

The Nation.

Syria, US Torture Center



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Travel agents booking international flights may have to issue a new warning to their customers: Changing planes in the United States could be hazardous to your health. Consider the plight of Maher Arar. A Canadian citizen born in Syria, Arar was returning home to Montreal from Zurich on September 26, 2002, when he stopped at New York's JFK airport to change planes. As he passed through immigration, solely for the purpose of reaching his connecting flight, authorities pulled him aside, denied his requests for a lawyer, interrogated him at length and ultimately accused him, on secret evidence, of being a member of a terrorist organization.

Arar then asked to be deported to Canada, where he had been heading anyway, and where he'd been a citizen for sixteen years. But federal authorities refused and instead put him on a government jet to Jordan, where he was immediately transported to Syria. He spent ten months incarcerated there without charges, much of it in solitary confinement in a three-by-six-foot cell that Arar describes as a "grave." He says he was beaten with cables, threatened with electric shocks and placed in "the tire," which immobilizes prisoners for beatings. About one year later, Arar was released and returned to Canada, where, on November 4, he publically told his story. He denies any connection to terrorism and faces no criminal charges. The Center for Constitutional Rights has asked Congress and Attorney General Ashcroft for a criminal investigation into the role of the intelligence agencies and demanded that Ashcroft investigate whether US officials condoned or aided torture.

Arar's story raises a multitude of questions about how far our government will go in its "war on terrorism." The first concerns the use of secret evidence. George W. Bush went out of his way in the presidential campaign to condemn its use in immigration proceedings, and his Administration has maintained that even after 9/11 it has not relied on secret evidence. Yet in Arar's case, it did just that: He was expelled on evidence he never saw.

Second, what right did the United States have to take a Canadian citizen and put him on a government jet to Syria? The technical justification is that Arar had dual citizenship, and the government had the option to send him to either place because he was denied entry to the United States. But Arar was seeking entry in only the most technical and transitory sense, in order to catch a connecting flight out of the country. He had no desire to stay or even to visit. Yet as it has done so often since 9/11, the government exploited immigration law for purposes it was never designed to serve.

Finally, and most troubling, why did the United States care whether Arar was deported to Syria rather than Canada? We surely have better relations with Canada than Syria. The only possible reason is that federal authorities felt that the Syrians, who have a

record of torture, might be able to extract information from Arar that US and Canadian authorities might not get. There is simply no other reason the US government would insist on redirecting Arar—it wanted him tortured but was unwilling to do the dirty work itself and knew Canada wouldn't do it either.

That motive is patently illegal. The Convention Against Torture, which America has ratified, absolutely prohibits not only torture itself but also sending any person to a country where there is a substantial basis for believing that he will be tortured. There are no exceptions to this absolute international ban on torture, and we've incorporated that ban into our own law. Yet the United States sent Arar to Syria not only knowing that it was likely he would be tortured but for the very purpose of subjecting him to torture. Arar's story offers the first direct account of a practice of "rendition" for torture that has been reported by human rights groups [see Eyal Press, "In Torture We Trust," March 31]. And according to unnamed CIA officials quoted in the *Washington Post*, such "renditions" are a matter of official policy, not some egregious mistake. To paraphrase Joseph Welch's famous question to Senator Joe McCarthy, Have we no sense of decency?

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