.
BAKER BOTTS LLP
Counsel for Defendant-Appellee
Larry D. Thompson
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 639-7700

THOMAS G. ROTH, ESQ.
Counsel for Defendant-Appellee
J. Scott Blackman
395 Pleasant Valley Way, Suite 201
West Orange, New Jersey 07052
(973) 736-9090

JEREMY MALTBY
O'MELVENY & MYERS
Counsel for Defendant-Appellee
Robert Mueller
400 South Hope Street
Los Angeles, California 90071
(213) 430-6000

DEBRA L. ROTH, ESQ.
THOMAS M. SULLIVAN, ESQ.
SHAW, BRANSFORD, VEILLEUX
& ROTH, P.C.
Counsel for Defendant-Appellee
Edward J. McElroy
1100 Connecticut Avenue, N.W.,
Suite 900
Washington, D.C. 20036
(202) 463-8400

WILLIAM A. MCDANIEL, JR., ESQ.
BASSEL BAKHOS, ESQ.
LAW OFFICES OF
WILLIAM A. MCDANIEL, JR.
Counsel for Defendant-Appellee
James Ziglar
118 West Mulberry Street
Baltimore, Maryland 21201
(410) 685-3810

ROBERT M. LOEB, ESQ.
BARBARA L. HERWIG, ESQ.
U.S. DEPARTMENT OF JUSTICE
CIVIL DIVISION, APPELLATE STAFF
950 Pennsylvania Ave, N.W., #7268
Washington, DC 20530
(202) 514-5425
(202) 514-4332

– and –

SCOTT DUNN, ESQ.
UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT OF NEW YORK
One Pierrepont Plaza, 14th Floor
Brooklyn, New York 11201
(718) 254-6029

*Counsel for Defendants in
Their Official Capacities*

I, MARIA LAHOOD, an attorney admitted to practice before this Court, hereby declare that the following statements are true, accurate, and correct to the best of my knowledge, information, and belief, pursuant to 28 U.S.C. § 1746:

1. I am one of the attorneys for Plaintiff-Appellant Maher Arar in the above-captioned matter. I submit this declaration in support of Mr. Arar's Motion for Judicial Notice of the 2006 REPORT OF THE EVENTS RELATING TO MAHER ARAR by the COMMISSION OF INQUIRY INTO THE ACTIONS OF CANADIAN OFFICIALS IN RELATION TO MAHER ARAR ("Commission Report").

2. The Canadian Commission of Inquiry was established on February 5, 2004, on the recommendation of the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, and pursuant to an Order in Council, to investigate and report on the actions of Canadian officials in relation to Maher Arar. The Honorable Dennis R. O'Connor, Associate Chief Justice of Ontario was appointed Commissioner of the Inquiry.

3. The Commission's "Factual Inquiry" focused on the actions of Canadian officials in relation to Maher Arar, including while he was detained in the United States, deported to Syria via Jordan, imprisoned in Syria and after his return to Canada.

4. The Commission has reported that during the Factual Inquiry, over 70 government officials were called as witnesses, and that the government produced

approximately 21,500 documents. Some evidence was received *in camera*, but all of the Commission's conclusions were made public, including those based on *in camera* evidence. Commission Report: ANALYSIS AND RECOMMENDATIONS at 10.

5. I hereby certify that the three-volume report enclosed herewith constitutes a true, accurate, and complete copy of the Commission Report, which was issued on September 18, 2006.

6. The Commission concluded "categorically that there is no evidence to indicate that Mr. Arar has committed any offence or that his activities constitute a threat to the security of Canada." *Id.* at 59.

7. The Commission found that Canadian investigators "thoroughly and exhaustively followed all information leads available to them in connection with Mr. Arar's activities and associations." *Id.* In fact, the "Canadian investigators made extensive efforts to find any information that could implicate Mr. Arar in terrorist activities," and "they found none." *Id.*


8. The Commission found that "[t]here is no evidence that Canadian officials participated or acquiesced in the American authorities' decisions to detain Mr. Arar and remove him to Syria." *Id.* at 14.

9. The Commission found that on October 4, 2002, Canadian officials responded to a request by a U.S. official with a fax making clear that although a detailed investigation of Mr. Arar or a link analysis on him had yet to be

completed, the investigating body was unable to indicate links to al-Qaeda. *Id.* at 114. *See also*, Joint Appendix, A-330 (October 2002 fax from OIC Project A-O Canada, attached as Ex. I to the Letter from Maria LaHood to Hon. David G. Trager (July 27, 2005)).

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 12, 2006.



Maria C. LaHood