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Justice Dept. Amends Remark on Torture Case

By SCOTT SHANE

WASHINGTON, Sept. 20 — In an embarrassing turnabout, the Department of Justice backed away Wednesday from a denial by Attorney General Alberto R. Gonzales of responsibility for the treatment of a Canadian who was seized by American authorities in 2002. The man was deported to Syria, where he was imprisoned and beaten.

Asked at a news conference on Tuesday about a Canadian commission's finding that the man, Maher Arar, was wrongly sent to Syria and tortured there, Mr. Gonzales replied, "Well, we were not responsible for his removal to Syria." He added, "I'm not aware that he was tortured."

The attorney general's comments caused puzzlement because they followed front-page news articles of the findings of the Canadian commission. It reported that based on inaccurate information from Canada about Mr. Arar's supposed terrorist ties, American officials ordered him taken to Syria, an action documented in public records.

On Wednesday, a Justice Department spokesman said Mr. Gonzales had intended to make only a narrow point: that deportations are now handled by the Department of Homeland Security, not the Department of Justice.

The spokesman, Charles Miller, said the attorney general forgot that at the time of Mr. Arar's deportation, such matters were still handled by the Immigration and Naturalization Service, which was part of the Department of Justice.

"He had his timeline mixed up," Mr. Miller said.

Asked why Mr. Gonzales appeared to cast doubt on the Canadian finding that Mr. Arar had been tortured, Mr. Miller said, "I wouldn't go beyond what he said."

He said Justice Department officials "have not fully reviewed" the commission's report since its release on Monday, and he noted that Mr. Arar had brought a lawsuit against United States officials that was dismissed by a lower court but was being appealed.



Stefan Zalkin/European Pressphoto Agency

Attorney General Alberto R. Gonzales disputed Canadian findings that the United States was responsible for deporting an innocent man.

The attorney general's refusal to take responsibility for the government's conduct in the case comes when the treatment of people detained in the campaign against terrorism is again at the center of public debate. The White House is in negotiations with Republican senators who believe detainee legislation proposed by the administration would

The attorney general's odd denial of a role in a deportation.

damage the international standing of the United States and possibly endanger American soldiers taken prisoner overseas.

For critics of the Bush administration at home and abroad, the Arar case has become an oft-cited example of both incompetence and brutality in the offensive against terrorism. It is often described as a rendition, the legal term for the seizure of a suspect overseas and delivery to imprisonment and interrogation in another country.

But the Arar case differs—technically from other instances of rendition because Mr. Arar was detained in the United States and his expulsion resulted from a formal deportation order, a distinction Mr. Gonzales made.

Asked about Mr. Gonzales's remarks, Mr. Arar said in an interview on Wednesday with National Public Radio that American officials had sent him to Syria despite his protests that he would be tortured there.

"The facts speak for themselves, you know," Mr. Arar said. "The report clearly concluded that I was tortured. And for him to say that he does not know about the case or does not know I was tortured is really outrageous."

Maria C. LaHood, Mr. Arar's lawyer at the Center for Constitutional Rights in New York, called Mr. Gonzales' comments "unbelievable."

"I had hoped that they would actually step up and say, 'We made a mistake, we accept the report's findings, we clear Mr. Arar's name and we apologize,'" Ms. LaHood said.

Mr. Arar, now 37, is a former telecommunications engineer who was born in Syria but did not live there after his teenage years.

In September 2002, as he changed planes at Kennedy International Air-

port in New York on his way home to Canada, he was detained because his name was on a terrorist watch list. His name was included on the basis of incorrect information from the Royal Canadian Mounted Police that he was linked to Al Qaeda, the commission found.

American officials wanted more information about what threat he might pose and decided to deport him to Syria, an option legally possible because he had been born there. Officials have said that as is standard in such cases, the United States sought "assurances" from Syria that Mr. Arar would not be tortured.

In fact, he was held there in a dark cell that measured 3 feet by 6 feet by 7 feet and beaten repeatedly with metal cable, according to Mr. Arar's description and the commission report.

In October 2003, Mr. Arar was released by Syria, where officials found no evidence that he had a connection to terrorism, and he returned to Canada. In January 2004 the commission, headed by a judge, Dennis R. O'Connor, began two years of hearings and investigation. The United States refused to cooperate with the commission, declining Canadian requests for documents and testimony related to the case.

On Wednesday, Representative Edward J. Markey, Democrat of Massachusetts, introduced five "resolutions of inquiry" aimed at forcing the release of government documents related to the case.

Under Congressional rules, the resolutions must be voted on in five House committees within 14 days. Mr. Markey will be able to force a vote by the full House; his staff said